

1. Agenda

Documents: [CC_20150512_AG.PDF](#)

2. Complete Packet

Documents: [CC_20150512_PK.PDF](#)



**AGENDA
FITCHBURG COMMON COUNCIL
MAY 12, 2015
7:30 P.M.
CITY HALL**

NOTICE IS HEREBY GIVEN that the Fitchburg Common Council will meet at 7:30 p.m. for a Meeting on Tuesday, May 12, 2015 in the Council Chambers of the City Hall, 5520 Lacy Road to consider and act on the following:

(Note: Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.fitchburgwi.gov/Cablecast/Public/Main.aspx?ChannelID=3>)

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. **Mayoral Proclamation**
 1. Recognizing May 2, 2015 as the Official Fitchburg Arbor Day and Earth Day Celebration
 2. Recognizing May 3 – 9, 2015 as Municipal Clerks Week
 - B. **Mayoral Appointments (tabled from April 28, 2015 meeting)**
 1. New Appointments
 - a. Police and Fire Commission – Ron Johnson, Term Expires 4/21/2020
5. **CONSENT AGENDA**

ALL ITEMS LISTED UNDER THE CONSENT AGENDA are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a motion to amend is passed in which event the item will be removed from the Consent Agenda and considered on the agenda under the appropriate section.

 - A. **APPROVAL OF MINUTES**
 1. Common Council – April 28, 2015
 - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
 51. Resolution R-52-15 Replacement of Hurst Extrication Equipment, CIP #2256
 - a. Finance Committee
 52. Resolution R-55-15 &, PCR-02-15 Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 9, City of Fitchburg, Wisconsin
 - a. Plan Commission
 - b. Joint Review Board
 - c. Finance Committee

5. **Consent Agenda (continued)**

- 53. **Resolution R-56-15** Resolution Approving Development Agreement Between Sub Zero Corporation and the City of Fitchburg
 - a. Finance Committee
- 54. **Resolution R-57-15** Authorizing Acceptance of the Fitchrona Road Water Main Bid
 - a. Board of Public Works
 - b. Finance
- 55. **Resolution R-58-15** Preliminary Assessment Resolution for Water Main Improvements on Fitchrona and Lacy Road
 - a. Board of Public Works
 - b. Finance Committee
- 56. **Ordinance 2015-O-13** To Amend Chapter 70, Sec. 70-309 – Forfeitures Schedule
 - a. Public Safety and Human Services

C. **Public Safety & Human Services**

- 1. **Temporary Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg)** Fitchburg Days - Jay Allen, Amy Gordon, and Valerie Wyss. Reach-A-Child - Rachael Dauman, Alissa Kochaver, Courtney Mielke, and Eric Salzwedel.
- 2. **Consideration of the Following Application for Temporary Class “B”/”Class B” Retailers License “Picnic License” (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg) – For Sale of Fermented Malt Beverages only**
 - a. Fitchburg Days, 2881 Commerce Park Drive #E, Fitchburg, WI to hold “Fitchburg Days” from Friday, May 15, 6:00 p.m. to Midnight, Saturday, May 16, 6:00 p.m. to Midnight and Sunday, May 17, 2015, Noon to 7:00 p.m. at McKee Farms Park, 2930 Chapel Valley Road, Fitchburg, WI 53711
 - b. Reach-A-Child, 8030 Excelsior Drive #307, Madison, WI to hold a Charity Softball Tournament from Saturday, May 16, 9:00 a.m. to 9:00 p.m. and Sunday, May 17, 2015, 11:00 a.m. to 4:00 p.m. at McGaw Park, 5236 Lacy Road, Fitchburg, WI 53711

6. **ADMINISTRATOR’S REPORT**

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

B. **Board of Public Works**

- 1. **Resolution R-46-15** Authorizing Acceptance of a State/Municipal Agreement for the Reconstruction of Lacy Road from the Community Center to S. Syene Road
 - a. Finance
- 2. **Resolution R-49-15** Public Works Street Equipment Replacement – Street Sweeper
 - a. Finance

C. **Park Commission**

D. **Library Board**

E. **Commission on Aging**

F. **Resource Conservation Commission**

G. **Transportation & Transit Commission**

- H. **Community & Economic Development Authority**
 - I. **Agriculture & Rural Affairs Committee**
 - J. **Reports from other Commissions and Committees**
8. **STANDING COMMITTEE REPORTS**
- A. **Finance Committee**
 - 1. **APPROVAL OF BILLS –**
Review of Bills Under \$25,000 or Previously Pre-Approved (Council Action Not Required)
 - a. General Checks 110710 through 110870 dated May 7, 2015 Total \$226,292.99
 - 2. **Resolution R-53-15** Resolution Adopting Purchasing Card Procedure Manual
 - 3. **Resolution R-54-15** Resolution Adopting Partnership Agreement with Fitchburg Chamber Visitor and Business Bureau to Host “Concerts at McKee”
 - 4. **Approval of Bills for \$25,000 or more** (Council Action Required)
 - a. Batch Dated May 7, 2015 - \$474,680.81
 - B. **Personnel Committee**
 - C. **Public Safety & Human Services**
9. **MAYOR’S REPORT**
- A. Alder District Reports
10. **UNFINISHED BUSINESS**
- A. **Mayor Veto of Resolution R-51-15** A Resolution Approving Preliminary Plat for Fahey Fields
11. **NEW BUSINESS**
- A. **Closed Session:** Motion to go into closed session pursuant to Wisconsin Statutes 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (*City Administrator candidate interviews*).
 - B. **Reconvene into Open Session**
 - C. **Discussion and Possible Action Regarding Issues Discussed in Closed Session**
12. **ANNOUNCEMENTS**
- A. Next Common Council Meeting, May 26, 2015
 - B. Next Committee of the Whole Meeting, May 27, 2015
13. **ADJOURNMENT**

Note: It is possible that members of and possibly a quorum of members of other government bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Fitchburg City Hall, 5520 Lacy Road, Fitchburg WI 53711, (608) 270-4200



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City of Fitchburg Proclamation

Recognizing May 2, 2015 as the Official Fitchburg Arbor Day and Earth Day Celebration

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day called Arbor Day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, each year on the last Friday in April, people throughout Wisconsin and across the country celebrate Arbor Day by paying special attention to the wonderful treasure that trees represent, and by dedicating themselves to the continued health of our urban and rural forests, and;

WHEREAS, every tree planted, nurtured, or maintained by past generations, and enjoyed by citizens today, bears witness to the foresight of our predecessors - men and women who were inspired by the notion of a future blessed with trees, and;

WHEREAS, in December of 1998, Fitchburg's City Council acknowledged the importance of trees by resolving to develop a community tree management program with a goal of achieving Tree City USA status and applying for grants to help plant and maintain trees in the city; and

WHEREAS, trees can reduce runoff, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, calm traffic, are a source of joy and spiritual renewal, and provide habitat for wildlife; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, beautify our community, and reduce costs to private and public concerns; and

WHEREAS, Fitchburg has been recognized as a Tree City USA by the National Arbor Day Foundation for 18 consecutive years, has earned 10 Growth Awards and desires to continue its tree planting ways; and

WHEREAS, in 1970, Senator Gaylord Nelson of Wisconsin, suggested in a speech that a one-day demonstration be held to show concern for the environment. April 22, 1970, was designated the original Earth Day; and

WHEREAS, the holiday called Earth Day is now observed throughout the nation and world; and

WHEREAS, in recognition of Earth Day, April 22, 2015 it is desirable to undertake efforts to clean up our community's roadsides and parks; and

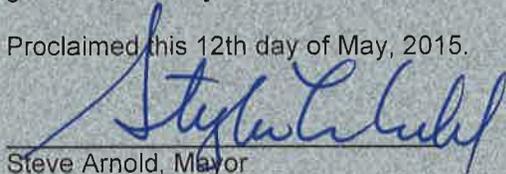
WHEREAS, litter and debris upon roadsides and in parks detracts from the scenic and natural beauty of the land; and

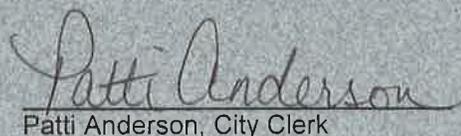
WHEREAS, cleanup of litter and debris and planting trees by Fitchburg citizens represents a commitment toward community, environment, urban forestry, and aesthetic beauty,

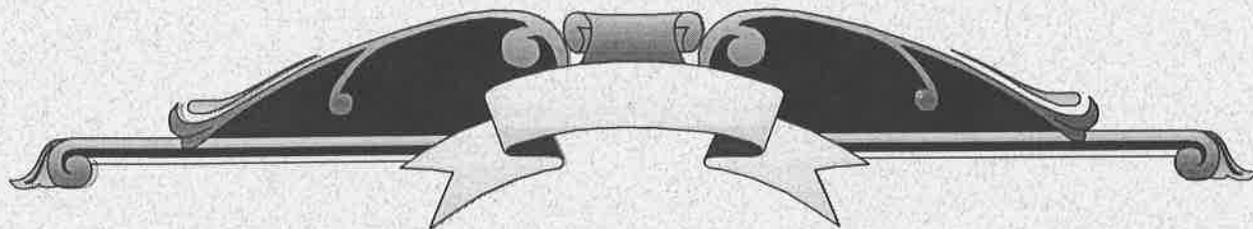
NOW, THEREFORE, BE IT PROCLAIMED by the City of Fitchburg that May 2, 2015 is officially known as **Fitchburg Arbor Day and Earth Day Celebration**

NOW, THEREFORE, BE IT FURTHER PROCLAIMED by the City of Fitchburg that all citizens are urged to support efforts to protect our trees and woodlands and to support our City's urban forestry program; that all citizens are urged to plant trees to gladden the hearts and promote the well-being of present and future generations; so that future generations can continue to enjoy a green and healthy community; and to look back upon the foresight and dedication of their predecessors with pride and with gratitude; and to join with others across our state and nation in celebrating the nobility of trees.

Proclaimed this 12th day of May, 2015.


Steve Arnold, Mayor


Patti Anderson, City Clerk



City of Fitchburg Proclamation

Recognizing Municipal Clerks Week

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs and professional organizations; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Steve Arnold, Mayor, do hereby recognize the week of May 3 through May 9, 2015, as Municipal Clerks Week, and further extend appreciation to, our Municipal Clerk; and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclaimed this 12th day of May, 2015

Steve Arnold, Mayor





**MINUTES
FITCHBURG COMMON COUNCIL
APRIL 28, 2015
6:00 P.M. SPECIAL MEETING
7:30 P.M. REGULAR MEETING
CITY HALL**

1. **CALL TO ORDER** - Mayor Arnold called the meeting to order at 6:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Julia Arata-Fratta, Dan Carpenter, Jason Gonzalez, Tony Hartmann, Jake Johnson, Dorothy Krause (arrived at 7:30), Carol Poole, and Patrick Stern. Others Present: Tony Roach, City Administrator and Patti Anderson, City Clerk.
4. **MAYORAL APPOINTMENTS TO COMMITTEES/COMMISSIONS** (Not Previously Appointed at the April 21, 2015 Organizational Meeting)
 - A. CEDA – Dorothy Krause
 - B. Commission on Aging – Carol Poole
 - C. TIF Advisory (2) – Dan Carpenter and Steve Arnold

Motion by Carpenter, 2nd by Poole to **approve** the committee appointments.
Motion carried.

Note: At the completion of item number 4, Council will recess to 7:30 p.m. to continue consideration on the remainder of the agenda.

6:05 p.m. - Motion by Stern, 2nd by Poole to **recess** until 7:30 p.m. to take up the remainder of the Council agenda. **Motion carried.**

Mayor Arnold reconvened the meeting at 7:35 p.m.

5. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. **Non Agenda Items** - None
 - B. **Mayoral Appointments**
 1. New Appointments
 - a. Police and Fire Commission – Ron Johnson, Term Expires 4/21/2020
 1. Motion by Krause, 2nd by Hartmann to **approve** the appointment.
 2. Motion by Hartmann, 2nd by Carpenter to **table** the appointment to the May 12th meeting.
 3. **Motion carried.**
 - b. Ag & Rural Affairs Committee – Sally Kefer, Term Expires 4/17/2018
 1. Mayor Arnold noted that Sally Kefer has **withdrawn** her name.

2. Re-Appointments
 - a. Ag & Rural Affairs Committee – George Vroman, Term Expires 4/17/2018
 - b. Motion by Poole, 2nd by Gonzalez to **approve** the re-appointments to committee/commissions.
 - c. **Motion carried.**

6. **CONSENT AGENDA**

A. **APPROVAL OF MINUTES** - April 14, 2015 Regular Council, April 14, 2015 Orientation, and April 21, 2015 Organizational.

B. **REFERRALS TO COMMISSIONS AND COMMITTEE**

Rezone/Conditional Use Permit Request RZ/CU-2056-15 by Samina Khan, to Rezone Property Addresses as 6200 Nesbitt Road from the B-G (General Business) District to the B-P (Professional Office) District and a Conditional Use Permit to Allow for a Proposed Daycare Use as well as an Existing Personal Training Health Club Use *(Plan)*

Rezone Request RZ-2057-15, by Craig Raddatz, with Authorization from Hamm Fam Land LLC, to Rezone from the PDD-GIP (Planned Development District – General Implementation Plan) to the PDD-SIP (Planned Development District – Specific Implementation Plan) District *(Plan)*

Ordinance 2015-O-12 An Ordinance Amending Chapter 23 to Article 1 Table 2(g), Article 5 Section 5.6.2(f)(vi), Article 5 Section 5.6.2(g), and Article 5 Table 21 *(Plan)*

Resolution R-53-15 Resolution Adopting Purchasing Card Procedure Manual *(Finance)*

Resolution R-54-15 Resolution Adopting Partnership Agreement with Fitchburg Chamber Visitor and Business Bureau to Host “Concerts at McKee” *(Finance)*

C. **Public Safety & Human Services**

Motion by Poole, 2nd by Carpenter to **approve** the consent agenda.
Motion carried.

7. **ADMINISTRATOR’S REPORT**

Roach presented the Administrators Report.

8. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2nd by Gonzalez to **approve** **Resolution R-50-15** A Resolution Approving Final Plat Request (FP-2055-15) for the Plat of Quarry Vista
 - a. **Motion carried.**
2. Motion by Poole, 2nd by Stern to **approve** **Resolution R-51-15** A Resolution Approving Preliminary Plat for Fahey Fields *(Parks)*
 - a. The following residents of the Crossing Condo Association registered and spoke regarding their stormwater runoff concerns: Richard Collins, Chuck Odorizzi, Janet Adams, and Sharon Olson.
 - b. Mary Jo Willis registered only, and would show support of the development if water management issues are resolved.
 - c. Patrick Cheney, 5211 Kittycrest registered and spoke in opposition to the development.
 - d. Joe Rueden, 5329 Lacy Road, registered and spoke in support of the development.
 - e. Michael Fahey, David Fahey, Tony Heinrichs, and Ron Klaas registered in support of the development. There was lengthy discussion of the stormwater management plan within the preliminary plat. Ron Klaas detailed these plans for stormwater management, noting that they will be working closely with the Crossing Condo Association.
 - f. Motion by Johnson, 2nd by Carpenter to **table** to the May 12th meeting.
 - g. Roll Call Vote: Nay: Carpenter, Gonzalez, Poole, Stern, Arata-Fratta.
 Ayes: Hartmann, Johnson, Krause. **Motion to table failed (3-5).**

- h. Poole requested unanimous consent to add an amendment requiring the review of stormwater to be approved by the Crossing engineers before approving the final plat. Hearing no objection, the amendment was **approved by unanimous consent**.
- i. Roll call vote on **main motion**, as amended.
Ayes: Carpenter, Gonzalez, Poole, Stern, Arata-Fratta. Nays: Hartmann, Johnson, and Krause. **Motion carried (5-3)**.

B. Board of Public Works

- 1. Motion by Krause, 2nd by Stern to **approve Resolution R-37-15** Accepting Public Improvements for Techlands Plat (*Plan, Parks, Finance*)
 - a. **Motion carried.**

C. Park Commission

D. Library Board

E. Commission on Aging

F. Resource Conservation Commission

G. Transportation & Transit Commission

H. Community & Economic Development Authority

I. Agriculture & Rural Affairs Committee

J. Reports from other Commissions and Committees

- 1. Report and Annual Extension of Ad Hoc Committee – Fire Station Oversight Committee
 - a. Motion by Poole, 2nd by Gonzalez to **extend** Ad Hoc Committee for an additional year. Stern recused self from the vote.
 - b. **Motion carried.**

9. STANDING COMMITTEE REPORTS

A. Finance Committee

- 1. Stern reported that Finance reviewed a batch of bills **Under \$25,000 or Previously Pre-Approved** General Checks 110570 through 110709 dated April 23, 2015 Total \$202,495.19
- 2. Motion by Stern, 2nd by Carpenter to **approve Bills for \$25,000** or more batch Dated April 23, 2015 - \$32,838.00
 - a. **Motion carried.**

B. Personnel Committee

C. Public Safety & Human Services

10. MAYOR'S REPORT

- A. Mayor Arnold presented the Mayor's report
- B. Alder District Reports – Krause, Johnson, Carpenter, Poole, Hartmann presented updates and events within their districts.

11. UNFINISHED BUSINESS - None

12. NEW BUSINESS - None

13. **ANNOUNCEMENTS**
 - A. Next Common Council Meeting, May 12, 2015

14. Motion by Stern, 2nd by Carpenter to **adjourn**
 - A. **Motion carried.** Time: 9:57 p.m.

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **May 12, 2015**
Date to Report Back: **May 26, 2015**

Ordinance Number:
Resolution Number: R-52-15

Sponsored by:

Drafted by: Fire Department

TITLE: **Replacement of Hurst Extrication Equipment, CIP #2256**

Background: The 2015 Fire Department CIP #2256 contains funding for upgrading our aging/obsolete extrication equipment. The majority of this equipment is carried on our Ladder 1 and Squad 2. The equipment consists of hydraulic cutters, spreaders, rams, and pneumatic air bags which are used to remove various items/materials from around pinned/ entrapped individuals. Fixed hydraulic pumps on the Squad and Ladder supply the power to operate the cutters, spreaders, and rams, whereas, compressed air cylinders from our Self Contained Breathing Apparatus (SCBA) power the air bags. Portable, gasoline-powered hydraulic pumps power the combination (cutter/spreader) tools carried on our front-line Engines. All of these devices deliver tons of force in performing their functions. In 2002, the Fire Department replaced a portion of their oldest extrication on Squad 2 and moved some of the old equipment to Ladder 1 to provide some extrication capability on the other side of the City.

As the auto industry has been incorporating ultra high strength steels into their vehicles to meet Federal crash-test standards, our existing extrication equipment has become obsolete. It is no longer capable of cutting or spreading the metals found in the newer vehicles on the roads. It should also be noted that replacement parts necessary to maintain our existing hydraulic tools are, in some cases, no longer available. Additionally, our existing airbags have passed their expiration date and are no longer able to be certified for safe operation.

The new hydraulic equipment will bring our cutting and spreading capabilities up to current standards. One cutter, one spreader, and both combination tools will be self-contained, electric/hydraulic tools that operate without being tethered to a separate pump. These tools allow us to operate beyond the 100' limitation of our hydraulic hoses and where gasoline-powered portable pumps are not an option. The new air bags will re-establish and expand our heavy lifting capabilities.

As our past extrication equipment was manufactured by Hurst, the new equipment will also need to be Hurst. This is necessary because the pumps on the Ladder and Squad were designed to only utilize the phosphate-ester based hydraulic fluid that powers Hurst's tools. A complete replacement of the fixed hydraulic pump system on the Squad would be necessary to support another manufacturer's equipment. This could be cost prohibitive if the Squad chassis

is replaced in 2020 (as proposed) and we decide to pursue outfitting it with all electric/hydraulic portable tools versus staying with the onboard pump and hose configuration.

The Department's recommendation is to accept the bid from 5Alarm Fire and Safety Equipment, LLC. in the amount of \$104,446.00 (including trade-in) for the replacement of the equipment. Additionally, the Department requests that the City declare the old equipment as "surplus" and accept the bid in the amount of \$15,000.00 from 5Alarm Fire and Safety equipment, LLC. for trade-in of the old equipment.

An additional \$3,500.00 was budgeted in the project for the purchase and installation of mounting hardware for the new equipment. We will need approval for that portion at a later date.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance Committee	Roach/Dodge	May 26, 2015	
2				
3				
4				

Amendments:

**FROM THE DESK OF:
Deputy Chief Chad Grossen
City of Fitchburg Fire Department**



TO: Finance Committee

DATE: May 7, 2015

**RE: Resolution R-52-15 - Authorizing Acceptance for Replacement of Hurst
Extrication Equipment Bids**

Attached is the bid tabulation and resolution R-52-15 for the replacement of the Hurst extrication equipment bids. The Fire Department Capital Budget has funds available for these projects with \$123,500 available in CIP Project #2256.

This project was advertised by legal notice in the Wisconsin State Journal and posted on www.demandstar.com. Demand Star notifies suppliers statewide who are registered on their system. The City adds "Supplemental" suppliers, which are local suppliers who perform this type of work in the area.

On May 12, 2015, at 2:00 p.m., the bid opening was held and one sealed bid was received. The only company that bid on the equipment was 5Alarm Fire & Safety Equipment, LLC, with a base bid of \$104,446.00 (including trade-in). The other three companies submitted "no-bids".

5Alarm Fire & Safety Equipment, LLC is based out of Delafield, WI and has provided goods and services for the Fire Department in the past for our current Hurst extrication equipment. Staff's recommendation is to award the replacement of the Hurst extrication equipment bid to 5Alarm Fire & Safety Equipment, LLC, for a cost of \$104,446.00 (including trade-in bid).

Additionally, the Department will be seeking future approval for equipment mounting hardware and its installation as a part of this project.

Thank You



FIRE DEPARTMENT
5791 Lacy Road Fitchburg, WI 53711
Phone: (608) 278-2980 Fax: (608) 278-2985
www.fitchburgwi.gov/fire



Request for Bids for Hurst Extrication Equipment

NOTICE TO BIDDERS

The City of Fitchburg Fire Department intends to purchase the following as listed in the attached documents:

- 1.) New Hurst hydraulic and pneumatic rescue equipment
- 2.) Removal and/or replacement of existing hydraulic lines, pumps and/or connectors as described in this document
- 3.) Setup and testing of new equipment
- 4.) On-site training in the use of all equipment purchased

Additionally, the Department is seeking Bids for the trade-in/purchase of our existing equipment as listed in the attached document. This equipment is presently in use and will continue in use by the Department until the receipt and installation of the new equipment.

Sealed Bids for supplying the listed equipment, installation, supplies, training, and trade-in will be received at the Fitchburg Fire Station #1, 5791 Lacy Road, Fitchburg, WI, 53711 until 2:00 p.m., CST, Tuesday, May 5, 2015. At that time, all Bids will be opened and read aloud.

The City of Fitchburg and its Fire Department reserves the right to reject any and all Bids and to waive any and all technicalities.

Questions regarding the general bidding requirements or trade-in equipment may be directed to Gary Heberling, Division Chief, at 608 770-7777.

Sincerely,

Gary Heberling
Division Chief-Support Services
5791 Lacy Road
Fitchburg, WI 53711
608 278-2980 (o)
608 278-2985 (f)
608 770-7777 (c)
gary.heberling@fitchburgwi.gov

Enclosures:	Instructions to Bidders	(Pages 2-5)
	Equipment Bid Proposal Form	(Page 6-7)
	Trade-in Bid Proposal Form	(Page 8)

CITY OF FITCHBURG HURST BID PROPOSAL - INSTRUCTIONS TO BIDDERS

The following are instructions to Bidders planning to submit bids for the specified equipment, installation, training, and trade-in.

- 1.) Intent. Enclosed are the manufacturer's part numbers and descriptions for the specified equipment with the intent to permit qualified bidders to submit proposals.
- 2.) Rejection-Waivers. The City of Fitchburg and its Fire Department reserves the right to reject any and all bids and to waive any and all technicalities.
- 3.) Requirements. Only the equipment listed in this document (as designated by the manufacturer's part number) will be accepted. No other manufacturer's products may be substituted unless otherwise specified in this document. No used, display, or demo items will be accepted. In the event that a listed part number is no longer available from the manufacturer, the bidder may propose a substitute that meets or exceeds the specifications of the original item. In the event that the listed part number is not the most current version of the item, the bidder may substitute the most current version. In either case, the vendor shall provide documentation to support their need to substitute for the originally specified item.
- 4.) Compliance. The bid shall be submitted on the enclosed form(s) with all blank spaces properly filled. Bid shall be signed in longhand on the bid form below the typed name of the person authorized to bind the bidder to the contract. The bid must be signed in order to be considered responsive. If the bidder is a corporation, the bid must be signed with the legal name of the corporation and the signature of a person authorized to bind a corporation to a contract.
- 5.) Proposals. Bidders shall submit the proposal(s) on the enclosed "Bid Proposal Forms" (signed and dated) and include these "Instructions to Bidders", and any other materials or explanations that bidders choose to include. Bids shall include all costs as described and indicated by the specifications. It is the sole responsibility of the bidder to have his/her bid submitted at the place and by the time shown on the bid form. Bids received after this time will not be considered. Telephone or fax bids are not acceptable. Bid prices shall be effective for 45 days from the date of the bid opening. The proposal shall include an estimated number of calendar days for delivery.
- 6.) Incidental Costs. Bids shall include delivery costs and any other costs, whether or not stipulated in this RFP and necessary to equip or complete the units as specified, prior to delivery. Any invoice charges not listed in the bidder's quote will be accepted.
- 7.) Taxes. Federal and State taxes shall be deducted from proposals.

8.) Training. Following the delivery, setup and testing of all equipment, the vendor or equipment manufacturer shall provide on-site training to the majority of our Department personnel covering, at a minimum, the safe and proper operation and care of each piece of equipment provided. This training will occur at mutually agreed upon dates and times between the Fire Department and vendor and may include week night evenings and weekend days. Preference will be given to bidders offering training with the equipment in simulated extrication and or rescue situations. In such an instance, the Fitchburg Fire Department would be responsible for providing the necessary vehicles to allow such training.

9.) Service. To be considered responsive, the equipment vendor or the equipment manufacturer must have an Authorized service facility within 100 miles of the Fitchburg Fire Station #1. The facility must maintain a regular inventory of replacement parts or have parts able to be shipped within 24 hours, and must be engaged primarily in servicing the manufacturer's equipment. Bidder shall supply the name, address, and telephone number of the facility in the space provided below.

Name: 5 Alarm Fire & Safety

Address: 350 Austin Circle

City: DeLafield State: WI ZIP: 53018 Telephone: 262-646-5911

10.) Trade-in. Bidders may include a trade-in proposal for the list of used equipment enclosed with this RFP. This list is considered one lot and, therefore, the proposal shall be for all of the listed equipment and not for select individual items. The equipment is available for inspection upon request. Equipment photos are available upon request. This equipment is presently in use by the Department (unless otherwise indicated) and will continue in use until the new equipment is delivered and installed. The listed model and condition of the used equipment listed is to the best of the Department's knowledge. All equipment with a status listed as "in use" has been inspected and maintained annually by an Authorized Hurst Service Repair Center. The most recent maintenance was done in October 2014. The successful bidder is responsible for all costs associated in the removal and transportation of the trade-in equipment and shall remove all such equipment from the premises within 14 days of the equipment being removed from service.

11.) Delivery and Terms. The bidder shall deliver the equipment to the City of Fitchburg Fire Station #1, 5791 Lacy Road, Fitchburg, Wisconsin 53711. No invoicing shall take place until all equipment is delivered, setup, tested by the bidder and accepted by the City. Invoice terms shall be NET30 from the date of acceptance. The bidder is

responsible for any and all damage to the equipment until the equipment has been delivered, unpacked, setup, tested, and accepted.

- 12.) Certificates. All warranty certificates, owner's manuals, user instructions, maintenance manuals, etc. shall be provided by manufacturers or bidder at time of delivery.
- 13.) Insurance. As this bid proposal includes installation, setup, testing, and training, the contractor, or subcontractor(s) shall be required to carry their own worker's compensation coverage and liability insurance coverage of at least \$1,000,000.00 per incident.
- 14.) Questions. Any questions regarding the specifications or trade-in shall be submitted by telephone or in writing, no less than 48 hours prior to the bid opening. Necessary replies will be sent to all bidders of records as an addendum which becomes part of the bid package. Oral instructions do not form a part of the bidding instrument.
- 15.) Rejection of Bids. The City may reject a bid if: the bidder misstates or conceals any material fact in the bid, or if, the bid does not strictly conform to the law or the requirements of the bid, or if, the bid documents are in any respect incomplete, or if, the bid is conditional, except that the bidder may qualify his/her bid for acceptance by the City on an "All or None" basis. An "All or None" bid must include all items upon which bids are invited.
- 16.) Award of Contract. The contract will be awarded to the lowest responsible and responsive bidder whose bid, conforming to the contract documents, is most advantageous to the City, considering price and any other evaluation criteria set forth in the bid document(s). Prices quoted must be f.o.b. Fitchburg with all transportation charges prepaid.

In the case of an award of a bid or cancellation of a contract in which the low bidder is declared non-responsive or non-responsible, the bid may be awarded to the next lowest bidder, at the original price of that bidder during the initial term of the contract.
- 17.) Ethics. By submitting their signed bids/proposals, all Bidders certify that their bids/proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other bidder, supplier, manufacturer or subcontractor in connection with their bid/proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
- 18.) Bid Documents. These terms and conditions shall also become part of the contract documents and shall be binding upon the bidder to whom the award is made.

- 19.) Bid Addendums. All addendums issued by the City must be signed by a person authorized to bind the bidder and returned. By doing so, the bidder acknowledges receipt of the addendum and assures full compliance with the addendum. The addendum becomes a part of the bid package and supersedes original specifications that are changed by the addendum.

I have studied the enclosures outlining the equipment, supplies, installation, training, and trade-in for which the City of Fitchburg Fire Department is soliciting a Bids, as well as, the instructions for bidders submitting offers, and will comply with all requirements; or, if not able to comply, have indicated "No Bid", or, have proposed alternatives and supporting documents attached to my proposal.

Bidders Company Name: 5 Alarm Fire + Safety

Authorized Signature and Position: 

Bidder's Address: 350 Austin Circle, Delafield, WI 53018

Bidder's Telephone: 262-646-5911 Date: 4.28.2015



New Equipment Request for Bid

The City of Fitchburg Fire Department is currently soliciting quotes for the equipment, supplies and services listed below.

Qty	Part #	Description	Price	Extension
1	362R539	Hurst ML-28 spreader w/ Streamline connector	6207.00	6207.00
2	362R513	Hurst JL-500 Cutter w/Streamline connector	4875.00	9750.00
2	257R155	Hurst T-59 Ram w/Streamline connector	3825.00	7650.00
1	272085000	Hurst E-Draulic S700E2 Cutter pkg w/charger and 2-EXL batteries	8397.00	8397.00
2	273045000	Hurst E-Draulics SC357E2 Combi Tool pkg w/charger and 2-EXL batteries	9720.00	19,440.00
1	271085000	Hurst E-Draulic SP310E2 Spreader pkg w/charger and 2-EXL batteries	9686.00	9686.00
2	272085412	Hurst AC power supply adapter for E-Draulic 2.0 tools	521.00	521.00
1	375760000	Hurst JL-SE 220v electric power unit	5323.00	5323.00
5	353R399	Hurst 100' hydraulic hose w/QD x 7/16-20-4JIC	950.00	4750.00
2	355R077	Hurst manual hand pump	585.00	1170.00
2	362R265	Hurst Mini Cutter and hose w/QD (no pump)	1088.00	2176.00
2	362R325	Hurst Mini Lite Cutter and hose w/QD (no pump)	2093.00	4186.00
7	180R017	Hurst Blue Hydraulic Fluid (1 gallon)	109.00	763.00
6	128R119	Hurst Streamline Female coupling kit w/boot	250.00	1500.00
2	128R118	Hurst Streamline Male nipple kit w/boot	250.00	500.00
1	RWC-1	Rhyno Windshield Cutter kit	N/C	N/C
2	1314002200	Vetter V-10 116 psi Mini lifting bag	506.00	1012.00
2	1314002600	Vetter V-24 116 psi Mini lifting bag	788.00	1576.00
2	1314002800	Vetter V-31 116 psi Mini lifting bag	437.00	874.00
2	0800008801	Vetter 16' 116 psi inflation hose w/shut-off (blue)	146.00	292.00
2	0800008201	Vetter 16' 116 psi inflation hose w/shut-off (yellow)	146.00	292.00
2	0800001600	Vetter 116 psi dual-deadman control (plastic)	563.00	1126.00
2	1600026200	Vetter air cylinder pressure regulator w/hose	330.00	660.00
2	3110008200	Vetter Lifting Bag set, Type 1/23, Deadman	7155.00	14,310.00
1	Labor	Including: Equipment set-up. Installation of electric pump on our ladder truck. Installation of new hydraulic hoses onto existing Hurst hose reels on our Ladder and Squad. Installation of loose Streamline	685.00	685.00



		couplings. Testing of all tools for proper operation, flow rates and pressures.		
4		Days of on-site training at FFD facility (dates to be mutually agreed upon)	150.00	600.00
1		Shipping and delivery to our facility	NIC	
1		Trade-in deduction for existing equipment (see attached list)		
		15,000 included in price		
	TOTAL		\$	104,446.00

Estimated time of delivery from date of order: 30/45 calendar days

[Signature]
 Bidders Signature

262-646-5911
 Bidder's Telephone Number

5 Alarm Fire & Safety
 Bidder's Company

4.28.2015
 Date



Used Hurst Equipment Trade-in Bid

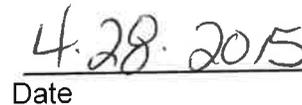
Qty	Description	S/N	Status	Value
1	220V Simo pump	53832	In-use, rebuilt in 2012?	
1	MiniMate pump (Honda)	53817	In-use	
2	110V Electric pump w/dump	47020, 70545	Surplus, 1-working, 1-parts	
1	4 hp, 4-cycle B&S, gas pump w/dump	35353	Surplus, working	
1	Transformer spreader	N3547	In-use	
1	Transformer arm set kit (24", 32", 40")		In-use	
1	ML-32 Spreader	107061	In-use	
1	Xtractor II cutter	10298	In-use	
1	ML50 cutter	105770	In-use	
1	JL11 cutter	12582	In-use	
1	30A ram	35513	In-use	
1	30C ram	97851	In-use	
1	60A ram	35018	In-use	
1	60C ram	97278	In-use	
1	Ram extension kit		In-use	
1	Ram attachment kit		In-use	
2	Maverick Combi Tool	86738, 86382	In-use	
1	Multi tool manifold	n/a	In-use	
2	116 psi airbag controller w/case, regulator, 2 hoses	117244, ?	In-use (Air bags expired)	
1	Hannay hydraulic hose reel model: 2016-17-18 (11/92)	804571	Surplus	
5	100' hydraulic hose w/QD x 7/16" -20-4JIC	n/a	In-use	
Total trade-in value				(15,000.00)

Included in price of tools


Bidders Signature


Bidder's Telephone Number


Bidder's Company


Date

Hurst Bid Comparison

Qty	Part #	Description	5 Alarm	Bendlin	Grainger	Hurst
1	362R539	Hurst ML-28 spreader w/ Streamline connector	\$6,207.00	No Bid	No Bid	No Bid
2	362R513	Hurst JL-500 Cutter w/Streamline connector	\$9,750.00	No Bid	No Bid	No Bid
2	257R155	Hurst T-59 Ram w/Streamline connector	\$7,650.00	No Bid	No Bid	No Bid
1	272085000	Hurst E-Draulic S700E2 Cutter pkg w/charger and 2-EXL batteries	\$8,397.00	No Bid	No Bid	No Bid
2	273045000	Hurst E-Draulics SC357E2 Combi Tool pkg w/charger and 2-EXL batteries	\$19,440.00	No Bid	No Bid	No Bid
1	271085000	Hurst E-Draulic SP310E2 Spreader pkg w/charger and 2-EXL batteries	\$9,686.00	No Bid	No Bid	No Bid
2	272085412	Hurst AC power supply adapter for E-Draulic 2.0 tools	\$521.00	No Bid	No Bid	No Bid
1	375760000	Hurst JL-SE 220v electric power unit	\$5,323.00	No Bid	No Bid	No Bid
5	353R399	Hurst 100' hydraulic hose w/QD x 7/16-20-4JIC	\$4,750.00	No Bid	No Bid	No Bid
2	355R077	Hurst manual hand pump	\$1,170.00	No Bid	No Bid	No Bid
2	362R265	Hurst Mini Cutter and hose w/QD (no pump)	\$2,176.00	No Bid	No Bid	No Bid
2	362R325	Hurst Mini Lite Cutter and hose w/QD (no pump)	\$4,186.00	No Bid	No Bid	No Bid
7	180R017	Hurst Blue Hydraulic Fluid (1 gallon)	\$763.00	No Bid	No Bid	No Bid
6	128R119	Hurst Streamline Female coupling kit w/boot	\$1,500.00	No Bid	No Bid	No Bid
2	128R118	Hurst Streamline Male nipple kit w/boot	\$500.00	No Bid	No Bid	No Bid
1	RWC-1	Rhyno Windshield Cutter kit	\$0.00	No Bid	No Bid	No Bid
2	1314002200	Vetter V-10 116 psi Mini lifting bag	\$1,012.00	No Bid	No Bid	No Bid
2	1314002600	Vetter V-24 116 psi Mini lifting bag	\$1,576.00	No Bid	No Bid	No Bid
2	1314002800	Vetter V-31 116 psi Mini lifting bag	\$1,874.00	No Bid	No Bid	No Bid
2	0800008801	Vetter 16' 116 psi inflation hose w/shut-off (blue)	\$292.00	No Bid	No Bid	No Bid
2	0800008201	Vetter 16' 116 psi inflation hose w/shut-off (yellow)	\$292.00	No Bid	No Bid	No Bid
2	0800001600	Vetter 116 psi dual-deadman control (plastic)	\$1,126.00	No Bid	No Bid	No Bid
2	1600026200	Vetter air cylinder pressure regulator w/hose	\$660.00	No Bid	No Bid	No Bid
2	3110008200	Vetter Lifting Bag set, Type 1/23, Deadman	\$14,310.00	No Bid	No Bid	No Bid

1	Labor	Including: Equipment set-up. Installation of electric pump on our ladder truck. Installation of new hydraulic hoses onto existing Hurst hose reels on our Ladder and Squad. Installation of loose Streamline couplings. Testing of all tools for proper operation, flow rates and pressures.	\$685.00	No Bid	No Bid	No Bid
4		Days of on-site training at FFD facility (dates to be mutually agreed upon)	\$600.00	No Bid	No Bid	No Bid
1		Shipping and delivery to our facility	\$0.00		No Bid	No Bid
1		Trade-in deduction for existing equipment (see attached list)	(\$15,000.00)*	No Bid	No Bid	No Bid
					No Bid	
	TOTAL		\$104,446.00**	No Bid	No Bid	No Bid

* See note **

** Quote is a package price which has the trade-in amount factored in

May 7, 2015

Capital Improvement Program

2015 *thru* 2019

City of Fitchburg, WI

Contact Fire Chief

Department Fire Department

Type Equipment

Useful Life 10 years

Category Equipment Replace/ Resurface

Priority 1 Urgent

Total Project Cost \$123,500

Project #	2256
Project Name	Replacement of Hurst Extrication Equip - NEW

Description
Replacement of the department's Hurst extrication systems and associated equipment that are currently on Ladder, Squad 2, Engines 1 and 2. The Hurst extrication systems are utilized on any vehicle crash and special rescue emergency call. The current Hurst equipment is over 10 years old. All power supplies, tools and mounting hardware will need to be replaced. Three year program.
Breakdown by vehicle:
Ladder - \$48,875
Squad - \$48,875
Engine 1 and Engine 2 - \$12,875 each

Justification
To meet new government crash standards, automakers are integrating new, stronger steel in their newest model vehicles. The advanced steels or industry term "Boron" is the term used in the fire service. These advanced steels are 25% lighter in weight and 8 times stronger than the steel that we have seen in older model vehicles. The new generation steels are posing a challenge to rescue personnel. The Hurst extrication systems that we currently operate today are not capable of cutting through the advanced steels that make up the structural areas of newer vehicles manufactured since 2012. The latest Hurst system equipment has been designed to spread and cut through the advanced steels.

Expenditures	2015	2016	2017	2018	2019	Total
Equip/Vehicles/Furnishings	123,500					123,500
Total	123,500					123,500

Funding Sources	2015	2016	2017	2018	2019	Total
Borrowing	108,500					108,500
Proceeds from Sale/Trade In	15,000					15,000
Total	123,500					123,500

Operational Impact/Other
The Department contracts with a third party to perform repairs and required annual testing and maintenance on our extrication equipment. The cost of this service has been around \$1,500. While annual testing and maintenance will still be necessary, the new equipment will be under a warranty and any repairs would likely be covered by the manufacturer during that period.

Capital Improvement Program

2015 *thru* 2019

City of Fitchburg, WI

Contact Fire Chief
Department Fire Department

Operating Budget Impact	2015	2016	2017	2018	2019	Total
Other (Insurance, Utilities)		1,500	1,500	1,500	1,500	6,000
Total		1,500	1,500	1,500	1,500	6,000

Steve Arnold, Mayor
Introduced by

Fire Department
Prepared by

Finance Committee
Referred to

May 7, 2015
Date

Resolution R-52-15

AUTHORIZING REPLACEMENT OF HURST EXTRICATION EQUIPMENT

WHEREAS, the Department's current extrication equipment is obsolete, and/or, no longer able to be repaired, and/or, is no longer safe to operate; and

WHEREAS, the 2015 Capital Equipment Budget includes funding for the purchase of replacement Hurst extrication equipment; and

WHEREAS, the project was advertised by legal notice in the Wisconsin State Journal on May 4, 2015 and posted on www.demandstar.com; and

WHEREAS, on May 12, 2015, at 2:00 p.m., one sealed bid was publicly opened with the results listed on the attached bid documents; and

WHEREAS, 5Alarm Fire and Safety Equipment, LLC, Delafield, Wisconsin, has provided the low bid quote for the equipment and services designated in the published "Request for Bids for Hurst Extrication Equipment"; and

WHEREAS, the amount of the bid is within the total funding budgeted in the CIP; and

WHEREAS, the equipment's mounting hardware and installation will be purchased separately with authorization to be requested at a future date; and

NOW, BE IT HEREBY RESOLVED, the Common Council of the City of Fitchburg, Dane County, Wisconsin, hereby approves the purchase of Hurst Extrication Equipment from 5Alarm Fire and Safety Equipment, LLC, Delafield, Wisconsin, in the amount of \$104,446.00 (including trade-in) from the source of CIP budget funds; and

BE IT FURTHER RESOLVED, that it declares the old extrication equipment (as listed in the attached documents) as “surplus” and accept the trade-in bid in the amount of \$15,000.00 from 5Alarm Fire and Safety Equipment, LLC, Delafield, Wisconsin.

Adopted this _____ day of _____, 20____.

(CLERK'S NAME)

(MAYOR'S NAME)

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: May 12, 2015
Date to Report Back: **June 9, 2015**

Ordinance Number:
Resolution Number: **R-55-15,
PCR-02-15**

Sponsored by: Mayor

Drafted by: Planning / Zoning

TITLE: Resolution R-55-15 Designating Proposed Boundaries and Approving a Project Plan For Tax Incremental District No. 9, City of Fitchburg, Wisconsin

Plan Commission Resolution PCR-02-15 Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 9, City of Fitchburg, Wisconsin

Background: The Plan Commission approved PCR-01-15, calling for a public hearing on proposed TID 9. This Resolution, and accompanying Plan Commission Resolution, would designate and approve the Project Plan for TID 9. A copy of the proposed Project Plan is not yet available, but will be provided when it becomes available.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	May 19, 2015	
2	Joint Review Board	Roach/Dodge	May 19, 2015	
3	Finance Committee	Roach/Dodge	June 9, 2015	

Amendments:



May 7, 2015

Project Plan for the Creation of Tax Incremental District No. 9



Organizational Joint Review Board Meeting Held:	Scheduled for: May 19, 2015
Public Hearing Held:	Scheduled for: May 19, 2015
Adoption by Plan Commission:	Scheduled for: May 19, 2015
Consideration for Adoption by Common Council:	Scheduled for: June 9, 2015
Approval by the Joint Review Board:	Scheduled for: TBD



Tax Incremental District No. 9 Creation Project Plan

City of Fitchburg Officials

Common Council

Steve Arnold	Mayor
Dorothy Krause	Council Member
Carol Poole	Council Member
Julia Arata-Fratta	Council Member
Patrick Stern	Council Member
Jason Gonzalez	Council Member
Dan Carpenter	Council Member
Jake Johnson	Council Member
Tony Hartmann	Council Member

City Staff

Patti Anderson	City Clerk
Tony Roach	City Administrator
Michael Zimmerman	Economic Development Director
Thomas Hovel	Zoning Administrator – City Planner
Mark Sewell	City Attorney

Plan Commission

Jim Anderson	Carol Poole
Kathi Kilgore	Steve Arnold
Tony McGrath	Thomas Hovel
Ed Kinney	Susan Badtke
Rachel Lee	

Joint Review Board

City Representative
Dane County
Madison Area Technical College District
Verona Area School District
Public Member



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SECTION 1: Executive Summary

Description of District

Type of District, Size and Location

Tax Incremental District (“TID”) No. 9 (the “TID” or “District”) is proposed to be created by the City of Fitchburg (“City”) as an industrial district. A map of the proposed District boundaries is located in Section 3 of this plan.

The district is proposed to assist a long time local manufacturer, the Sub Zero / Wolf Corporation, to expand its operations by adding a 250,000 – 300,000 square foot facility at an approximate cost of \$50,000,000 to \$60,000,000 including equipment.

Estimated Total Project Expenditures.

The City anticipates making or reimbursing total project expenditures of approximately \$6,721,000 to undertake the projects listed in this Project Plan. The City anticipates completing the projects in a single Phase. The Expenditure Period of this District is 15 years from the date of adoption of the authorizing Resolution of the Common Council (the “Creation Resolution”). The projects to be undertaken pursuant to this Project Plan are expected to be financed with a Municipal Revenue Obligation (MRO) or “PAYGO” Bond issued by the City, however, the City may use other alternative financing methods which may provide overall lower costs of financing, preserve debt capacity, mitigate risk to the City, or provide other advantages as determined by the Common Council. A discussion and listing of other possible financing mechanisms, as well as a summary of total project financing, is located in Section 10 of this plan.

Economic Development

As a result of the creation of this District, the City projects that additional land and improvements value of approximately \$29,500,000 will be created as a result of new development, redevelopment, and appreciation in the value of existing properties. This additional value will be a result of the improvements made and projects undertaken within the District. A table detailing assumptions as to the timing of new development and redevelopment and associated values is located in Section 10 of this Plan. In addition, creation of the District is expected to result in other economic benefits as detailed in the Summary of Findings hereafter.

Expected Termination of District

Based on the Economic Feasibility Study located in Section 10 of this plan, this District would be expected to generate sufficient tax increments to recover all project costs by the year 2034; 3 years earlier than the 20 year maximum life of this District.

Summary of Findings

As required by Wisconsin Statutes Section 66.1105 , and as documented in this Project Plan and the exhibits contained and referenced herein, the following findings are made:

1. **That “but for” the creation of this District, the development projected to occur as detailed in this Project Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City.** In making this determination, the City has considered the following information:

- The City expects to conduct an independent review of the Sub-Zero’s sources and uses proforma for the initial proposed development project. This review will determine the final amount of the City’s participation amount. The developer has indicated that a public investment of approximately \$6,721,000 is required to enable the development to occur in the manner desired by the City, while providing the company a fair and reasonable return on their investment.
- It is the judgment of the City that the use of Tax Incremental Financing (“TIF”) will be required to provide the necessary infrastructure and inducements to encourage development on the site consistent with that desired by the City.
- In order to make the areas included within the District suitable for development, the City will need to make a substantial investment to pay for the costs of: property, right-of-way and easement acquisition, site preparation, installation of utilities; installation of streets and related streetscape items; development incentive payments, and other associated costs. Due to the extensive initial investment that is required in order to allow development to occur, the City has determined that development of the area will not occur solely as a result of private investment. Accordingly, the City finds that absent the use of TIF, development of the area is unlikely to occur.
- Use of TIF in this instance will provide the City with the means to retain a long standing employer that was founded in 1945. The company also is considering alternate locations for this project at its other sites that it owns in Phoenix, Arizona and Richmond, Kentucky. Use of TIF is considered to be a key to retaining this company in Fitchburg and Wisconsin.

2. **The economic benefits of the Tax Incremental District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements.** In making this determination, the City has considered the following information:

- As demonstrated in the Economic Feasibility Section of this Project Plan, the tax increments projected to be collected are more than sufficient to pay for the proposed project costs. On this basis alone, the finding is supported.
- The development expected to occur is likely to generate approximately 100 full time jobs over the life of the District, with an average wage of approximately \$18 per hour plus 55% fringe benefits. *(source:3/24/15 Sub-Zero Presentation to City).*

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.

- If approved, the District's creation would become effective for valuation purposes as of January 1, 2015. As of this date, the values of all existing development would be frozen and the property taxes collected on this base value would continue to be distributed amongst the various taxing entities as they currently are now. Taxes levied on any additional value established within the District due to new construction, renovation or appreciation of property values occurring after January 1, 2015 would be collected by the TID and used to repay the costs of TIF-eligible projects undertaken within the District.
 - Since the development expected to occur is unlikely to take place or in the same manner without the use of TIF (see Finding #1) and since the District will generate economic benefits that are more than sufficient to compensate for the cost of the improvements (see Finding #2), the City reasonably concludes that the overall benefits of the District outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. It is further concluded that since the "but for" test is satisfied, there would, in fact, be no foregone tax increments to be paid in the event the District is not created. As required by Section 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been made and can be found in Appendix A of this plan.
4. Not less than 50% by area of the real property within the District is suitable for industrial sites and zoned for industrial use within the meaning of Wisconsin Statutes Section 66.1101. Any real property within the District that is found suitable for industrial sites and is zoned for industrial use at the time of the creation of the District will remain zoned for industrial use for the life of the District.
 5. Based upon the findings, as stated above, the District is declared to be an industrial District based on the identification and classification of the property included within the District.
 6. The project costs relate directly to promoting industrial development in the District consistent with the purpose for which the District is created.
 7. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 8. The equalized value of taxable property of the District, plus the value increment of all existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
 9. The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Sections 66.1105(5)(b) and 66.1105(6)(am)1.
 10. The Project Plan for the District in the City is feasible, and is in conformity with the master plan of the City.

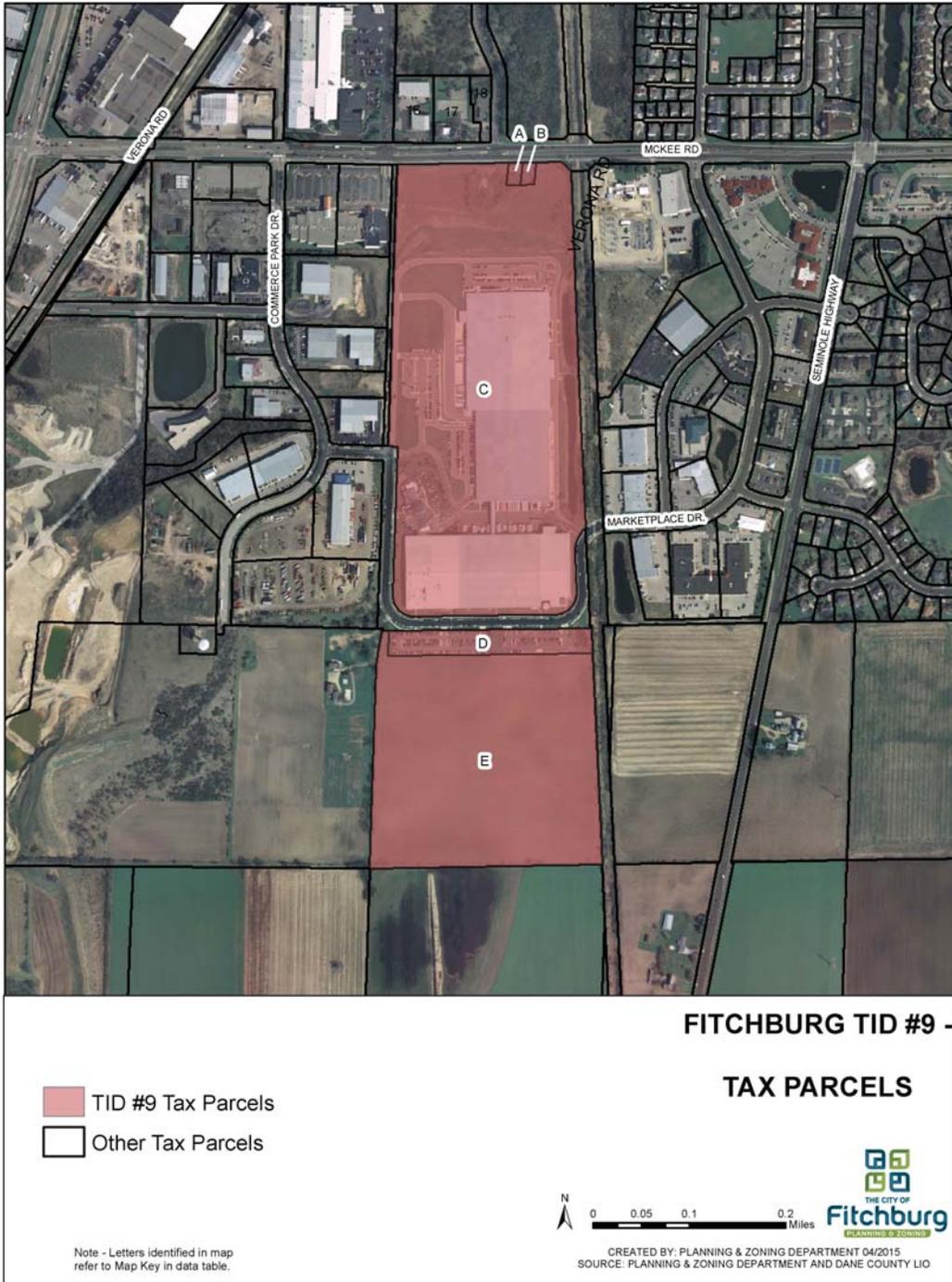
SECTION 2: Type and General Description of District

The District is being created by the City under the authority provided by Wisconsin Statutes Section 66.1105. This District is created as an “Industrial District” based upon a finding that at least 50%, by area, of the real property within the District is zoned and suitable for industrial sites within the meaning of Wisconsin Statutes Section 66.1101 (See Section 5 of this plan for a breakdown of District parcels by class and calculation of compliance with the 50% test).

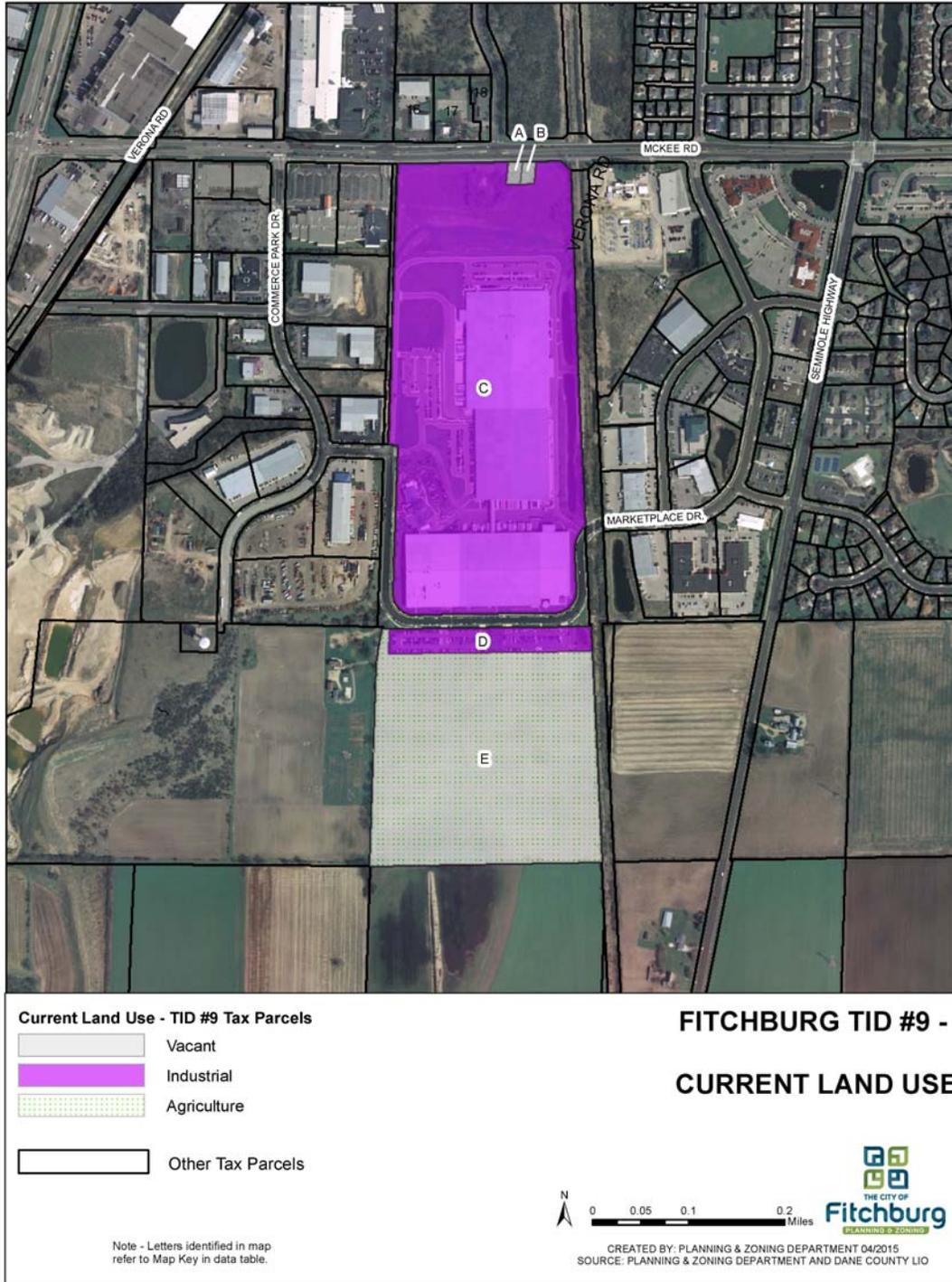
A map depicting the boundaries of the District is found in Section 3 of this Plan. A map depicting the proposed uses of the District is found in Section 8 of this plan. The City intends that TIF will be used to assure that industrial, distributor and related private development locates in this District. This will be accomplished by installing public improvements, and making necessary related expenditures, to promote industrial development within the District. The goal is to increase the tax base and to provide for and preserve employment opportunities within the City. The project costs included in this Plan relate directly to promoting industrial development in the District consistent with the purpose for which the District is created.

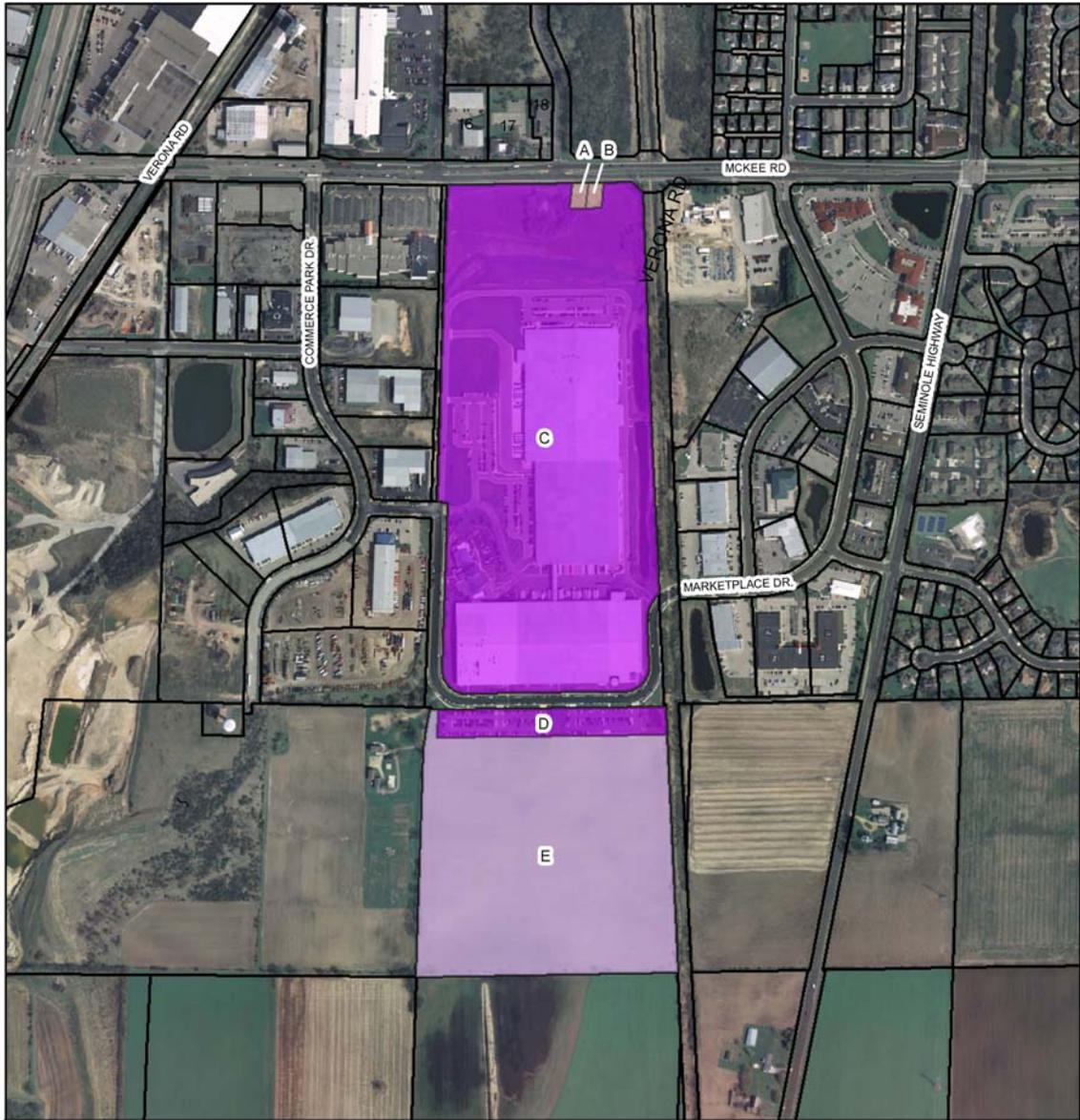
Based upon the findings, as stated within this Plan, the District is declared to be an industrial District based on the identification and classification of the property included within the district.

SECTION 3: Preliminary Map of Proposed District Boundary



SECTION 4: Maps Showing Existing Uses and Conditions





Current Zoning - TID #9 Tax Parcels

- B-P; Professional Office
- I-G; General Industrial
- R-D; Rural Development
- Other Tax Parcels

Note - Letters identified in map refer to Map Key in data table.

**FITCHBURG TID #9 -
CURRENT ZONING**



CREATED BY: PLANNING & ZONING DEPARTMENT 04/2015
SOURCE: PLANNING & ZONING DEPARTMENT AND DANE COUNTY LIO

SECTION 5: Preliminary Parcel List and Analysis

Proposed TID 9 Property Information									
Map Key	Owner	Parcel #	Parcel Acres	Zoning	Industrial Acres	Land	Improvement	Per Prop	Total
A	Sub-Zero Wolf	060908285609	0.21	B-P		9,000	-	-	9,000
B	Sub-Zero Wolf	060908285501	0.21	B-P		9,000	-	-	9,000
C	Sub-Zero Wolf	060908285752	56.767	I-G	56.767	9,165,200	26,537,900	4,968,900	40,672,000
D	Sub-Zero Wolf	060908385302	3.44	I-G	3.44	185,000	275,000	-	460,000
E	Donald Dunn	060908385602	33.13	R-D		8,500	-	-	8,500
Totals			93.757		60.207	9,376,700	26,812,900	4,968,900	41,158,500

SECTION 6: Equalized Value Test

The following calculations demonstrate that the City is in compliance with Wisconsin Statutes Section.66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

The equalized value of the increment of existing tax incremental districts within the City, plus the base value of the proposed District, totals \$197,813,800. This value is less than the maximum of \$314,875,704 in equalized value that is permitted for the City of Fitchburg. The City is therefore in compliance with the statutory equalized valuation test and may proceed with creation of this District.

City of Fitchburg, Wisconsin				
Tax Increment District # 9 (Sub-Zero Project)				
Valuation Test Compliance Calculation				
Creation Date	6/9/2015			
	Valuation Data	Dollar	Percent	Valuation Data
	Currently Available	Charge	Change	Est. Creation Date
	2014			
Total EV (TID In)	2,623,964,200			2,623,964,200
12% Test	314,875,704			314,875,704
Increment of Existing TIDs				
TID #4	139,948,600			139,948,600
TID #6	13,504,200			13,504,200
TID #7	3,202,500			3,202,500
TID #8	0			0
	0			0
	0			0
Total Existing Increment	156,655,300			156,655,300
Projected Base of New or Amended District	41,158,500			41,158,500
Total Value Subject to 12% Test	197,813,800			197,813,800
Compliance	PASS			PASS

Version 1

SECTION 7: Statement of Kind, Number and Location of Proposed Public Works and Other Projects

The following is a list of public works and other TIF-eligible projects that the City expects to implement in conjunction with this District. These costs are currently expected to be incurred by Sub Zero as the owner/developer and may be reimbursed by the City as part of a Municipal Revenue Obligation or PAYGO financing technique. Any costs necessary or convenient to the creation of the District or directly or indirectly related to the public works and other projects are considered "Project Costs" and eligible to be paid with tax increment revenues of the District.

Property, Right-of-Way and Easement Acquisition

Property Acquisition for Development

In order to promote and facilitate development and/or redevelopment the City or Sub Zero may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred in order to make the property suitable for development and/or redevelopment. Any revenue received by the City from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the City or Sub Zero to acquire property and make it suitable for development and/or redevelopment exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered "real property assembly costs" as defined in Wisconsin Statutes Section 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

Acquisition of Rights-of-Way

The City or Sub Zero may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire rights-of-way are eligible Project Costs.

Acquisition of Easements

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire easement rights are eligible Project Costs.

Relocation Costs

No relocation is expected as a part of this plan however, if relocation expenses were to be incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include, but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wisconsin Statutes Sections 32.19 and 32.195.

Site Preparation Activities

Environmental Audits and Remediation

There have been no known environmental studies performed within the proposed District. If, however, it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City or Sub Zero related to environmental audits, testing, and remediations are eligible Project Costs.

Demolition

In order to make sites suitable for development, the City or Sub Zero may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

Site Grading

Land within the District may require grading to make it suitable for development and/or redevelopment, to provide access, and to control stormwater runoff. The City or Sub Zero may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the City for site grading are eligible Project Costs.

Utilities

Sanitary Sewer System Improvements

To allow development and/or redevelopment to occur, the City or Sub Zero may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Section 66.1105(2)(f)1 k.

Water System Improvements

There are inadequate water distribution facilities serving areas of the District. To allow development and/or redevelopment to occur, the City may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District

which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Stormwater Management System Improvements

To manage stormwater runoff, the City or Sub Zero may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Streets and Streetscape

Street Improvements

To allow development and/or redevelopment to occur, the City or Sub Zero may need to construct and/or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

Streetscaping and Landscaping

In order to attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include, but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

CDA Type Activities

Contribution to Community Development

As provided for in Wisconsin Statutes Sections 66.1105(2)(f)1.h and 66.1333(13), the City may provide funds to its CDA to be used for administration, planning operations, and capital costs, including but not limited to real property acquisition, related to the purposes for which it was established in furtherance of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

Miscellaneous

Cash Grants (Development Incentives)

The City may enter into agreements with property owners, lessees, or developers of land located within the District for the purpose of sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover project costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

Professional Service and Organizational Costs

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include, but are not limited to: architectural; environmental; planning; engineering; legal, audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

Administrative Costs

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees in connection with the implementation of the Plan.

Financing Costs

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

With all projects the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

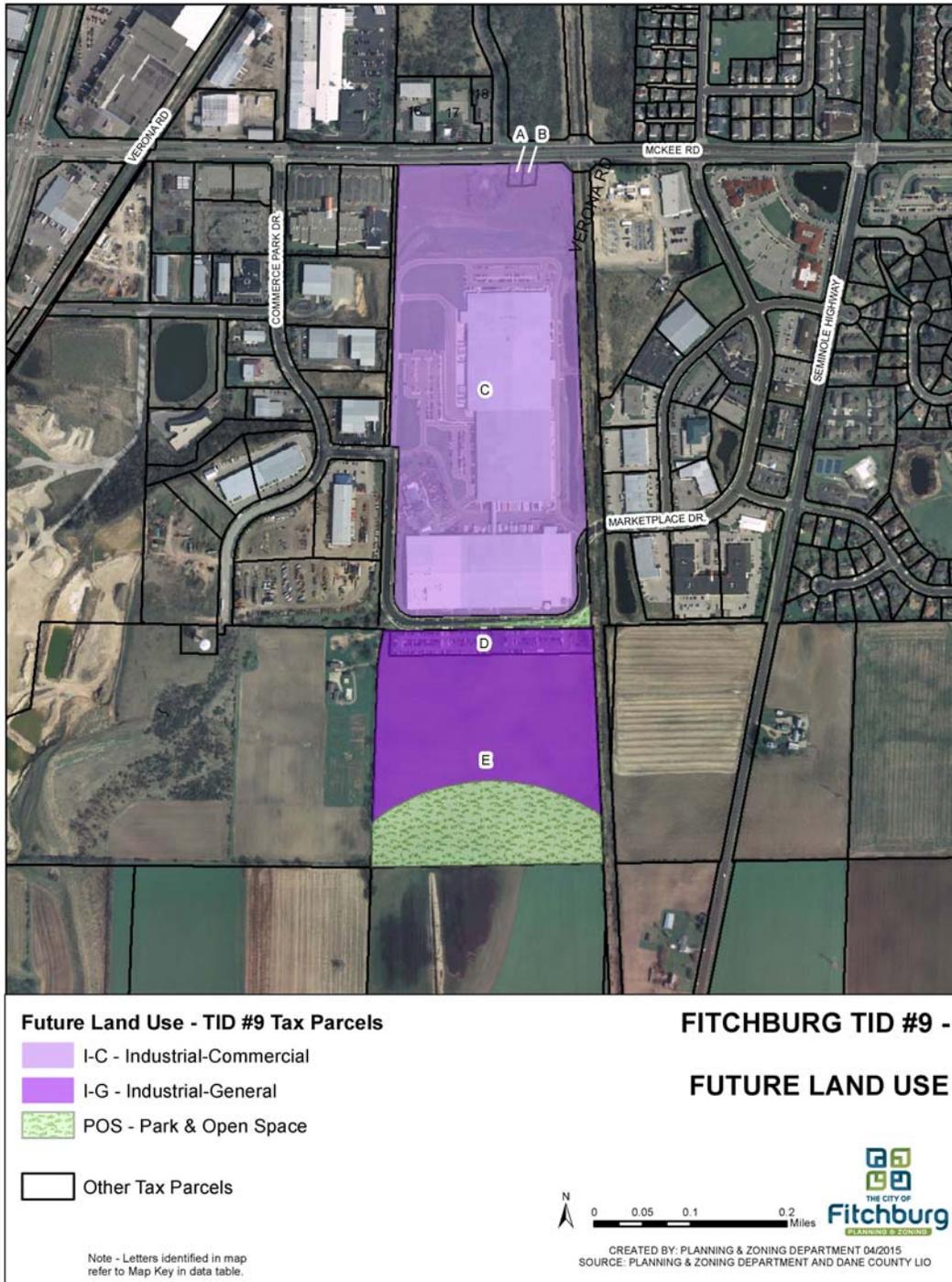
In the event any of the public works project expenditures are not reimbursable out of the special TIF fund under Wisconsin Statutes Section 66.1105, in the written opinion of counsel retained by the City for such purpose or a court of record so rules in a final order, then such project or projects shall be deleted herefrom and the remainder of the projects hereunder shall be deemed the entirety of the projects for purposes of this Project Plan.

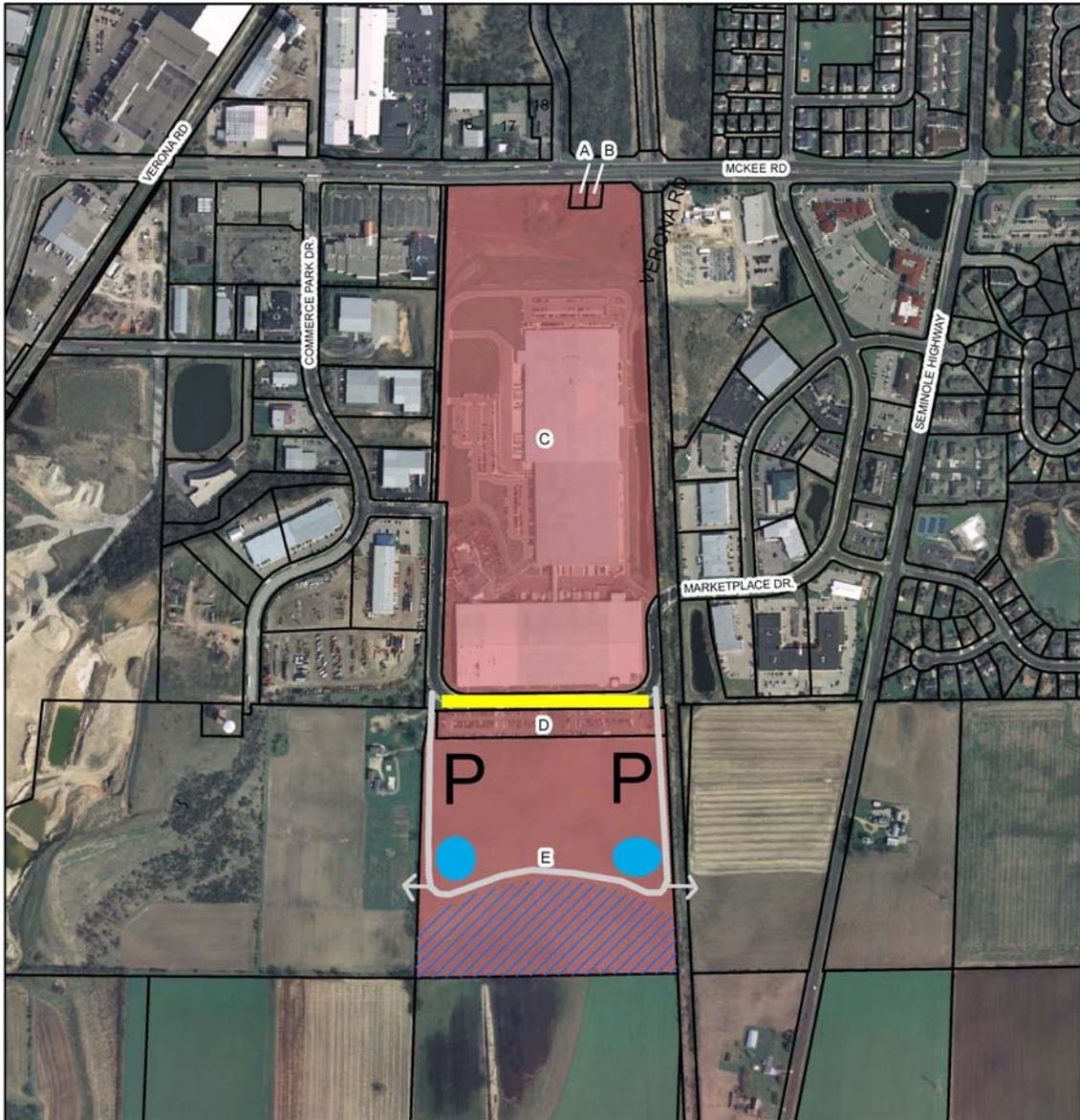
The City reserves the right to implement only those projects that remain viable as the Plan period proceeds.

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred, by the City and as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges. To the extent the costs benefit the municipality outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to

change after planning is completed. Prorations of costs in the Plan are also estimates and subject to change based upon implementation, future assessment policies and user fee adjustments.

SECTION 8: Maps Showing Proposed Improvements and Uses





- TID #9 Tax Parcels
- Future Land Use - Parks & Open Space
- Other Tax Parcels
- Marketplace Dr. Street Vacate (Approximate)
- Bud Dr.-Marketplace Dr. North-South Extension and East-West Connection (Approximate)
- P** Parking Lot Improvements (Approximate)
- Stormwater Improvements (Approximate)

Note - Letters identified in map refer to Map Key in data table.

FITCHBURG TID #9 - IMPROVEMENTS



0 0.05 0.1 0.2 Miles



CREATED BY: PLANNING & ZONING DEPARTMENT 04/2015
SOURCE: PLANNING & ZONING DEPARTMENT AND DANE COUNTY LIO

SECTION 9: Detailed List of Project Costs

All costs are based on 2015 prices and are preliminary estimates. The City reserves the right to increase these costs to reflect inflationary increases and other uncontrollable circumstances between 2015 and the time of construction. The City also reserves the right to increase certain project costs to the extent others are reduced or not implemented without amending the Plan. The tax increment allocation is preliminary and is subject to adjustment based upon the implementation of the Plan.

This Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects. All costs included in the Plan are estimates based on best information available. The City retains the right to delete projects or change the scope and/or timing of projects implemented as they are individually authorized by the Common Council, without amending the Plan.

Proposed TIF Project Cost Estimates

City of Fitchburg, Wisconsin Tax Increment District # 9 (Sub-Zero Project) Estimated Project List			
Project ID	Project Name/Type	Phase I Year	Total (Note 1)
1	Land Acquisition	2,050,000	2,050,000
2	Road Access	872,000	872,000
3	Utilities Extension	1,504,000	1,504,000
4	Engineering & Permitting	654,000	654,000
5	Demo & Reconstruct Cul de Sacs	60,000	60,000
6	Retention Pond	300,000	300,000
7	Parking lots	450,000	450,000
8	Engineering Services	140,000	140,000
9	Municipal Fees	141,000	141,000
10	Grading and other Site Work	550,000	550,000
Total Projects		<u>6,721,000</u>	<u>6,721,000</u>

Notes:

Note 1 Project costs are estimates provided by Developer 4/25/15..

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SECTION 10: Economic Feasibility Study, Financing Methods, and the Time When Costs or Monetary Obligations Related are to be Incurred

The information and exhibits contained within this Section demonstrate that the proposed District is economically feasible insofar as:

- The City has available to it the means to secure the necessary financing required to accomplish the projects contained within this Plan. A listing of “Available Financing Methods” follows.
- The City expects to complete the projects in one or multiple phases, and can adjust the timing of implementation as needed to coincide with the pace of private development. A discussion of the phasing and projected timeline for project completion is discussed under “Plan Implementation” within this Section. A table identifying the financing method for each phase and the time at which that financing is expected to be incurred is included.
- The development anticipated to occur as a result of the implementation of this Plan will generate sufficient tax increments to pay for the cost of the projects. Within this Section are tables identifying: 1) the development expected to occur, 2) a projection of tax increments to be collected resulting from that development and other economic growth within the District, and 3) a cash flow model demonstrating that the projected tax increment collections and all other revenues available to the District will be sufficient to pay all Project Costs.

Available Financing Methods

The following is a list of the types of obligations the City could choose to utilize. The primary option being considered is the use of the “Pay As You Go” or Municipal Revenue Bond option identified below.

General Obligation (G.O.) Bonds or Notes

The City may issue G.O. Bonds or Notes to finance the cost of projects included within this Plan. The Wisconsin State Constitution limits the principal amount of G.O. debt that the community may have outstanding at any point in time to an amount not greater than five percent of its total equalized value (TID IN). As of the date of this plan, the City has a G.O. debt limit of \$131,198,210, of which \$85,363,210 is currently unused and could be made available to finance Project Costs.

Bonds Issued to Developers (“Pay as You Go” or Municipal Revenue Obligation Financing)

The City primary choice to finance this district will be the issuance of a bond or other revenue obligation to Sub Zero who would provide financing for projects included in this Plan. Repayment of the amounts due to the Sub Zero as the developer under the bonds or other obligations are limited to an agreed percentage of the available annual tax increments collected that result from the improvements made by the developer. To the extent the tax increments collected are insufficient to make annual payments, or to repay the entire obligation over the life of the District, the City’s obligation is limited to not more than the

agreed percentage of the actual increments collected. Bonds or other obligations issued to developers in this fashion are not general obligations of the City and, therefore, do not count against the City's statutory borrowing capacity.

In addition, the size of the MRO in this plan is predicated upon the net taxable value of the Sub Zero project at \$25,000,000. To the extent the taxable value is less, the principal amount of the MRO will be reduced to provide adequate revenue coverage.

Tax Increment Revenue Bonds

The City has the authority to issue revenue bonds secured by the tax increments to be collected. These bonds may be issued directly by the City, or as a form of lease revenue bond by a Community Development Authority (CDA). Tax Increment Revenue Bonds and Lease Revenue Bonds are not general obligations of the City and therefore do not count against the City's statutory borrowing capacity. To the extent tax increments collected are insufficient to meet the annual debt service requirements of the revenue bonds, the City may be subject to either a permissive or mandatory requirement to appropriate on an annual basis a sum equal to the actual or projected shortfall.

Utility Revenue Bonds

The City can issue revenue bonds to be repaid from revenues of the its various systems, including revenues paid by the City that represent service of the system to the City. There is neither a statutory nor constitutional limitation on the amount of revenue bonds that can be issued, however, water rates are controlled by the Wisconsin Public Service Commission and the City must demonstrate to bond purchasers its ability to repay revenue debt with the assigned rates. To the extent the City utilizes utility revenues other than tax increments to repay a portion of the bonds, the City must reduce the total eligible Project Costs in an equal amount.

Special Assessment "B" Bonds

The City has the ability to levy special assessments against benefited properties to pay part of the costs for street, curb, gutter, sewer, water, storm sewers and other infrastructure. In the event the City determines that special assessments are appropriate, the City can issue Special Assessment B bonds pledging revenues from special assessment installments to the extent assessment payments are outstanding. These bonds are not counted against the City's statutory borrowing capacity. If special assessments are levied, the City must reduce the total eligible Project Costs under this Plan in an amount equal to the total collected.

Plan Implementation

Projects identified will provide the necessary anticipated governmental services to the area. A reasonable and orderly sequence is outlined on the following page. However, public debt and expenditures should be made at the pace private development occurs to assure increment is sufficient to cover expenses.

It is anticipated developer agreements between the City and property owners will be in place prior to major public expenditures. These agreements can provide for development guarantees or a payment in lieu of development. To further assure contract enforcement, these agreements might include levying of special assessments against benefited properties.

The order in which public improvements are made should be adjusted in accordance with development and execution of developer agreements. The City reserves the right to alter the implementation of this Plan to accomplish this objective.

Interest rates projected are based on current market conditions. Municipal interest rates are subject to constantly changing market conditions. In addition, other factors such as the loss of tax-exempt status of municipal bonds or broadening the purpose of future tax-exempt bonds would affect market conditions. Actual interest expense will be determined once the methods of financing have been approved and securities or other obligations are issued.

If financing as outlined in this Plan proves unworkable, the City reserves the right to use alternate financing solutions for the projects as they are implemented.

Implementation and Financing Timeline

City of Fitchburg, Wisconsin Tax Increment District # 9 (Sub-Zero Project) Estimated Financing Plan		
	Municipal Revenue Obligation (MRO) 2016	Totals
Projects		
Phase I	6,721,000	6,721,000
Total Project Funds	<u>6,721,000</u>	<u>6,721,000</u>
Estimated Finance Related Expenses		
Financial Advisor		
Bond Counsel		
Rating Agency Fee		
Paying Agent		
Underwriter Discount	10.00	
Debt Service Reserve		
Capitalized Interest		
Total Financing Required	6,721,000	
Estimated Interest	0.25%	
Assumed spend down (months)	6	
Rounding	0	
Net Issue Size	6,721,000	6,721,000
Notes:		

Version 3

Development Assumptions

City of Fitchburg, Wisconsin							
Tax Increment District # 9 (Sub-Zero Project)							
Development Assumptions							
Construction Year		Actual	Sub Zero Expansion	Additional Expansion	Annual Total	Construction Year	
1	2015	(275,000)	5,000,000		4,725,000	2015	1
2	2016		24,500,000		24,500,000	2016	2
3	2017				0	2017	3
4	2018				0	2018	4
5	2019				0	2019	5
6	2020				0	2020	6
7	2021				0	2021	7
8	2022				0	2022	8
9	2023				0	2023	9
10	2024				0	2024	10
11	2025				0	2025	11
12	2026				0	2026	12
13	2027				0	2027	13
14	2028				0	2028	14
15	2029				0	2029	15
16	2030				0	2030	16
17	2031				0	2031	17
18	2032				0	2032	18
19	2033				0	2033	19
20	2034				0	2034	20
Totals		(275,000)	29,500,000	0	29,225,000		

Notes: Total Project Expense projected between \$50 M and \$60 M per Sub Zero. However as Manufacturing, this is assessed by the Wisconsin DOR and a significant portion may be exempt as it could be classified as equipment. The final assessment will determine the amount available for the MRO. The above is an estimate provided by the City of net assessable real estate value.

Version 3

Increment Revenue Projections

City of Fitchburg, Wisconsin									
Tax Increment District # 9 (Sub-Zero Project)									
Tax Increment Projection Worksheet									
Type of District	Industrial		Base Value	41,158,500					
Creation Date	June 9, 2015		Appreciation Factor	-0.50%		Apply to Base Value			
Valuation Date	Jan 1,	2015	Base Tax Rate	\$23.94					
Max Life (Years)	20		Rate Adjustment Factor	0.00%					
Expenditure Periods/Termination	15	6/9/2030	Tax Exempt Discount Rate						
Revenue Periods/Final Year	20	2036	Taxable Discount Rate	1.50%					
Extension Eligibility/Years	Yes	3							
Recipient District	No								

Construction Year	Value Added	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV Calculation	Taxable NPV Calculation
1 2015	4,725,000	2016	0	4,725,000	2017	\$23.94	113,117	113,117	111,445
2 2016	24,500,000	2017	(23,625)	29,201,375	2018	\$23.94	699,081	812,197	790,016
3 2017	0	2018	(146,007)	29,055,368	2019	\$23.94	695,586	1,507,783	1,455,216
4 2018	0	2019	(145,277)	28,910,091	2020	\$23.94	692,108	2,199,891	2,107,309
5 2019	0	2020	(144,550)	28,765,541	2021	\$23.94	688,647	2,888,538	2,746,553
6 2020	0	2021	(143,828)	28,621,713	2022	\$23.94	685,204	3,573,741	3,373,201
7 2021	0	2022	(143,109)	28,478,605	2023	\$23.94	681,778	4,255,519	3,987,501
8 2022	0	2023	(142,393)	28,336,212	2024	\$23.94	678,369	4,933,888	4,589,696
9 2023	0	2024	(141,681)	28,194,530	2025	\$23.94	674,977	5,608,865	5,180,026
10 2024	0	2025	(140,973)	28,053,558	2026	\$23.94	671,602	6,280,467	5,758,724
11 2025	0	2026	(140,268)	27,913,290	2027	\$23.94	668,244	6,948,711	6,326,018
12 2026	0	2027	(139,566)	27,773,724	2028	\$23.94	664,903	7,613,614	6,882,135
13 2027	0	2028	(138,869)	27,634,855	2029	\$23.94	661,578	8,275,193	7,427,293
14 2028	0	2029	(138,174)	27,496,681	2030	\$23.94	658,271	8,933,463	7,961,710
15 2029	0	2030	(137,483)	27,359,197	2031	\$23.94	654,979	9,588,443	8,485,596
16 2030	0	2031	(136,796)	27,222,401	2032	\$23.94	651,704	10,240,147	8,999,159
17 2031	0	2032	(136,112)	27,086,289	2033	\$23.94	648,446	10,888,593	9,502,603
18 2032	0	2033	(135,431)	26,950,858	2034	\$23.94	645,204	11,533,796	9,996,126
19 2033	0	2034	(134,754)	26,816,104	2035	\$23.94	641,978	12,175,774	10,479,925
20 2034	0	2035	(134,081)	26,682,023	2036	\$23.94	638,768	12,814,541	10,954,191
Totals	29,225,000		(2,542,977)		Future Value of Increment		12,814,541		

Notes:
 Actual results will vary depending on development, inflation of overall tax rates.
 NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

Version 3

Cash Flow Projections

Sub-Zero Expansion Project 2015								
I. TID MRO PAYMENT Information								
Date of Bond Issuance		9/1/2016						
Version 3		5.33972%						
		31-Dec	1-Sep					
Year Collected	Tax Increment	Principal Balance	Interest Due	Interest Paid	Interest Accrued	Principal Paid	TOTAL P & I Paid	
2015								
2016		6,721,000						
1	2017	61,805	7,018,077	358,882	61,805	297,077	0	61,805
2	2018	614,201	6,778,622	374,745	374,745	0	239,456	614,201
3	2019	610,958	6,529,623	361,959	361,959	0	248,999	610,958
4	2020	607,899	6,270,387	348,663	348,663	0	259,236	607,899
5	2021	605,022	6,000,185	334,821	334,821	0	270,202	605,022
6	2022	602,327	5,718,251	320,393	320,393	0	281,934	602,327
7	2023	599,813	5,423,776	305,338	305,338	0	294,474	599,813
8	2024	597,477	5,115,913	289,614	289,614	0	307,863	597,477
9	2025	595,320	4,793,768	273,175	273,175	0	322,145	595,320
10	2026	593,340	4,456,402	255,974	255,974	0	337,367	593,340
11	2027	591,537	4,102,824	237,959	237,959	0	353,578	591,537
12	2028	589,908	3,731,995	219,079	219,079	0	370,829	589,908
13	2029	588,454	3,342,819	199,278	199,278	0	389,176	588,454
14	2030	587,173	2,934,143	178,497	178,497	0	408,676	587,173
15	2031	586,063	2,504,754	156,675	156,675	0	429,389	586,063
16	2032	585,125	2,053,376	133,747	133,747	0	451,378	585,125
17	2033	584,357	1,578,664	109,644	109,644	0	474,712	584,357
18	2034	583,757	1,079,203	84,296	84,296	0	499,461	583,757
19	2035	583,325	553,504	57,626	57,626	0	525,699	583,325
20	2036	583,060	(0)	29,556	29,556	0	553,505	583,060
TOTALS		11,350,923		4,629,923	4,332,845		7,018,078	11,350,923

City of Fitchburg, Wisconsin

Tax Increment District # 9 (Sub-Zero Project)

Cash Flow Projection

Year	Projected Revenues					Expenditures				Balances			Year
	Tax Increments	Interest Earnings/ (Cost)	Less City Administrativ e Expense	10.00% Less Allocation for Coverage or other TID Expenses	Net Available TID Revenues	Municipal Revenue Obligation (MRO) 6,721,000 Dated Date:			Total Expenditures	Annual	Cumulative	Principal Outstanding	
2015		0.25%			0				0	0	0		2015
2016					0				0	0	0	6,721,000	2016
2017	113,117		(40,000)	(11,312)	61,805	0	5.34%	61,805	61,805	11,312	11,312	7,018,077	2017
2018	699,081	28	(15,000)	(69,908)	614,201	239,456	5.34%	374,745	614,201	69,908	81,220	6,778,622	2018
2019	695,586	231	(15,300)	(69,559)	610,958	248,999	5.34%	361,959	610,958	69,559	150,778	6,529,623	2019
2020	692,108	608	(15,606)	(69,211)	607,899	259,236	5.34%	348,663	607,899	69,211	219,989	6,270,387	2020
2021	688,647	1,158	(15,918)	(68,865)	605,022	270,202	5.34%	334,821	605,022	68,865	288,854	6,000,185	2021
2022	685,204	1,880	(16,236)	(68,520)	602,327	281,934	5.34%	320,393	602,327	68,520	357,374	5,718,251	2022
2023	681,778	2,774	(16,561)	(68,178)	599,813	294,474	5.34%	305,338	599,813	68,178	425,552	5,423,776	2023
2024	678,369	3,838	(16,892)	(67,837)	597,477	307,863	5.34%	289,614	597,477	67,837	493,389	5,115,913	2024
2025	674,977	5,071	(17,230)	(67,498)	595,320	322,145	5.34%	273,175	595,320	67,498	560,887	4,793,768	2025
2026	671,602	6,473	(17,575)	(67,160)	593,340	337,367	5.34%	255,974	593,340	67,160	628,047	4,456,402	2026
2027	668,244	8,044	(17,926)	(66,824)	591,537	353,578	5.34%	237,959	591,537	66,824	694,871	4,102,824	2027
2028	664,903	9,781	(18,285)	(66,490)	589,908	370,829	5.34%	219,079	589,908	66,490	761,361	3,731,995	2028
2029	661,578	11,684	(18,651)	(66,158)	588,454	389,176	5.34%	199,278	588,454	66,158	827,519	3,342,819	2029
2030	658,271	13,753	(19,024)	(65,827)	587,173	408,676	5.34%	178,497	587,173	65,827	893,346	2,934,143	2030
2031	654,979	15,986	(19,404)	(65,498)	586,063	429,389	5.34%	156,675	586,063	65,498	958,844	2,504,754	2031
2032	651,704	18,383	(19,792)	(65,170)	585,125	451,378	5.34%	133,747	585,125	65,170	1,024,015	2,053,376	2032
2033	648,446	20,943	(20,188)	(64,845)	584,357	474,712	5.34%	109,644	584,357	64,845	1,088,859	1,578,664	2033
2034	645,204	23,666	(20,592)	(64,520)	583,757	499,461	5.34%	84,296	583,757	64,520	1,153,380	1,079,203	2034
2035	641,978	26,549	(21,004)	(64,198)	583,325	525,699	5.34%	57,626	583,325	64,198	1,217,577	553,504	2035
2036	638,768	29,593	(21,424)	(63,877)	583,060	553,505	5.34%	29,556	583,060	63,877	1,281,454	(0)	2036
Total	12,814,541	200,444	(382,608)	(1,281,454)	11,350,923	7,018,078		4,332,845	11,350,923				Total

Notes: Projected TID Closure

Version 3

SECTION 11: Annexed Property

There are no lands proposed for inclusion within the District that were annexed by the City on or after January 1, 2004.

SECTION 12: Estimate of Property to be Devoted to Retail Business

Pursuant to Wisconsin Statutes Sections 66.1105(5)(b) and 66.1105(6)(am)1, the City estimates that 0% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

SECTION 13: Proposed Zoning Ordinance Changes

The City anticipates that a portion of the District will be rezoned from Rural Development to General Industrial prior to development. And any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District.

SECTION 14: Proposed Changes in Master Plan, Map, Building Codes and City of Fitchburg Ordinances

It is expected that this Plan will be complementary to the City's Master Plan. There are no proposed changes to the Master Plan, map, building codes or other City ordinances for the implementation of this Plan.

SECTION 15: Relocation

It is not anticipated there will be a need to relocate persons or businesses in conjunction with this Plan. In the event relocation or the acquisition of property by eminent domain becomes necessary at some time during the implementation period, the City will follow applicable Wisconsin Statutes Section chapter 32.

SECTION 16: Orderly Development of the City of Fitchburg

The District contributes to the orderly development of the City by providing the opportunity for continued growth in tax base, job opportunities and general economic activity.

SECTION 17: List of Estimated Non-Project Costs

Non-Project costs are public works projects that only partly benefit the District or are not eligible to be paid with tax increments, or costs not eligible to be paid with TIF funds.

Examples would include:

A public improvement made within the District that also benefits property outside the District. That portion of the total project costs allocable to properties outside of the District would be a non-project cost.

A public improvement made outside the District that only partially benefits property within the District. That portion of the total project costs allocable to properties outside of the District would be a non-project cost.

Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

The City does not expect to incur any non-project costs in the implementation of this Project Plan.

SECTION 18:

Opinion of Attorney for the City of Fitchburg Advising
Whether the Plan is Complete and Complies with
Wisconsin Statutes 66.1105

May 7, 2015

SAMPLE

Mayor Shawn Pfaff
City of Fitchburg
5520 Lacy Road
Fitchburg, Wisconsin 53711

RE: City of Fitchburg, Wisconsin Tax Incremental District No. 9

Dear Mayor:

As City Attorney for the City of Fitchburg, I have reviewed the Project Plan and, in my opinion, have determined that it is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

Sincerely,

Attorney Mark Sewell
City of Fitchburg

Exhibit A:
**Calculation of the Share of Projected Tax Increments
 Estimated to be Paid by the Owners of Property in the
 Overlying Taxing Jurisdictions**

Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlying district would pay by jurisdiction.						
Statement of Taxes Data Year:		2013		Percentage		
Dane County		7,233,488			15.75%	
City of Fitchburg		22,816,765			49.68%	
Verona Area School District		11,607,875			25.27%	
Madison Area Technical College		4,272,424			9.30%	
Madison Metro Sewer District		0			0.00%	
Total		<u>45,930,552</u>			100.00%	
				Madison Area		
Revenue Year	Dane County	City of Fitchburg	Verona Area School District	Technical College	Total	Revenue Year
2017	17,814	56,193	28,588	10,522	113,117	2017
2018	110,097	347,280	176,676	65,028	699,081	2018
2019	109,546	345,544	175,793	64,703	695,586	2019
2020	108,998	343,816	174,914	64,379	692,108	2020
2021	108,453	342,097	174,039	64,057	688,647	2021
2022	107,911	340,386	173,169	63,737	685,204	2022
2023	107,371	338,684	172,303	63,418	681,778	2023
2024	106,835	336,991	171,442	63,101	678,369	2024
2025	106,300	335,306	170,585	62,786	674,977	2025
2026	105,769	333,630	169,732	62,472	671,602	2026
2027	105,240	331,961	168,883	62,160	668,244	2027
2028	104,714	330,302	168,039	61,849	664,903	2028
2029	104,190	328,650	167,199	61,540	661,578	2029
2030	103,669	327,007	166,363	61,232	658,271	2030
2031	103,151	325,372	165,531	60,926	654,979	2031
2032	102,635	323,745	164,703	60,621	651,704	2032
2033	102,122	322,126	163,880	60,318	648,446	2033
2034	101,611	320,516	163,060	60,016	645,204	2034
2035	101,103	318,913	162,245	59,716	641,978	2035
2036	100,598	317,318	161,434	59,418	638,768	2036
	<u>2,018,130</u>	<u>6,365,836</u>	<u>3,238,576</u>	<u>1,191,999</u>	<u>12,814,541</u>	
Notes:						
The projection shown above is provided to meet the requirements of Wisconsin Statute 66.1105(4)(i)4.						

RESOLUTION NO. R-55-15

**RESOLUTION APPROVING THE PROJECT PLAN AND ESTABLISHING THE
BOUNDARIES FOR AND THE CREATION OF
TAX INCREMENTAL DISTRICT NO. 9,
CITY OF FITCHBURG, WISCONSIN**

WHEREAS, the City of Fitchburg (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 9 (the "District") is proposed to be created by the City as an industrial district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Dane County, the Verona Area School District, and the Madison Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on May 19, 2015 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fitchburg that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 9, City of Fitchburg", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2015.
3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is suitable for industrial sites within the meaning of Wisconsin Statutes Section 66.1101, and has been zoned for industrial use.
 - (b) Based upon the findings, as stated in 3.a. above, the District is declared to an industrial district based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
 - (e) The City estimates that approximately none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
 - (f) The project costs relate directly to promoting industrial development in the District consistent with the purpose for which the District is created.
 - (f) Any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District.
4. The Project Plan for "Tax Incremental District No. 9, City of Fitchburg" (attached as Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2015, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Adopted this _____ day of _____, 2015.

Mayor

City Clerk

EXHIBIT A -

**LEGAL BOUNDARY DESCRIPTION OR MAP OF
TAX INCREMENTAL DISTRICT NO. 9
CITY OF FITCHBURG**

THIS CAN BE FOUND IN THE PROJECT PLAN

PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY

RESOLUTION NO. PCR-02-15

**RESOLUTION DESIGNATING PROPOSED BOUNDARIES
AND APPROVING A PROJECT PLAN
FOR TAX INCREMENTAL DISTRICT NO. 9,
CITY OF FITCHBURG, WISCONSIN**

WHEREAS, the City of Fitchburg (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 9 (the "District") is proposed to be created by the City as an industrial district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Dane County, the Verona Area School District, and the Madison Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on May 19, 2015 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Fitchburg that:

1. It recommends to the Common Council that Tax Incremental District No. 9 be created with boundaries as designated in Exhibit A of this Resolution.
2. It approves and adopts the Project Plan for the District, attached as Exhibit B, and recommends its approval to the Common Council.

3. Creation of the District promotes orderly development in the City.

Adopted this _____ day of _____, 2015.

Steve Arnold, Plan Commission Chair

Susan B. Badtke, Secretary of the Plan Commission

**LEGAL BOUNDARY DESCRIPTION OR MAP OF
TAX INCREMENTAL DISTRICT NO. 9
CITY OF FITCHBURG**

THIS CAN BE FOUND IN THE PROJECT PLAN

PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY

City of Fitchburg

Committee of Commission Referral

Direct Referral Initiated by:
 Direct Referral Approved by:

Date Referred: **May 12, 2015** Ordinance Number:
 Date to Report Back: **June 9, 2015** Resolution Number: **R-56-15**

Sponsored by: Mayor Arnold Drafted by: Roach

TITLE: Resolution Approving Development Agreement Between Sub Zero Corporation and the City of Fitchburg

Background: As part of the approval for TID #9, the City requires a developer agreement specifying the terms of any development proposal, and related financing. Sub Zero is requesting consideration of a development incentive by issuing a pay-as-you-go developer bond in the amount of \$x to support expansion of their facilities and related infrastructure. See supporting documentation attached. Additional analysis will be provided under separate cover.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance Committee	Roach	June 9, 2015	
2				
3				
4				

Amendments:

DEVELOPMENT AGREEMENT

Return to:

Mark R. Sewell, City Attorney
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

See Exhibit A

Parcel Numbers

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is by and between SUB-ZERO GROUP, INC. ("Developer") and CITY OF FITCHBURG, WISCONSIN ("City").

RECITALS:

A. Developer holds an option to purchase certain real property legally described on Exhibit A attached hereto and made a part hereof (the "Property").

B. The City desires to encourage economic development, expand its tax base and create new jobs within the City, the District (defined below) and the Property.

C. Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law") provides the authority and establishes procedures by which the City may exercise powers necessary and convenient to carry out the purposes of the Tax Increment Law, cause project plans to be prepared, approve such plans, implement provisions and effectuate the purposes of such plans, and finance such development through the use of Tax Incremental Financing.

D. On [_____], 2015, the City Council of the City of Fitchburg adopted a resolution creating Tax Incremental District No. 9 (the "District") and approved a plan for the redevelopment of the District, consisting of the project plan for such district (the "Project Plan").

E. Developer proposes to develop upon the Property an expansion of its existing manufacturing center (which shall consist of approximately 250,000 to 300,000 additional square feet) for the manufacture of major cooking appliances, purchase related manufacturing equipment for the expansion and construct related infrastructure improvements (collectively, the "Manufacturing Center"). Developer anticipates that the total cost of acquiring the Property and constructing and outfitting the Manufacturing Center shall be not less than Fifty Million Dollars (\$50,000,000), broken down as follows: (a) Two Million Fifty Thousand Dollars (\$2,050,000) for land acquisition; and (b) Forty-Seven Million Nine Hundred Fifty Thousand Dollars (\$47,950,000) for construction and outfitting of the Manufacturing Center.

F. On May [___], 2015, the City Council of the City of Fitchburg adopted Resolution [____], authorizing the City to enter into this Agreement.

G. The City finds that the development of the Manufacturing Center and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents, and serve the public purpose in accordance with state and local law, and are consistent with the Project Plan.

NOW THEREFORE, the City and Developer hereby agree as follows:

ARTICLE I

FINANCING

1.1 Construction of Manufacturing Center. Developer shall cause to be constructed the Manufacturing Center upon the Property as generally described in the recitals above.

1.2 Financing. The City shall, as a development incentive, provide financial assistance to Developer for costs associated with acquiring the Property and constructing the Manufacturing Center. The City shall provide such financial assistance by issuing to Developer a tax increment bond (the "Bond") in the form, and with the terms, set forth on Exhibit B attached hereto and made a part hereof. The Bond shall be issued by the City Treasurer and delivered to Developer within 30 days of the date the conditions set forth in Article II, below have been satisfied. The principal amount of the Bond shall be [_____], provided, however, that if the combined cost of acquiring the Property and constructing the Manufacturing Center, as certified under Section 2.2, below, is less than Fifty Million Dollars (\$50,000,000), then the principal amount of the Bond shall be proportionately reduced. The final cost of the Manufacturing Center shall be based upon actual invoices and requests for payment and may be audited by the City.

1.3 District Duration. Unless the Developer has been paid in full all amounts owed to Developer under the Bond, the City covenants and agrees not to cause the early termination of the District prior to the District's full statutory life (such full statutory life shall include any statutorily authorized extensions available to the City from time to time).

ARTICLE II

CONDITIONS TO FINANCING

Prior to the City's release of the Bond to Developer, the following shall have occurred:

2.1 Acquisition of Title to the Property. Developer shall have acquired title to the Property.

2.2 Certification of Manufacturing Center Cost. Developer shall have certified to the City each of the following (each certification may be made separately):

(a) The total cost to Developer of acquiring the Property. This certification shall be accompanied by the closing statement used in such acquisition.

(b) That the Manufacturing Center is substantially complete.

(c) The total cost of the Manufacturing Center, including all hard costs (such as costs of acquiring the Property and the costs of labor and materials in constructing the Manufacturing Center), soft costs (such as professional fees, title insurance, builder's risk insurance, feasibility studies, environmental testing, development services, utility hook-up fees, financing costs and construction interest), costs of new equipment, and relocation costs, if any. This certification shall be accompanied by an itemized list of expenditures based upon actual invoices and requests for payment referred to in the last sentence of Section 1.2.

2.3 Covenant. Developer shall have provided to the City a covenant, in recordable form, under which Developer agrees that, as long as the Bond remains outstanding, Developer, for itself, its successors and assigns as owners of the Property, agrees that it shall not sell, transfer or convey any lands within the Property to any party which would render such property exempt from property taxation without first obtaining the consent of the City to such transfer.

ARTICLE III

GENERAL

3.1 Entire Agreement. This document and the documents referred to herein contain the entire agreement between City and Developer and shall inure to the benefit of and shall bind the parties hereto, their respective heirs, executors, successors or assigns.

3.2 Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Wisconsin.

3.3 Modifications. This Agreement may be amended or modified only by written instrument duly executed by both of the parties hereto.

3.4 Notices. Any notice required hereunder shall be given in writing, signed by the party giving notice, personally delivered or mailed by certified or registered mail, return receipt requested, to the parties' respective addresses as set forth below:

To City: City of Fitchburg
Attention: Mayor
5520 Lacy Road
Fitchburg, WI 53711

Copy to: City Attorney
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

To Developer: Sub-Zero Group, Inc.
c/o Blaine R. Renfert, General Counsel
4717 Hammersley Road
Madison, WI 53711

Copy to: Reinhart Boerner Van Deuren s.c.
c/o Nathan J. Wautier, Esq.
22 East Mifflin Street, Suite 600
Madison, WI 53703

Notice shall be deemed delivered (a) in the case of personal delivery, on the date when personally delivered; or (b) in the case of certified or registered mail, on the date when deposited in the United States mail with sufficient postage to effectuate such delivery. Either party may change the address to which notice must be given by delivery of written notice to the other party in accordance with this Section 3.4.

3.5 Severability of Provisions. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained herein.

3.6 Time of Essence. Time is of the essence.

3.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

3.8 Defaults; Litigation. Neither party shall be deemed to be in default under this Agreement for failure to perform any term or condition of this Agreement unless the other party (the "Non-Defaulting Party") has first given the party alleged to be in default (the "Defaulting Party") written notice describing such failure, and the Defaulting Party does not, within thirty (30) days thereafter, cure such failure (an "Event of Default"). Following an Event of Default, the

Non-Defaulting Party shall have all rights and remedies available to it under law or in equity against the Defaulting Party. In connection with any litigation arising out of this Agreement, the prevailing party shall be entitled to recover all costs incurred, including reasonable attorney's fees.

3.9 Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

3.10 Recording. Either party may record this Agreement.

3.11 Encouragement of Opportunities for MBEs and WBEs. Developer agrees to use diligent efforts to encourage its general contractor for the Manufacturing Center to solicit bids for subcontracting work from minority-owned and women-owned business enterprises.

3.12 Compliance with Laws. In carrying out its obligations under this Agreement, Developer agrees to comply with all laws of all governmental authorities having jurisdiction.

CITY:

CITY OF FITCHBURG, WISCONSIN

By: _____
Steve Arnold, Mayor

By: _____
Anthony Roach
City Comptroller

Date: _____, 2015

Attest: _____
Patti Anderson, City Clerk

Date: _____, 2015

APPROVED AS TO FORM:

Mark R. Sewell
City Attorney

Date: _____, 2015

DEVELOPER:

SUB-ZERO GROUP, INC.

By: _____
Anthony S. Fox, Director of
Finance

Date: _____, 2015

AUTHENTICATION

Signatures of Steve Arnold, Anthony Roach and Patti Anderson
authenticated this ____ day of _____, 2015.

Mark R. Sewell
Member, State Bar of Wisconsin

AUTHENTICATION

Signature of Anthony S. Fox authenticated this ____ day of
_____, 2015.

Nathan J. Wautier
Member, State Bar of Wisconsin

This document was drafted by

Nathan J. Wautier
and Mark R. Sewell

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lot two (2), Certified Survey Map No. 10031 recorded in Volume 58 of Certified Survey Maps of Dane County, Wisconsin, Page 260, as Document No. 3312694, in the City of Fitchburg, Dane County, Wisconsin.

EXHIBIT B

CITY OF FITCHBURG TAX INCREMENT DISTRICT NO. 9 TAX INCREMENT BOND SERIES 201_A

THIS TAX INCREMENT BOND (the "Bond") is issued this ___ day of _____, 201__ by the City of Fitchburg, a Wisconsin municipal corporation located in Dane County, Wisconsin (the "City") to Sub-Zero Group, Inc., its successors and assigns ("Developer").

W I T N E S S E T H

A. The City and Developer have entered into a development agreement dated [____], 2015 (the "Development Agreement").

B. The Bond is issued by the City pursuant to the Development Agreement.

C. Terms that are capitalized in this Bond that are not defined in this Bond and that are defined in the Development Agreement shall have the meanings assigned to such terms by the Development Agreement.

A G R E E M E N T

1. General. The City hereby promises to pay to Developer, subject to all of the terms and conditions of this Bond, the principal amount of [____], together with interest as described in Section 2, below, in payments described in Section 3, below. **[The principal amount is subject to adjustment prior to issuance of the Bond pursuant to Section 1.2 of the Development Agreement.]**

2. Interest. The rate of interest shall be [____] per annum. Interest shall accrue from the date Developer has acquired the Property, as certified under Section 2.2 of the Development Agreement (currently estimated to be [____, 2015]).

3. Payments. Payments of principal and interest in the amounts set forth on the maturity schedule attached hereto as Schedule 1 shall be due in semiannual installments beginning on [April 1, 2018 and continuing on each April 1 and October 1 thereafter through October 1, 2035] or October 1 of the calendar year following the closure of Tax Increment District No. 9, whichever is later.

Each April 1 and October 1 payment date described in this Section 3 is referred to as a "Bond Payment Date." Interest accrued through the October 1 preceding the first Bond Payment Date shall be added to the principal outstanding under the Bond effective on such October 1 date. Prepayment of the amounts evidenced by this Bond may be made in full or in part at any time without penalty. If, by the final Bond Payment Date, there has been over the life of this Bond insufficient Tax Increment to pay all principal and interest due under this Bond, the City shall have no further obligation to make any payments whatsoever on this Bond.

4. Nature of Obligation. The principal and interest payments to be made on the Bond Payment Dates shall be payable solely from the Tax Increment (as defined in the Tax Increment Law) from the District (a) accrued during the calendar year or years preceding the applicable Bond Payment Date, and (b) actually received by the City by such Bond Payment Date. The Bond shall be a special and limited obligation of the City and not a general obligation. On each Bond Payment Date, the City shall apply all Tax Increment received from the District for the previous year's taxes in the following priority:

First, to the City's reasonable cost to administer the District.

Second, to payment of any interest due on this Bond.

Third, to the payment of any past due principal on this Bond.

Fourth, to payment of any principal due under this Bond on the Bond Payment Date.

Fifth, if there is Excess Tax Increment (as defined below), such Excess Tax Increment shall be applied, at the City's option, as follows:

(a) to prepayment of the principal of this Bond, or

(b) to be held by the City to be available for the payment of principal of or interest on this Bond in future years.

Sixth, if there is Excess Tax Increment remaining after application of the Excess Tax Increment in accordance with the preceding paragraph, such Excess Tax Increment may be used by the City for any other purpose permitted by the Project Plan and the Tax Increment Law.

5. Excess Tax Increment. "Excess Tax Increment" means the Tax Increment received by the City from the District for any calendar year that exceeds the sum of the City's reasonable cost to administer the District for that year, the scheduled payments of principal and interest for that year and any unpaid principal or accrued interest from prior years under this Bond.

6. Subject to Appropriations. The City's obligation to make payments on this Bond shall be conditioned on the requirement that the Common Council shall appropriate Tax Increment to make such payments, there shall not be an event of default on the part of the Developer under the Development Agreement, and that all payments then due under any special assessments, if any, have been paid.

7. Transfer of Bond. In order to transfer or assign this Bond, the transferee or assignee shall surrender the same to the City either in exchange for a new bond or for transfer of this Bond on the registration records for this Bond maintained by the City. Any transferee or assignee shall take this Bond subject to the foregoing conditions and subject to all of the provisions of the Development Agreement.

8. Miscellaneous. This Bond is subject to the Tax Increment Law and to the Development Agreement.

CITY:

CITY OF FITCHBURG

By: _____
Steve Arnold, Mayor

Attest: _____
Patti Anderson, City Clerk

DEVELOPER:

SUB-ZERO GROUP, INC.

By: _____
Anthony S. Fox, Director of Finance

SCHEDULE 1
BOND PAYMENT SCHEDULE
[to be provided]

Steve Arnold, Mayor
Introduced By

Roach

Prepared by

Finance Committee
Referred to

May 12, 2015
Date

RESOLUTION R-56-15

Resolution Approving Development Agreement Between Sub Zero Corporation and the City of Fitchburg

WHEREAS, Sub Zero Corporation (Developer) intends to develop property within proposed TIF District #9; and

WHEREAS, the Boundary and Project Plan Amendment for TIF District #9 contains provision for development incentives whereby the City would determine the feasibility of offering financial incentives to projects on a case by case basis; and

WHEREAS, the City has received a request for financial participation for an expansion of facilities on the Sub Zero Campus and related infrastructure improvements; and

WHEREAS, the City desires to participate in this project as specified in the developer agreement attached.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Fitchburg Common Council that it hereby approves the developer agreement attached.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby directed to sign the agreement and other necessary paperwork as required.

Adopted this _____ day of _____, 2015.

Approved:

Steve Arnold, Mayor

Attest:

Patti Anderson, City Clerk

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **May 12, 2015**

Ordinance Number:

Date to Report Back: **May 26, 2015**

Resolution Number: R-57-15

Sponsored by: Mayor

Drafted by: Public Works

TITLE: Authorizing Acceptance of the Fitchrona Road Water Main Bid

Background: See attached memo.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	May 18, 2015	
2	Finance	Roach	May 26, 2015	
3				
4				

Amendments:



Public Works
5520 Lacy Road
Fitchburg, WI 53711-5318
Phone: (608)270-4260
Fax: (608)270-4275
www.city.fitchburg.wi.us

To: Board of Public Works and Finance Committee

From: Cory Horton, P.E., Director of Public Works

Date: May 7, 2015

Subject: Recommendation of Award, Fitchrona Road Water Main Extension

Attached is the bid tabulation for the Fitchrona Road Water Main Extension project. The Public Works Department followed a number of procedures to ensure that all area contractors that do this type of work were informed of the Utility's project. The project was advertised by legal notice in the Wisconsin State Journal and posted on www.demandstar.com. On May 6, 2015, at 11:00 a.m., the bid opening was held and three (3) bids were received for the Fitchrona Road Water Main Extension project. The low bidder was Capitol Underground, Inc. with a bid of \$551,994.60. This bid is 11% above the Engineer's estimate of \$495,500. The Fitchburg Utility has \$450,000 budgeted for this project, and reserve funds available. Additional borrowing would not be needed to make up the difference between the budgeted versus bid amount.

This project consists of the installing approximately 1,900 feet of water on Fitchrona Road. This water main will service the Quarry Vista development as well as residential homes and Quarry Ridge Park along Fitchrona Road.

The complexity of the project as well as time frame and bidding environment may be the cause for the higher bidding prices. This project is located in the Town of Verona and City of Fitchburg, crosses DOT right-of-way under 18/151, crosses the military bridge bike path bridge, and is adjacent to wetlands. The schedule to install this water main in order to have water available to Quarry Vista by the end of July, while manageable, does not provide flexibility. The majority of this project is directional drilled, which is not as complete of a market as standard trench installation. The project was bid previously in 2014, and the City did not receive any bids. The three bids that were received for the current 2015 contract utilized each other as sub-contractors for the work.

Capitol Underground, Inc., is a local contractor that has been in business for many years. The department has worked with them on several projects in the past and has found their contractual performance and quality of work to meet or exceed contractual requirements.

Staff's recommendation is to award the Fitchrona Road Water Main Extension project in the amount of \$551,994.60 to Capitol Underground, Inc. and amend the Utility budget by \$130,000 to cover the additional construction costs as well as project contingencies.

Bids Received: Date: May 6th, 2015
Time: 11:00 AM

Fitchrona Road Water Main Extension

Bidder	Item No.	Description	Engineer's Estimate		Capitol Underground**		RJ Underground		Hammersley Stone *		
			Estimated Quantity and Unit	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
	1	Mobilization/Demobilization	1 LS	\$10,000.00	\$10,000.00	\$21,995.00	\$21,995.00	\$59,000.00	\$59,000.00	\$32,000.00	\$32,000.00
	2	Traffic Control	1 LS	\$20,000.00	\$20,000.00	\$9,225.00	\$9,225.00	\$30,000.00	\$30,000.00	\$8,000.00	\$8,000.00
	3	Connect to Ex. 12 D.I. WM	2 EA	\$1,500.00	\$3,000.00	\$490.00	\$980.00	\$525.00	\$1,050.00	\$800.00	\$1,600.00
	4	Not Used									
	5	12" D.I. WM (Open Cut)	275 LF	\$120.00	\$33,000.00	\$140.00	\$38,500.00	\$150.00	\$41,250.00	\$142.00	\$39,050.00
	6	12" D.I. WM (Directional Drill)	1852 LF	\$150.00	\$277,800.00	\$167.00	\$309,284.00	\$151.00	\$279,652.00	\$190.00	\$351,880.00
	7	Not Used									
	8	6" D.I. WM	26 LF	\$80.00	\$2,080.00	\$112.00	\$2,912.00	\$120.00	\$3,120.00	\$110.00	\$2,860.00
	9	12" Gate Valve w/ Stabilizer & Box	5 EA	\$2,500.00	\$12,500.00	\$3,810.00	\$19,050.00	\$4,000.00	\$20,000.00	\$4,000.00	\$20,000.00
	10	6" Gate Valve w/ Stabilizer & Box	3 EA	\$1,750.00	\$5,250.00	\$1,560.00	\$4,680.00	\$1,650.00	\$4,950.00	\$1,700.00	\$5,100.00
	11	Fire Hydrant w/ Flag	4 EA	\$3,200.00	\$12,800.00	\$4,285.00	\$17,140.00	\$5,000.00	\$20,000.00	\$4,500.00	\$18,000.00
	12	Remove Pump, Abandon Well & Connect to Ex. Water Service	1 EA	\$2,000.00	\$2,000.00	\$1,950.00	\$1,950.00	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
	13	Bore 1" Water Service	418 LF	\$70.00	\$29,260.00	\$79.10	\$33,063.80	\$50.00	\$20,900.00	\$81.00	\$33,858.00
	14	4"x8"x4' Polystyrene Board	9 EA	\$200.00	\$1,800.00	\$126.00	\$1,134.00	\$135.00	\$1,215.00	\$200.00	\$1,800.00
	15	Utility Offset	2 LF	\$2,000.00	\$4,000.00	\$5,100.00	\$10,200.00	\$5,500.00	\$11,000.00	\$5,800.00	\$11,600.00
	16	Granular Backfill	508 TF	\$10.00	\$5,080.00	\$0.10	\$50.80	\$1.00	\$508.00	\$6.00	\$3,048.00
	17	Rock Excavation	50 TF	\$5.00	\$250.00	\$70.00	\$3,500.00	\$75.00	\$3,750.00	\$83.00	\$4,150.00
	18	5 1/4" E-3 Asphalt, Remove & Replace	603 SY	\$60.00	\$36,180.00	\$50.00	\$30,150.00	\$55.00	\$33,165.00	\$45.00	\$27,135.00
	19	Curb & Gutter, Remove & Replace	56 LF	\$50.00	\$2,800.00	\$50.50	\$2,828.00	\$55.00	\$3,080.00	\$50.00	\$2,800.00
	20	Restoration	500 SY	\$10.00	\$5,000.00	\$5.65	\$2,825.00	\$7.50	\$3,750.00	\$6.10	\$3,050.00
	21	Silt Fence	250 LF	\$5.00	\$1,250.00	\$2.00	\$500.00	\$2.50	\$625.00	\$3.00	\$750.00
	22	Straw Bales	9 EA	\$50.00	\$450.00	\$15.00	\$135.00	\$17.50	\$157.50	\$20.00	\$180.00
	23	Type D Inlet Protection	2 EA	\$200.00	\$400.00	\$120.00	\$240.00	\$140.00	\$280.00	\$300.00	\$600.00
Total Base Bid:				\$464,900.00		\$510,342.60		\$547,452.50		\$575,461.00	
	4A-1	20" HDPE Casing (Fitchrona Road Open)	180 LF	\$220.00	\$39,600.00	\$262.40	\$47,232.00	\$260.00	\$46,800.00	\$280.00	\$50,400.00
	4A-2	20" HDPE Casing (Fitchrona Road Closed)	180 LF	\$220.00	\$39,600.00	\$136.00	\$24,480.00	\$290.00	\$52,200.00	\$330.00	\$59,400.00
	7A	12" D.I. WM (within Casing Pipe)	180 LF	\$100.00	\$18,000.00	\$299.00	\$53,820.00	\$115.00	\$20,700.00	\$190.00	\$34,200.00
Total Base Bid plus Alternates***:				\$495,500.00		\$551,994.60		\$587,772.50		\$625,861.00	
Addendum 1 & 2 Acknowledged						Yes		Yes		Yes	
Bid Bond Attached						Yes		Yes		Yes	

*Computed Total Base Bid on bid form and read at bid opening was \$660,061.00.

** Per documentation from Capitol Underground, Inc. on the day of the bid opening, Alternate bid prices for 4A-2 and 7A were inadvertently flipped on their bid form. Unit Prices shown above are as shown on the submitted bid form. Calculation of Total Base Bid plus Alternates is based on corrected unit prices.

*** Total Base Bid plus Alternates is the Total Base Bid plus the lower price bid for Alternates 4A-1 and 4A-2, plus price bid for 7A, minus price bid for 180 lf of 12" D.I. WM (Directional Drill).

Steve Arnold, Mayor
Introduced By

Public Works
Drafted By

Board of Public Works & Finance
Committee

May 12, 2015
Date

RESOLUTION R-57-15

**AUTHORIZING ACCEPTANCE OF THE
FITCHRONA ROAD WATER MAIN BID**

WHEREAS, the first phase of the Quarry Vista plat will be constructed in the summer of 2015; and

WHEREAS, it is necessary to extend water main on Fitchrona Road from Nesbitt to the Quarry Vista plat in order to service the plat; and

WHEREAS, the Utility Budget includes \$450,000 for this project and the Utility has reserve funds available, no additional borrowing is needed to fund this project; and

WHEREAS, the Director of Public Works has prepared construction plans/specifications and obtained competitive bids; and

WHEREAS, the project was advertised by legal notice in the Wisconsin State Journal on April 22, 2015 and posted on www.demandstar.com; and

WHEREAS, on May 6th, 2015 at 11:00 a.m. three (3) sealed bids received were publicly opened with the results listed on the attached bid tab; and

WHEREAS, Capitol Underground, Inc's, low bid of \$551,994.60 was found to be in compliance with the bid specifications.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Common Council amends the utility budget for the project from \$450,000 to \$580,000 in order to fund the project.

BE IT FURTHER RESOLVED that the by the Fitchburg Common Council that it approves the award of the Fitchrona Road Water Main project to Capitol Underground, Inc. in the amount of \$551,994.60.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign the contracts with Capitol Underground, Inc. for the Fitchrona Road Water Main project.

Adopted by the Common council of the City of Fitchburg this ____ day of May, 2015.

Approved By: _____
Steve Arnold, Mayor

Approved By: _____
Patti Anderson, City Clerk

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **May 12, 2015** Ordinance Number:
Date to Report Back: **May 26, 2015** Resolution Number: R-58-15

Sponsored by: Mayor Drafted by: Public Works

**TITLE: PRELIMINARY ASSESSMENT RESOLUTION FOR WATER MAIN
 IMPROVEMENTS ON FITCHRONA AND LACY ROAD**

Background: Water main will be installed on Fitchrona Road between Nesbitt Road and Lacy Road and on Lacy Road starting at Fitchrona Road and extending approximately 500 feet to the east. The cost of the water main improvements is an assessable cost based on the City Assessment policy. This resolution is the first part of the assessment process.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	May 18, 2015	
2	Finance	Roach	May 26, 2015	
3				
4				

Amendments:

Steve Arnold, Mayor
Introduced By

Public Works
Prepared by

Board of Public Works/Finance
Referred to

May 12, 2015
Date

**RESOLUTION R-58-15
PRELIMINARY ASSESSMENT RESOLUTION
FOR WATER MAIN IMPROVEMENTS
ON FITCHRONA AND LACY ROAD**

Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers Under Municipal Police Powers pursuant to §66.0701 Wisconsin Statutes, and Fitchburg Code of Ordinances Sections 10-213 to 10-216 for the cost of water main improvements on Fitchrona and Lacy Road in the City of Fitchburg.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Fitchburg, Dane County, Wisconsin that

1. The Common Council hereby declares its intention to exercise its police power under Sec. §66.0703 Wis. Stats. as incorporated in Section 10-215 of the Fitchburg Ordinances, to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by installation of water main.
2. The properties to be assessed lie within the following described assessment district:

ASSESSMENT DISTRICT

Properties adjacent to the east side of Fitchrona Road between Nesbitt Road and Lacy Road, and all properties adjacent to Lacy Road between Fitchrona Road and approximately 500 feet to the east.

3. The City Council hereby determines that the improvements constitute an exercise of the police power for the health, safety and welfare of the public.
4. The total amount assessed against the properties in the defined assessment district shall not exceed 100% of the City's direct and indirect costs of the improvements including, but not limited to, actual construction costs and related costs of engineering and legal services, administrative expense and borrowing costs related to the project.
5. The assessment against any parcel may be paid in cash or equal annual installments in accordance with schedule below, with interest on the unpaid balance at one percent (1%) over the City's borrowing rate. If the installment method is selected the remaining balance is due at time of transfer or sale of ownership of parcel.

Assessment Schedule:

- a. If the assessment is less than \$500.00, the assessment shall be paid in one (1) annual installment.

- b. If the assessment is at least \$500.00 but less than \$999.00, the assessment shall be paid in three (3) annual installments.
 - c. If the assessment is at least \$1000.00 but less than \$4,999.00, the assessment shall be paid in five (5) annual installments.
 - d. If the assessment is greater than \$5000.00, the assessment shall be paid in seven (7) or more annual installments.
6. The City Engineer shall prepare a Preliminary Assessment Report which shall consist of:
- a. Plans and specifications for the improvements.
 - b. An estimate of the entire direct and indirect cost of the improvements.
 - c. A schedule of the proposed assessments as to each parcel of property within the defined assessment district.
 - d. A statement that the respective properties against which the assessments are proposed are benefitted.
7. When the Preliminary Assessment Report is completed, the City Engineer shall file a copy of the Report with the City Clerk for public inspection.
8. Upon receiving the report of the City Engineer, the Clerk shall cause notice to be given pursuant to § 66.0703(7) Wisconsin Statutes, stating the nature of the proposed improvement, the general boundary lines of the proposed assessment district, the time and place at which the report may be inspected, and the time and place of the public hearing on the matter contained in the Preliminary Resolution and the Report. The notice shall be published as a Class 1 notice under Wis. Stat. Ch. 985 and a copy shall be mailed at least ten (10) days before the hearing, to every interested person whose post office address is known or can be ascertained with reasonable diligence.
9. The hearing shall be held before the Board of Public Works at a time set by the City Clerk in accordance with § 66.0703(7) Wis. Stats.

Adopted this ____th day of May, 2015.

Approved By: _____
Steve Arnold, Mayor

Attested By: _____
Patti Anderson, City Clerk

City of Fitchburg

Committee of Commission Referral

Direct Referral Initiated by:
 Direct Referral Approved by:

Date Referred: **May 12, 2015** Ordinance Number: **2015-O-13**
 Date to Report Back: **May 26, 2015** Resolution Number:

Sponsored by: Steve Arnold Drafted by: Clerk of Court

**TITLE: To Amend Chapter 70, SEC. 70-309 – Forfeitures
 Schedule**

Background: Changes to the bond schedule are determined by the Municipal Judge, but are not effective until approved by the City Council. Handicapped parking penalty increased per Wisconsin 2013, Act 326. The minimum forfeiture for handicapped parking violation (68-2) is increased from \$50.00 to \$150.00. The Maximum remains at \$300.00. Currently, parking in handicap stall violation forfeiture is issued for \$120.00. Recommended effective date is the day after publication.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Public Safety and Human Services	Anderson	May 26, 2015	
2				
3				
4				

Amendments:

Steve Arnold
Introduced by

Clerk of Court
Drafted by

Public Safety & Human Services
Direct Referred to

May 12, 2015
Date

ORDINANCE 2015-O-13

AN ORDINANCE AMENDING CHAPTER 70, SEC. 70-309 – FORFEITURES SCHEDULE

The Common Council of the City of Fitchburg, Dane County, Wisconsin do ordain as follows:

Chapter 70, Sec. 70-309 Forfeiture Schedule is amended as follows:

68-2	Parking in Handicap Stall	\$150-\$300
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Effective Date: This Ordinance shall take effect upon passage and publication.

Adopted this _____ day of May, 2015.

Approved by: _____
Steve Arnold, Mayor

Attested by: _____
Patti Anderson, City Clerk

Published: _____

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **April 14, 2015** Ordinance Number:
Date to Report Back: **May 12, 2015** Resolution Number: **R-46-15**

Sponsored by: Mayor Drafted by:

**TITLE: AUTHORIZING ACCEPTANCE OF A STATE/MUNICIPAL AGREEMENT
FOR THE RECONSTRUCTION OF LACY ROAD FROM THE COMMUNITY
CENTER TO S. SYENE ROAD**

Background: Refer to staff memo

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	May 4, 2015	Approved
2	Finance	Roach	May 12, 2015	
3				
4				

Amendments:



Memo

5520 Lacy Road
Fitchburg, WI 53711
(608) 270-4260
Fax: (608) 270-4275

To:	Board of Public Works, Common Council
From:	Ahna Bizjak, P.E. – Transportation Project Engineer
Date:	March 26, 2015
Subject:	Resolution R-46-15, Lacy Road Reconstruction

The City submitted an STP-Urban grant application for the reconstruction of Lacy Road from the Community Center to S. Syene Road. This project is 1.3 miles in length and includes the reconstruction of Lacy Road to an urban section. The project description included in the CIP is as follows:

“Reconstruction of Lacy Road to replace deteriorating pavement and provide for bicycle and pedestrian safety. Final design of the improvements to be determined after public input from the neighborhood. The project may include a roundabout at Fahey Glen. The overhead powerlines may be placed underground.”

The approved grant allocates \$2,000,000 in federal funding towards this project. It should be noted that federal funding does require the City to consider the needs of bicyclists and pedestrians when developing the roadway project. In conversations with WisDOT staff, there is some flexibility as to how that is achieved. There is concurrence that a final cross-section would be determined during the design stage and that the public process should help inform decisions on the cross-section. It should also be noted that if we encounter any cultural, environmental, or historical resources during the environmental documentation for the project, that may also have an impact on the cross-section for the roadway.

The WisDOT Facilities Development Manual (FDM) provides flexibility for Complete Streets by offering multiple ways to provide both bicycle and pedestrian accommodations as well as a limited number of exceptions for not including those facilities. But we will be required to accommodate bicyclists and pedestrians with this project in one way or another.

We are required to follow the WisDOT process for right-of-way acquisition, design, and construction. Because of that, the soonest that this project can begin construction is 2017. The goal is to meet a PS&E (plans, specifications, and estimate) date in 2016 to allow for construction to occur in Spring 2017. However, all right-of-way acquisition must be clear before the PS&E can be submitted. It will require an aggressive schedule to keep this project on track for 2017 construction.

City staff’s recommendation is to approve Resolution R-46-15 and to move forward with this much-needed road improvement project.



**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET URBANIZED
AREA STP-URBAN PROJECT**

Program Name: STP-Urban

Population Group: 200,000+

Sub-program #: 206

Date: March 6, 2015

I.D.: 5849-00-09/11

Road Name: Lacy Road

Limits: Research Park Dr – S. Syene Road

County: Dane County

Roadway Length: 1.30 miles

Functional Classification: Major Collector

Project Sponsor: City of Fitchburg

Urbanized Area: Madison MPO

The signatory, City of Fitchburg, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: The existing roadway is a 2 lane collector. It is a 22' wide facility with a rural cross section constructed of asphalt pavement with 3' gravel shoulders. The pavement is in poor condition with transverse and longitudinal cracking. There are no federal-aid eligible structures within the project limits. There is an at-grade railroad crossing near the east end of the project limits. There are no existing sidewalks or bicycle accommodations. Requesting an urban reconstruction project to improve the deteriorating pavement, add turn lanes, and add bicycle/pedestrian accommodations. Storm sewer and lighting systems will be included with the project.

Proposed Improvement - Nature of work: A reconstruction project is proposed. The project will be 1.30 miles in length with an urban cross section constructed of concrete curb and gutter and driving lanes. Turn lanes will be constructed to increase capacity. Bicycle/pedestrian accommodations will be constructed. Storm sewer main, lateral storm sewer and lighting improvements are planned as part of this project.

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable Federal requirements:

None

The Municipality agrees to the following 2013-2018 Urbanized Area STP-Urban project funding conditions:

Project design and design oversight costs are funded with 100% Municipal funds. Project construction costs are funded with 50% federal funding up to a maximum of \$2,000,000 for all federally-funded project phases when the municipality agrees to provide the remaining 50% and all funds in excess of the \$2,000,000 federal funding maximum, in accordance with the STP Urban program guidelines for projects in urbanized areas. Non-participating costs are 100% the responsibility of the municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year 2017. **In accordance with the State’s sunset policy for Urbanized Area STP Urban projects, the subject 2013-2018 Urbanized Area STP-Urban improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2015, or by June 30, 2020.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to WisDOT. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary Funding Table below are federal maximum amounts unless explicitly identified otherwise. The final Municipal share is dependent on the final Federal participation, and actual costs will be used in the final division of cost for billing and reimbursement.

PHASE	SUMMARY OF COSTS				
	Total Est. Cost	Federal Funds	%	Municipal Funds	%
ID 5849-00-09					
Design	\$0	\$0	0%	\$0	100%
State Review	\$60,000	\$0	0%	\$60,000	100%
ID 5849-00-11					
Participating Construction	\$3,625,000	\$1,812,500	50%*	\$1,812,500	50% + BAL
Non-Participating Construction	\$0	\$0	0%	\$0	100%
State Review	\$375,000	\$187,500	50%*	\$187,500	50% + BAL
Total Est. Cost Distribution	\$4,060,000	\$2,000,000	Max	\$2,060,000	N/A

*The percentage of project costs covered by federal funding at approval, 50%, is based on TIP Committee Action. Due to the federal funding cap, which is \$2,000,000 for all federally-funded project phases, this percentage may change over the life of the project.

This request is subject to the terms and conditions that follow (pages 3 – 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of: **City of Fitchburg** (please sign in blue ink.)

Name	Title	Date
------	-------	------

Signed for and in behalf of: **City of Fitchburg** (please sign in blue ink.)

Name	Title	Date
------	-------	------

Signed for and in behalf of the State:

Name	Title	Date
------	-------	------

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113 and Wis. Stat. 103.50.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06.
 - f. All DBE requirements that the State specifies.
 - g. Federal Statutes that govern the Surface Transportation Program, including but not limited to 23 U.S.C. 133.
 - h. General requirements for administering federal and state aid set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2013-2018 Urbanized Area STP-Urban program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).

- f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. Management Consultant and State Review Services: **Construction Project ID 5849-00-11**
5. The work will be administered by the State and may include items not eligible for Federal participation.
 6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to Federal funds. Upon completion of the project, a final audit will be made to determine the final division of costs. If reviews or audits show any of the work to be ineligible for Federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the 2013-2018 Urbanized Area STP-Urban improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Real estate for the improvement.
 - i. Preliminary engineering and design.
 - j. Management Consultant and State Review Services: **Design Project ID 5849-00-09**
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by WisDOT prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without Federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.

11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin.
12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed Federal financing commitments or are ineligible for Federal financing. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
13. **In accordance with the State's sunset policy for Urbanized Area STP-Urban projects, the subject 2013-2018 Urbanized Area STP-Urban improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2015, or by June 30, 2020.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to WisDOT. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
15. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - e. Provide complete plans, specifications, and estimates.
 - f. Provide relocation orders and real estate plats.
 - g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
 - h. Provide maintenance and energy for lighting.
 - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
16. It is further agreed by the Municipality that:
 - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.

- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse WisDOT if WisDOT incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such "Manual of Uniform Traffic Control Devices" as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under Federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.

LEGAL RELATIONSHIPS:

- 17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
- 18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
- 19. Contract Modification: This State/Municipal Agreement can only modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
- 20. Binding Effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third- party enforcement rights.
- 21. Choice of Law and Forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. The Municipality agrees to the following 2013-2018 Urbanized Area STP-Urban project funding conditions:

- a. **ID 5849-00-09:** Design and design oversight is funded with 100% by the Municipality. This phase includes Plan Development, Management Consultant Review, and State Review. The work includes project review, approval of required reports and documents and processing the final PS&E document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 100% by the Municipality.
- b. **ID 5849-00-11:** Construction:
 - i. Costs for participating construction items, and state review activities are funded with 50% federal funding when the municipality agrees to provide the remaining 50%. This portion of the project is subject to the cumulative project federal funding cap (see sub-item c). Any costs over federal maximum capped amount are funded 100% by the Municipality.
 - ii. Non-participating costs are funded 100% by the Municipality. Costs include construction delivery.
- c. **Project Cap:** In accordance with STP-Urban program guidelines for projects in urbanized areas, State action and TIP Committee action, this project has a federal funding cap of **\$2,000,000**. This federal funding cap applies to all federally funded project phases.

[End of Document]

Shawn Pfaff, Mayor
Introduced By

Public Works
Prepared by

Board of Public Works and Finance
Referred to

April 14, 2015
Date

RESOLUTION R-46-15
AUTHORIZING ACCEPTANCE OF A STATE/MUNICIPAL AGREEMENT
FOR THE RECONSTRUCTION OF LACY ROAD FROM
THE COMMUNITY CENTER TO S. SYENE ROAD

WHEREAS, the Wisconsin Department of Transportation (WisDOT) has approved funds in the 2013-2018 STP-Urban program for the reconstruction of Lacy Road from the Community Center to S. Syene Road; and

WHEREAS, the Project includes 100% local funding for design and right-of-way acquisition and 50% federal funding for construction costs up to a maximum of \$2,000,000 with the remaining 50% funded by the City; and

WHEREAS, section 66.0301 Wisconsin Statutes authorizes cities and state agencies to enter into agreements for the receipt of furnishing of services; and

WHEREAS, the Capital Improvement Plan includes funds for this project; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by The Common Council of the City of Fitchburg, Dane County, Wisconsin, that it approves the "State/Municipal Agreement for a State Let Urbanized Area STP-Urban Project" with the Wisconsin Department of Transportation for the project.

BE IT FURTHER RESOLVED, that the Common Council authorizes the Clerk and Mayor to sign the agreements for the Project.

Adopted this ____ day of _____, 2015.

Approved By: _____
Shawn Pfaff, Mayor

Attested By: _____
Patti Anderson, City Clerk

Bids Received:

Date: April 7, 2015

Time: 11:00 a.m.

**2015 Proposals for Regenerative Air Street Sweeper
CITY OF FITCHBURG, WISCONSIN**

2015 Regenerative Air Sweeper				R.N.O.W., Inc. 8636R W. National Ave West Allis, WI 53227	R.N.O.W., Inc. 8636R W. National Ave West Allis, WI 53227	EnviroTech Equipment Co. 19750 W. Edgewood Dr Lannon, WI 53046	Bruce Municipal Equipment, Inc. N60 W15835 Kohler Lane Menomonee Falls, WI 53501
Bid Item	Quantity	Units	Extension	Extension	Extension	Extension	
Demo-Schwarze 9 Monson Sweeper on a Peterbilt 220 Right Hand Steer (52.3 Hours)	1	LS	\$236,705.000				
New-Schwarze A7 Tornado Sweeper on Frieghtliner Dual Steer Chassis	1	LS		\$222,064.00			
Demo-JohnstonRT655 Regen Vacuum Sweeper Mounted on M2 Chassis (10 Hours)	1	LS			\$220,000.00		
New - Elgin-2016 Autocar Dual Steer Chassis	1	LS				\$242,156.000	
Trade-In Reduction	1	LS	(\$68,000.00)	(\$68,000.00)	(\$20,250.00)	(\$20,000.00)	
Base Bid minus Trade-In			\$168,705.00	\$154,064.00	\$199,750.00	\$222,156.00	
Options:							
1 Dual Steering			NA	Included/\$11,000 for Cabover	Included	Included	
2 Cab-over Chassis			Included	\$7,310.00	NA	NA	\$15,400.00
3 600 Gallon Water Tank			Included	\$2,808.00	NA	NA	\$7,550.00
4 Stainless Steel Fuel Tank			NA	NA	NA	NA	NA
5 9 C.Y. Hopper w/ door opening			Included	\$23,320.00	NA	NA	NA
6 Five Inch Vacuum box			Included	Included	NA	NA	NA
COMPUTED TOTAL WITH ALL OPTIONS			\$168,705.00	\$198,502.00	\$199,750.00	\$245,106.00	

Shawn Pfaff, Mayor
Introduced By

Public Works
Drafted By

Board of Public Works & Finance
Committee

April 14, 2015
Date

Resolution R-49-15
PUBLIC WORKS STREET EQUIPMENT REPLACEMENT – STREET SWEEPER

WHEREAS, the 2015 Capital Equipment Budget includes funding for the purchase of a sweeper; and

WHEREAS, the Department of Public Works has prepared construction specifications and obtained competitive bids; and

WHEREAS, the project was advertised by legal notice in the Wisconsin State Journal and posted on www.demandstar.com; and

WHEREAS, on April 7, 2015 at 11:00 a.m. four sealed bids were received and publicly opened with the results listed on the attached bid tab; and

WHEREAS, R.N.O.W. INC has provided the most responsive bid with a demonstration unit for the price of \$236,705.00; and

WHEREAS, R.N.O.W. INC has provided a trade in reduction in the amount of \$68,000.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED, The Common Council of the City of Fitchburg, Dane County, Wisconsin, hereby approves trade in of the existing equipment and the award of the sweeper bid to R.N.O.W., INC and authorizes payment for the net amount of \$168,705.00 from the street equipment account.

BE IT FURTHER RESOLVED, the Common Council authorizes the Clerk and Mayor to sign the contracts with R.N.O.W., INC for the purchase of this equipment.

Adopted by the Common Council of the City of Fitchburg this 12th day of May, 2015.

Approved By: _____
Steve Arnold, Mayor

Attested By: _____
Patti Anderson, City Clerk

City of Fitchburg Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **April 28, 2015**
Date to Report Back: **May 12, 2015**

Ordinance Number:
Resolution Number: **R-53-15**

Sponsored by: Mayor

Drafted by: Misty Dodge

TITLE: Resolution Adopting Purchasing Card Procedure Manual

Background:

The City currently participates in a credit card program through Park Bank. The Library and the Police Department have their own departmental cards and there are others maintained by the Finance Department that are available for check-out to other employees. There are also several store charge cards set-up through the City. There is an opportunity to expand and refine our existing program to realize significant efficiencies and cost savings.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance Committee	Roach/Dodge	May 12, 2015	
2				
3				
4				

Amendments:



To: City Council & Mayor
From: Misty Dodge, Finance Director
Date: April 23, 2015
Subject: Recommended Change in Credit Card Program (aka P-Card Program)

The City currently participates in a credit card program through Park Bank. The Library and the Police Department have their own departmental cards and there are others maintained by the Finance Department that are available for check-out to other employees. There are also several store charge cards set-up through the City. There is an opportunity to expand and refine our existing program to realize significant efficiencies and cost savings.

In 2012, Waukesha County bid and negotiated a five year procurement card (p-card) contract that is available for piggyback by VALUE and WAPP members. VALUE is a consortium of Wisconsin municipalities that work together in the bid process in hopes of achieving better prices and service through bulk purchasing. There is an annual \$35 fee to be a member of VALUE but the savings realized through the consortium will far out-weigh this cost. WAPP stands for Wisconsin Association for Public Procurement and is a professional organization for government purchasing professionals.

When looking at a p-card program, there are five items that I believe are most important:

1. Rebate opportunity and no fees to the municipality
2. An online system where cardholders can code their transactions, Finance can export a report to import into our accounting software, and Finance can administer the card program and make changes as needed
3. Fraud protection
4. Individual cards by employee with specific MCC (Merchant Category Code) and spend limits
5. Ability to set-up declining balance cards and cards specific to a particular vendor

I discussed these items with a representative from our current card program and it was determined that their product does not currently provide the same level of service included in the VALUE contract. On our own the City of Fitchburg will likely spend \$1 million - \$2 million. In the last contract year, the VALUE group spent approximately \$175 million so there is an economy of scale. There are 135 agencies currently on the VALUE contract including the cities of Madison, Verona, Sun Prairie, and Middleton and the Village of Oregon.

There are many benefits to an expanded program including:

- **Reduced costs** – check stock, envelopes, postage, wear and tear on equipment, etc.
- **Staff efficiencies** – employee time (ease of purchase), department admin time (reduced data entry), department head time (reduced number of signatures due to mass approval), finance staff time (focus on audit instead of data entry, filing time, maintenance of generic and store cards, fewer 1099-MISC filings).
- **Rebate potential** – current contract through VALUE is expected to earn a 1.58% base rebate + additional rebate opportunities based on agency spend and payment speed.
- **Fraud protection** – based on industry reports, there is less fraud with purchasing cards than there is with paper checks. In addition, under the VALUE contract, the City is not responsible for any fraudulent purchases as long as certain best practices are maintained. We can also limit spend for employees to certain dollar amounts and certain vendor types/MCC.
- **Emergency use:** The cards are available in case the fuel pumps go down and separate cards will be held in off-site locations for use in an emergency. The dedicated emergency cards will have a temporary \$1 limit to protect the cards from fraud since there will be no other limitations included. In the event of an emergency, the cards can be activated online with a higher spending authority and will be available for purchasing immediately needed goods and services.

Enclosed for your review and approval is the policy and procedure manual and cardholder agreement for the program. With Committee and Council approval, I will move forward with the implementation including the execution of the contract. A pilot group has been selected and they are expected to be trained and ready for implementation by July. The remainder of the City would be implemented shortly thereafter.



City of Fitchburg

Purchasing Card
(P-Card)

Procedure Manual
Drafted April 2015



Welcome to the City of Fitchburg's Purchasing Card (P-Card) Program

The P-Card program is designed to make it easier and more cost effective for City personnel to make small dollar purchases of goods and services from any supplier who accepts MasterCard. Department account clerks or administrative personnel may also use p-cards to process direct buys under \$2,500. Accounts Payable also has a p-card to process direct buys over that amount, as well as to process payments made against a purchase order, or direct buys that exceed \$2,500.

If you have any comments, questions or feedback, please contact your P-Card Administrator (currently Misty Dodge), via email or at x252. In Misty's absence, contact Kari Peterson via email or at x271.

This procedure manual consists of four sections: General Information & Cardholder Use, Additional Information for Cardholder Use Specific to Travel, Supervisor/Department Head Responsibilities, Allocation Personnel Responsibilities/Processes, and Internet Purchasing Policies.

This manual will address most of your questions about the P-Card Program and provide guidelines for using your P-Card.

Listed below you will find definitions used throughout this manual.

JPMC	Abbreviation for JP Morgan Chase; the bank that provides our credit card services
Gen2, SDOL, or SDgen2	Abbreviation for JPMC's online system; Smart Data OnLine; latest generation
P-Card	Purchasing/Credit Card issued by the City to an approved employee
Cardholder	Employee that has been issued a P-card and who is authorized to make purchases in accordance with these procedures.
Coding Personnel	An employee who can allocate the expenses to the correct account(s) for his/her cardholders and add descriptions. Also compiles appropriate documentation for submission to Finance.
Supervisor/Department Head	Employee responsible for verifying and approving all p-card purchases and ensuring that the appropriate documentation is included in the packet submitted to Finance.
P-Card Administrator	Individual responsible for issuing cards, providing training, and responding to questions related to the program (currently Misty Dodge x252)
P-Card Auditor	Individual responsible for auditing the monthly p-card statements and documentation packets to ensure compliance with City policies (currently Susan Jordan x250)
Cardholder Statement/Expense Report	A monthly list of all transactions made by the cardholder. Unless otherwise directed by the department head and/or supervisor, the cardholder is responsible for reconciling the statement against purchases made.
Single Limit	The dollar amount established for a single transaction. This dollar limit may vary from cardholder to cardholder and is mutually established by the Department Head or designee and the P-Card Administrator.
Credit Limit	A dollar amount limiting the total dollar amount for all purchases made within a billing cycle. Our billing cycle aligns with calendar months. This dollar limit may vary from cardholder to cardholder and is mutually established by the Department Head or designee and the P-Card Administrator.

SECTION 1

GENERAL INFORMATION & CARDHOLDER USE

A. General

The unique P-Card the cardholder receives has his/her name embossed on it, as well as the City’s logo and the City’s tax-exempt number. The cardholder is the **ONLY person authorized to use the card**. The cardholder may make transactions on behalf of others in their department/division, however the cardholder is responsible for all use of his/her card.

A number of unique controls have been developed for this program that does not exist in a traditional credit card environment. These controls ensure the card can be used only for specific purposes and within specific dollar limits.

Cardholders that have been authorized to use their cards for travel and/or seminar registration **must also review Section 2.**

B. Security

Cardholders are responsible for maintaining the security of their p-card; including the following:

- o Protect your cards including endorsing any new or reissued cards immediately.
- o Guard your account number; i.e. cardholders should not give card numbers over the telephone unless they have performed reasonable due diligence to assure the company is reputable, look for the “SSL” lock logo when making purchases online.
- o Never keep your account access code or password in the same location as the card.
- o Know your rights; i.e. Cardholders should not give any additional identification such as their driver’s license number, social security number, etc. when paying with credit card.
- o Notify JPMC no later than five days after the date a fraudulent transaction(s) is suspected.
- o **Immediately** notify JPMC of a lost or stolen credit card (800-316-6056). **Within one working day**, call or send the P-Card administrator an email notifying them of the lost/stolen card as well.

C. Cardholder Limits:

All P-Cards have a single and a monthly limit and in some cases a daily limit. The P-Card Administrator, in conjunction with your department head/division manager or their designee, has established these limits. This information was provided to you when you received your training and/or your actual card. If you feel the limits are not sufficient and/or you feel you should be authorized to use your card for travel and/or seminar registration, you must have them issue the Change Form found on the intranet. Note: All changes are subject to approval by P-Card Administrator.

If you have a card that allows you to use it for travel and seminar registration, your single limit may be higher to accommodate this, however, **when used for non-travel purposes, your purchases should remain under \$2,500 amount unless you have prior approval from the P-Card Administrator.**

D. Types of Credit Card Purchases

Examples of purchases that the P-Card may or may not be used for include, but are not necessarily limited to the items listed below. All software/hardware purchases require written IT approval. All written approvals should be retained with your receipts, as they must be submitted with your monthly statement.

Examples of Acceptable Purchases	Examples of Unacceptable Purchases
Office supplies	Capital Equipment/Fixed Assets unless otherwise authorized.
Books, periodicals, subscriptions, etc.	Software/Hardware without IT approval
Small dollar software/hardware with IT approval* *IT approval must be in writing. Current point person for this purpose is Matt Prough	Sales Tax
Items under \$2,500 unless otherwise authorized.	Personal purchases
Internet Purchases \$2,500 or less (see also Section 5)	Purchases shipped to a home address
	Purchases made using a “Reward”, “Member” or other type of card where personal benefits are received as a result of the purchase.

E. Accounts Payable P-Card: The master Accounts Payable (AP) card used by the Finance Department has no limits for processing payments. Additionally, if the master AP card is used to process payments against a purchase order, it may be used for some items listed under Unacceptable Purchases.

F. Account Limits

If you need to review your single and monthly transaction limit, click on the Account Activity Tab when logged into the SDgen2 system, then click on Account Information. Your monthly limit is referred to as your credit limit in the system and your single limit is referred to as the Single Transaction Amount.

G. Purchase Declines

If your p-card is declined, contact the p-card administrator (currently Misty Dodge x252) and he/she can look-up the explanation and assist in correction if needed. The common reasons for declines are insufficient money available, exceeding the single limit, or an “MCC” (Merchant Category Code) exclusion. The MCC identifies what the vendor sells or the services they perform. For limit issues, you may work with your supervisor to have your limits changed by submitting a change form (located on the intranet) to the P-Card Administrator. If it is an MCC restriction, contact the P-Card Administrator for further direction; i.e. the restriction may be lifted, the P-Card Administrator may use her credit card, etc.

H. Purchasing with the P-Card

Making a City related purchase with your p-card is as simple as using any credit card. The process is described below.

You place an order for goods/services with the supplier either by phone, fax* or in person. * If by fax, do not leave the order form where someone can copy your credit card information. Fax should be a last resort, as even though you may be sure it is not left in the machine, you don't know what is happening on the recipient's end. Therefore, if they require a form be faxed in, we recommend that you do so, but insert "Contact Cardholder @ phone number" in the Credit Card # field.
The Supplier processes the transaction requesting purchase authorization from JPMC; i.e. to assure the purchase is not from a supplier type that has been excluded and that the amount is within the cardholder's limits.
If you are at the supplier location, review the sales receipt prior to signing to be sure tax hasn't been charged . After signing, be sure to keep the cardholder copy of the receipt. You can then take your purchase with you.
If you make the purchase by phone or fax, the supplier can deliver your purchase and send the sales receipt to you or you can pick up the goods and the sales receipt in person. Fax or scanned receipts are acceptable.
All receipts should be retained and submitted to Finance as part of the monthly p-card packet. Receipt must show dollar amount charged, items purchased and name of company; <u>submitting just the charge card receipt is not acceptable.</u>

I. Tracking Purchases

Some department heads have assigned one person the responsibility for reconciling their cardholder's statements. In order to assure they can do so properly, it is critical that you retain receipts for every purchase made using the card. It is highly desirable that they be kept in the order the transaction was made to expedite the reconciliation process.

Note: If you are unable to produce a receipt for a purchase, you must complete an Affidavit of P-Card Receipt located on the intranet. Your department head MUST also sign.

Regardless of who will be doing the reconciliation process, **receipts must be retained for every purchase.**

J. Returning Purchases

If an item is not satisfactory, or a wrong item is delivered, damaged and/or defective, etc., the cardholder should make contact with the vendor to explain the problem and follow their return policies. Record the return on the original receipt and staple any credit memos issued to that receipt. **Do not accept a cash refund.**

If the goods are returned in person, the original receipt must accompany the goods. A copy of the credit receipt for the returned goods must be obtained. Record the return on the original receipt and staple any credit memos issued to that receipt. **Do not accept a cash refund.**

K. Reconciling your Statement

Our billing cycle coincides with the calendar months. Once the billing cycle closes, you will receive an email notice reminding you to code your transactions and submit your expense report packet to Finance within one week. **NOTE: Regardless of whether or not you had any activity, please log in to the system to keep your user ID active.**

Transactions can take from 1-3 days to post; if you made a purchase toward the end of the billing cycle, it may not appear until the next month's statement. All transactions are listed in chronological order so this process can be streamlined if you file your receipts in the same manner.

M. Transaction Coding Process

Reminder: Those individuals who have account coding responsibilities must review Section 4, P-Card Allocation Personnel Responsibilities.

N. Reconciliation Deadlines

The entire process of reconciliation (and approval) must be completed and submitted to the Finance Department **within one week of the billing cycle closing**. Once you have accounted for all transactions noted on the monthly statement and completed the proper coding, create the monthly packet for submission to Finance by printing the expense report and attaching all receipts, credit memos, approvals from IT, and training and travel forms as necessary. Sign the expense report and forward the packet of information to your supervisor for review and approval within two working days after the close of the billing cycle. If you do not have reconciliation/account coding responsibility, you should immediately provide them with this information upon receipt of the monthly statement.

Note: Continued failure to submit your statements in a timely manner will result in your card being canceled.

O. Disputed Items

If there is a discrepancy on the monthly statement, contact the supplier to try and resolve the situation. If successful, make a note on the monthly statement and be sure to verify the correction the following month. If the dispute can't be resolved with the supplier, contact JPMC at 800-316-6056. In some cases you may be required to fax a hard copy inclusive of signature to **866-865-2298**. Disputed items must be reported within 60 days from the statement date. Also notify the P-Card Administrator of any disputes that were filed with JPMC.

P. Abuse Policy

All cardholders and card users are expected to follow Purchasing Card Program policies. Listed below are the actions considered to be abuse of the policy as well as the resulting consequences for the abuse. Consequences will be administered by the P-Card Administrator and/or Human Resources as applicable in accordance with the terms provided in the abuse sections below. Consequences are administrative actions taken in response to p-card abuse. These actions include written notifications of abuse, additional training and/or temporary/permanent suspension of card privileges. Such actions are intended to give cardholders the assistance needed to be in compliance with the policy and to provide accountability for the Program.

Administering consequences shall not preclude the possibility of disciplinary action up to and including termination. The determination and administration of any disciplinary actions resulting from p-card abuse shall be the responsibility of the Human Resources Manager.

Q. Individual Cardholder or Department Card User Abuse:

Level 1 Abuse

1. Failure to follow Internet Guidelines when making Internet Purchases (Reference Section 5).
2. Failure to monitor charging of sales tax that result in charges of \$10 or more of sales tax in a single transaction.
3. Failing to use established city-wide contracts for commodities or services.
4. Splitting transactions to bypass established limits.
5. Making unacceptable purchases as defined in the Purchasing Card Procedure Manual.
6. Failing to protect the p-card.
7. Failing to submit monthly packets to the Finance Department within the given timeframe.

Consequences for Level 1 Abuse:

First and Second incident within a six-month period: Written notification (may be e-mail) will be sent to the cardholder of any infraction with supporting documentation. The cardholder's supervisor will receive a copy of the notification.

Third incident within a six-month period: Temporary (2 week) suspension of P-Card privileges with mandatory re-training. Written notification with supporting documentation will be sent to cardholder, cardholder's supervisor and department head.

Continual abuse may result in extended to permanent suspension of card.

Level 2 Abuse

1. Allowing another individual to use your card
2. Purchasing restricted commodities
3. Failing to obtain receipts

Consequences for Level 2 Abuse:

First incident within a six-month period: Written notification (may be e-mail) will be sent to the cardholder of any infraction with supporting documentation. The cardholder's supervisor will receive a copy of the notification.

Second incident within a six-month period: Temporary (30 day) suspension of P-Card privileges with mandatory re-training. Written notification with supporting documentation will be sent to cardholder, cardholder's supervisor and department head.

Third incident within a six-month period: Loss of P-Card privileges from extended suspension up to permanent loss of privileges. Written notification with supporting documentation will be sent to cardholder, cardholder's supervisor and department head.

Level 3 Abuse

1. Fraudulent Use
2. Using the card to purchase personal items or for personal use
3. Having products shipped to a personal address

Consequences for Level 3 Abuse:

Reported fraudulent use will result in immediate revocation of the card. Written notification of reported fraudulent use will be given to the Department Head and to Human Resources.

All Levels of P-Card Abuse

It is the responsibility of the Department Head and Human Resources to investigate and determine the appropriate disciplinary action up to and including termination for fraudulent or other misuse of card privileges.

R. Frequently Asked Questions

Will having a City credit card affect my personal credit?

No, absolutely not. The Bank has no personal information other than your date of birth that is required for security purposes to verify that you are the cardholder. Additionally, as part of the security check they may ask for the last 4 digits of your access code (typically the last 4 digits of your social security number). We have used the last 4 digits of your employee ID for this purpose. You have been given this information in the event you need to contact the bank; however, it should not be kept with the credit card itself.

What do I do if I find an incorrect charge on my statement?

You should always attempt to resolve an incorrect charge with the supplier first. If you aren't successful, follow the disputed items procedure noted above.

What about an unauthorized charge?

Contact JPMC immediately at 1-800-316-6056 to report unauthorized charges.

What if I lose my card or it is stolen?

Contact JPMC immediately, 1-800-316-6056 to report a lost/stolen card. Within one working day, call or send the P-Card administrator an email notifying them of the lost/stolen card as well.

What if I get charged sales tax?

You should always check your sales receipt before signing and if sales tax is included, ask them to void the transaction and re-process it exclusive of the sales tax. The tax-exempt number is noted on your card; however, the official tax exempt certificate is also available on the intranet in the event the vendor requires one. If you are mailed the sales receipt and it includes the sales tax, contact the vendor and ask them to credit the sales tax.

SECTION 2

ADDITIONAL
INFORMATION

For

CARHOLDER USE SPECIFIC TO
TRAVEL AND/OR
SEMINAR REGISTRATION

A. General

In addition to the benefits provided under Section 1, your card may have also been authorized to allow for travel/expenses and seminar registration. This means you may use the card when traveling for City authorized business.

B. Types of Credit Card Purchases

In addition to the purchases noted in Section 1, examples of purchases that may and may not be made include, but are not necessarily limited to the items listed below. Please note that it is acceptable to use the Internet for all travel related purchases with the exception of per diem and non-reimbursable expenses.

Acceptable Purchase	Unacceptable Purchases
*Airfare	Purchases or expenses for non-City employees and/or family members, including up-charges for larger rooms
*Holding a hotel room	Travel insurance
*Pre-paying for 1 night stay in order to receive a discounted rate for a conference	Prepaying for Hotel for more than 1 night without prior approval from AP
Paying for a hotel room upon checkout if you are the cardholder.	Meals that are included in the City's per diem policy and room service
Seminar registration	
Other transportation costs including taxi fare, tolls, and parking as authorized by the City's policies	

*Note: If you are unable to attend a seminar or other related business travel, **remember to cancel any air fare or hotels that have been booked. Failure to do so may result in being personally responsible for any charges assessed.**

C. Reconciling your Statement

In addition to the procedures noted in Section 1, other documents that must be submitted with your monthly statement are as follows:

Copies of:

- ✓ Approved training and travel form
- ✓ The seminar brochure and/or agenda verifying the dates and location of the seminar
- ✓ **ORIGINAL** Receipts for all charges on the P-Card related to travel; i.e. hotel, parking, etc.

SECTION 3

SUPERVISOR/DEPARTMENT HEAD RESPONSIBILITIES

A. General

As a supervisor and/or Department Head, you have the responsibility of reviewing and approving the monthly statements for various cardholders within your department. A **thorough** and prompt review of these statements is critical to assuring that cards are being used in accordance with the procedures and for City business only. Any suspected fraud, misuse, etc. should be immediately dealt with.

B. Reviewing the Statement

Each transaction appearing on the statement must be reviewed. If the cardholder did not make a note that they are disputing a transaction either because it was unauthorized and/or it was for the incorrect amount, the transaction must meet the following conditions **unless prior approval was obtained from the P-Card Administrator**:

The purchase:

- ✓ Was made for approved City business only
- ✓ Was not split into multiple transactions to stay within the single limit
- ✓ Was not split across days to stay within the single limit
- ✓ Was not split amongst cardholders to stay within the single limit
- ✓ Was not split amongst multiple invoices to stay within the single limit; i.e. look for sequential invoice numbers
- ✓ Was not made to avoid or circumvent the purchasing process
- ✓ Receipt of goods/services have been verified
- ✓ Is accompanied by a receipt or credit memo
- ✓ Is accompanied by written IT approval when applicable

In addition, if the card was used for travel and/or seminar registration the following must be attached:

- ✓ Approved training and travel form
- ✓ The seminar brochure and/or agenda verifying the dates and location of the seminar
- ✓ **ORIGINAL** receipts for all charges on the P-Card related to travel; i.e. hotel, parking, etc.

Once you have verified the above, sign the statement as supervisor and forward the documents to the Finance Department (currently Susan Jordan) **no later than one week following the close of the billing cycle.**

C. Unauthorized/Unacceptable Purchases

If during your review you find purchases that aren't authorized or aren't acceptable, contact the cardholder and the P-Card Administrator (currently Misty Dodge). Continuous misuse of cards can result in the card being canceled and disciplinary action taken up to and including termination.

SECTION 4

P-CARD ALLOCATION/ CODING PERSONNEL RESPONSIBILITIES

A. General

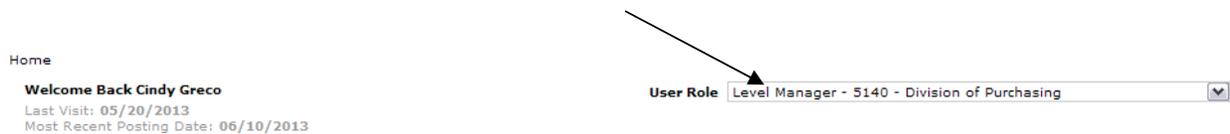
You have been assigned the responsibility of assuring that the p-card expenses for cardholders within your department are coded to the correct account number and have the appropriate description. You are also responsible for compiling the monthly packet submitted to the Finance Department. The online system refers to this role as a level manager.

Some cardholders have been set up with a default account code, normally the account most frequently used. If you are satisfied with the default, simply add a description and move to the next transaction. Otherwise make the changes required to charge the expense to the appropriate account number.

You should receive an email reminder two days after the close of the billing cycle to assure you can complete this process in a timely manner. Completed, approved monthly packets are due to the Finance Department (currently Susan Jordan) within one week of the billing cycle closing.

B. Allocation Process

Use the link available on the intranet to log into SDOL. Once logged in, make sure your User Role is set at Level Manager.



Click on the Financial Tab, then on Account Summary. You should see your department or division name under the Quick Link located in the middle of the screen. If you wish to work on all cardholders at once, click on this link. If you wish to work on a specific cardholder, click on the "Reporting Structure Tree" next to the department/division quick link:



Once you have selected the cardholder(s), you will be at the Transaction Summary screen. Click on the Reporting Cycle, then from the drop down menu select the applicable billing cycle. **Be sure to select the current year.**

Once you've selected your criteria, click on 'Search' and all transactions meeting your criteria will appear. The icons listed in the detail section allow you to do the following:

Once clicked on:

- ✓ The first icon provides transaction detail.
- ✓ The second allows you to allocate expenses across more than one account number (aka splits).
- ✓ The third icon allows you to allocate expenses to a different account string rather than the default (if applicable).

If the right side of the Sales Tax field and below the title "Additional Information" is populated with a small red square, additional detailed transaction information is available. When the icon is clicked, not only will you see the detail but you will also be able to enter additional information in the expense description field. This information is populated when the vendor is what the industry refers to as a Level 3 provider and because there is a cost associated with this, very few vendors have elected to be setup this way. For example, Office Max is a Level 3 vendor and as such provides line item detail for everything within the transaction.

It is recommended that you review the online tutorial for more detailed information. At the home page under the Resource Center, click on "Web Tutorial". Once at the training screen, click on Level Manager; an introduction to the tutorial will play. Once that is complete click on continue; select "Transaction Management" for details on how to edit transactions. If you need additional assistance, you may contact the P-Card Administrator (currently Misty Dodge) for additional training.

When doing your allocations:

- ✓ Once you have made your changes you must click on the Apply button to have them effectuated.
- ✓ You may check the supervisor review box to remind yourself you've completed the process for that transaction, however, once you do so no more changes can be made to the transaction.
- ✓ You only have **one week** after the close of the billing cycle to complete the allocation process, compile the monthly packet, obtain the necessary approvals, and submit the information to the Finance Department.

C, Reports

SDgen2 (aka SDOL) has a number of standard reports that can be viewed online and/or printed. At the home page under the Resource Center, click on "Web Tutorial". Once at the training screen, click on Level Manager; an introduction to the tutorial will play. Once that is complete, click on continue and select "Reporting".

Once all of the online coding is completed, an **expense report** for the cardholder should be printed, signed by the cardholder, and used as the cover page for the monthly documentation packet that is submitted to the Finance Department.

SECTION 5

INTERNET PURCHASING POLICIES

A. Purchasing on the Internet with P-Cards

City p-cards may be used on the Internet if the following criteria are met:

- Method is authorized by the department's internal control procedures
- Purchases cannot exceed \$2,500 for a single transaction unless approved by the P-Card Administrator
- Card must be assigned to a named individual; i.e. "Departmental" cards cannot be used on the Internet
- Cardholder must abide by the same guidelines agreed to on the Cardholder Agreement form
- Cardholder is familiar with guidelines regarding safe purchasing on the Internet as noted below; and
- The Internet site for purchases is secured with safe electronic technology (Secure Sockets Layer or Secure Electronic Transmission protocol).

B. Key Information for Purchasing on the Internet

"Buyer Beware," has long been a principle for commercial transactions. This principle is valid for transactions facilitated through electronic commerce. Although there is no way to completely eliminate all risk from any purchasing activity, the following guidelines are included to increase awareness of Internet purchasing issues:

- Always use a secure Web browser
- Know your merchant
- Ask how information is passed to a merchant and secured on their computer system
- Obtain receipts
- Understand the troubleshooting process
- Protect yourself with current information

C. Always use a secure Web browser

Using any version of Microsoft Internet Explorer as your browser provides you with an added level of security when shopping on the Internet. These browsers use Secure Socket Layer (SSL) technology, a proven and easy-to-use system that lets your browser automatically encrypt or scramble your personal data before sending it to the merchant via the Internet. SSL shows you that a Web site is secure when a lock appears in your browser window (lower right hand corner). You can also look at the URL, or Internet Location, to verify the SSL protocol is in place. Most URL's start with **http://**, but when a site is secure, the URL will start with **https://** ("**s**" stands for secure).

D. Know Your Merchant

When considering an on-line purchase, please consider the following:

First, don't give out your credit card number online unless you have read and understand the company's privacy statement, disclaimer, terms and conditions, warranties **and** you have confirmed that they use safe online shopping technologies like SSL or Secure Electronic Translation (SET). SET is an added layer of protection that is emerging as an industry standard to make online purchasing safer than ever. Merchants who demonstrate they use the best available methods to make your Internet transaction as safe as possible are allowed to display the SET decal on their website. Some sites may claim to be encrypted when they actually are not. If you are not sure, ask for an alternate method of payment. You can check Yahoo! Shopping which lists many of the online merchants who use secure technology for safe electronic transactions (other search engines might have similar lists).

Second, don't judge reliability by how nice or flashy a website may seem. Anyone can create, register and promote a website; it's relatively easy and inexpensive. Most legitimate merchants list their address, phone number and/or contact person. At a minimum, be sure there is a phone number present.

Third, online auction sales remain the number one Internet fraud reported to the National Consumers League's Internet Fraud Watch. Be careful not to be pressured into making an immediate decision. Reputable merchants will be happy to answer all of your questions and give you time to decide.

Last, if you have questions about a merchant, you can check the company's complaint record with the Better Business Bureau (see below for [web address](#)).

E. Ask How Information is Passed to Merchants and Secured

For many Internet purchases, you are asked to use a fill-in form on the merchant's website. Increasingly, merchants allow you to send some information via the fill-in form and to phone in the more sensitive information, in our case, the credit card number. For future purchases, you will usually only need to supply the last four or five digits of the credit card number to verify your identity.

Sometimes a merchant will keep your credit card number on their system in case you want to make additional purchases. How can you be sure the merchant is securing your personal information once it reaches their computer system? Although unlikely, it's possible that information stored in the company's database can be stolen by computer "hackers" or even by dishonest employees. When dealing with an unknown merchant, it might be worth asking the merchant how the information collected about purchasers is maintained in a secured fashion.

F. Obtain Receipts

Every type of p-card transaction must have a receipt. An acceptable receipt for an Internet purchase includes a screen copy of the order form and/or confirmation you receive from the merchant verifying that they received your order. You may receive this confirmation immediately following the submission of the order or it may be sent to your email address at a later date. Receipt must show dollar amount charged, items purchased, and name of company. If there isn't a sufficient description of the purchase noted, please write it in on the receipt.

G. Understand Troubleshooting Process

If you have placed an order online with a merchant and one or more of the following occurs, **call JPMC immediately to cancel your credit card (1-800-316-6056).**

- You don't receive the order within a reasonable amount of time (generally 2 weeks) and you are not receiving returned phone calls from the vendor.
- The phone number on the website is no longer a working number.
- You hear the merchant went out of business.

If it is necessary to cancel your purchasing card as a result of a problem or suspected fraud, call the P-Card Administrator to report the card has been cancelled and to receive help with the dispute process. A replacement purchasing card may be requested.

H. Protect Yourself with Current Information

Because the Internet is changing at such a rapid pace, the risks of Internet purchasing and the techniques you can employ to counteract those risks will be very different in three months, six months, or a year. Following are related links to help you stay informed (not in priority order):

- www.fraud.org - The National Consumers League provides advice about telemarketing and Internet fraud.
- www.BBBOnline.org - The Better Business Bureau (BBB) reliability program for participating online merchant links to central BBB site for reports about businesses and information on how to contact individual BBB across the U.S.

City of Fitchburg Cardholder's Agreement

I have received a purchasing card(s), hereinafter P-Card, for City use, as well as a copy of the "Purchasing Card Procedure Manual". **By signing below I certify that I have read and understand the P-Card Procedure Manual, as well as this Agreement.**

1. I understand that I am being entrusted with a valuable tool and will be making financial commitments on behalf of the City of Fitchburg and will strive to obtain the best value whenever possible.
2. I agree to use this card for approved purchases only and agree not to charge personal purchases under any circumstances. I understand that all charges will be billed to and paid directly by the City. I understand that the bank cannot accept any payment from me directly; therefore, any charges made against my card that are personal will be considered unauthorized.
3. I understand that purchases made on the card are limited as to dollar amounts, and that I have been informed of these limits.
4. I understand there is a specific policy related to Internet purchases that I have read and understand.
5. I understand the card is issued in my name and will not allow any other person to use my card. I agree to maintain the card with appropriate security whenever and wherever I may use the card.
6. I understand that since the card is the property of the City, I am required to comply with internal control procedures which may include being asked to produce the card to validate its existence, account number and produce receipts/statements to audit its use.
7. I understand that I will receive a monthly statement that reports any activity during the statement period. I, or my department designee, will attempt to resolve any discrepancies by contacting the merchant. If unsuccessful, I will contact the City's P-Card Administrator.
8. I understand that my supervisor, Department Head, Finance Department, and Administration may audit card transactions.
9. Failure to follow the P-Card Procedures, including unauthorized use of the card, may be considered, among other things, misappropriation of City funds. Unauthorized use could result in a) immediate and irrevocable forfeiture of the card; b) disciplinary action up to and including termination of employment; or c) other appropriate action as warranted.
10. I understand that the card must be returned / destroyed upon termination of employment whether for retirement, voluntary separation, resignation or dismissal.
11. If the card is lost or stolen, I agree to immediately notify JPMC (P-Card issuer) by calling 1-800-316-6056. Within one working day, I will call or send the P-Card Administrator an email notifying them of the lost/stolen card as well.
12. I understand that continued failure to submit my monthly statement in accordance with the procedures may result in my card being cancelled.

Employee Name (printed)

Employee Name (signed)

Employee Department

Date Signed

Copy: P-Card Administrator, Cardholder

Mayor Steve Arnold
Introduced by

Misty Dodge
Prepared by

Finance Committee
Referred to

April 28, 2015
Date

RESOLUTION R-53-15

RESOLUTION ADOPTING PURCHASING CARD PROCEDURE MANUAL

WHEREAS, the City currently participates in a small credit card program and has several individual store charge accounts set-up through the City; and

WHEREAS, there is an opportunity to expand and refine our existing program to realize significant efficiencies and cost savings; and

WHEREAS, the City can piggy-back on the contract that was bid and negotiated by Waukesha County on behalf of a consortium of Wisconsin municipalities; and

WHEREAS, the only financial cost of the contract is the required annual \$35 fee to become a member of the consortium.

NOW BE IT HEREBY RESOLVED, by the Fitchburg Common Council that it adopts the purchasing card procedure manual.

BE IT FURTHER RESOLVED, by the Fitchburg Common Council that it directs the Finance Director to join the VALUE consortium and enter into an agreement with JPMorgan Chase for participation in their purchasing card program.

Adopted this ____ day of _____, 20__.

Patti Anderson, City Clerk

Steve Arnold, Mayor

City of Fitchburg

Committee of Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **April 28, 2015**
Date to Report: **May 12, 2015**

Ordinance Number:
Resolution Number: R-54-15

Sponsored by: Mayor Arnold

Drafted by: Roach

TITLE: Resolution Adopting Partnership Agreement with Fitchburg Chamber Visitor and Business Bureau to Host “Concerts at McKee”

Background: Concerts at McKee began as a Senior Center sponsored event in 2001. Over time, it has become a very popular community event, and last year the Chamber of Commerce assisted in making Concerts at McKee the most successful season yet. This year, the Senior Center has expressed an interest in becoming less involved, and the Chamber has agreed to partner with the City in the lead coordination role. The City continues to coordinate with the Chamber and CEDA will continued their funding commitment for sponsorship.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance Committee	Roach	May 12, 1015	
2				
3				
4				

Amendments:



Concerts at McKee Partnership

City of Fitchburg (CITY)

Fitchburg Chamber Visitor and Business Bureau (CHAMBER)

Scope

The CITY and CHAMBER desire to coordinate efforts to present “Concerts at McKee”, three times per year, on the third Monday of June, July and August. This event is a family friendly party in the park, featuring food, beverages and music in an outdoor venue.

CITY Responsibilities

Appoint representative(s) to serve on the working committee.

The Parks Department will reserve the dates at McKee Farms Park and will be responsible for site preparation including providing picnic tables, refuse and recycling bins, and access to adequate power for the bands and sound system.

The CITY will waive all fees for park reservations and sound permits.

The CITY will review and approve all intoxicating beverage license requests in accordance with state law and local procedures including temporary operator license and Special Class B permit.

The CITY will not be required to provide additional Police, Fire or EMS services on the day of the events.

The event will be covered by the CITY’s insurance policy. The City will list the CHAMBER as an additional insured onto the policy which would extend protection for these events only.

The CITY’S Community and Economic Development Authority (CEDA) will support the event, financially, with a contribution of \$1,500 annually.

The CITY will promote the event through their web site, Facebook and Twitter accounts.

CHAMBER Responsibilities

Appoint representative(s) to serve on the working committee.

The CHAMBER will be the coordinator for the “day of event” decisions, including cancellation due to weather and final layout of the venue.

Solicit private donations and manage all accounting for the event.

Negotiate and sign contracts for entertainment, sound system, and food and beverage vendors.

Solicit and select a not-for-profit agency to sell beverages. Negotiate agreement for revenue sharing.

The CHAMBER will be primarily responsible for promotion of the event through various media.



Apply for sound permit, and any other City issued permits required for the event.

Cancellation

Either party can cancel this agreement by giving the other party at least 6 months notice.

This agreement was executed in _____, Fitchburg, Wisconsin this
_____ day of _____, 20_____.

City of Fitchburg

Printed Name: _____

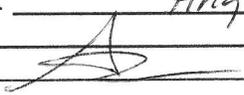
Title: _____

Signature: _____

Fitchburg Chamber

Printed Name: Angela Kinderman

Title: FCVBB Executive Director

Signature: 

DATE: 5/7/2015

TO: FINANCE COMMITTEE

FROM: FINANCE DEPT

FOR FINANCE APPROVAL: OVER \$25,000

	<u>ACCT NO</u>	<u>AMOUNT</u>
MADISON METRO SEWERAGE DISTRICT		
4TH Qtr Service	600-5827-200	\$400,612.58
Citrus Systems - Labs	600-11422	\$620.01
Ecostar - Labs	600-11422	\$647.54
		\$401,880.13
PELLITTERI WASTE SYSTEMS		
May 2015 Refuse Collection	213-5362-290	\$35,342.50
May 2015 Recycling Collection	213-5362-290	\$7,496.18
May 2015 Polystyrene Collection	213-5362-290	\$685.75
May 2015 Hard Plastic Collection	213-5362-290	\$105.50
May 11-15 Brush Collection	213-5362-290	\$7,859.75
May 26-30 Brush Collection	213-5362-290	\$7,859.75
May 11-15 Yardwaste Collection	213-5362-290	\$13,451.25
		\$72,800.68
	TOTAL	\$474,680.81



CITY OF FITCHBURG

MAY 01 2015

RECEIVED

Office of the Mayor

5520 Lacy Road
Fitchburg, WI 53711-5318
Phone: (608) 270-4200
Fax: (608) 270-4212
www.city.fitchburg.wi.us

May 1, 2015

Patti Anderson
City Clerk
City of Fitchburg
5520 Lacy Rd
Fitchburg, WI 53711

Dear Clerk Anderson:

This letter is your notice that I am today vetoing Resolution R-51-15, A Resolution Approving Preliminary Plat of Fahey Fields, which was passed at the Common Council meeting of April 28, 2015.

While I welcome residential development at that location, the plat includes a largely unplanned, future, multifamily lot that meets the density requirement of the McGaw Neighborhood Plan, but would be require another amendment to the Madison Central Urban Service Area. That amendment is unlikely for many years, and as a practical matter, the multifamily development might never occur. I am also troubled by the lack of diversity of lot sizes and building types, by the failure to provide the maximum public park frontage, and by the absence of any LEED-Neighborhood Development features, which is a principle focus of the McGaw Neighborhood Plan. I will offer to work with the developer and planning staff to create a proposed plat that addresses these concerns.

I ask that pursuant to the requirements of Wisconsin Statutes 62.08(c), you present this veto to the Council at its next meeting by placing it on the agenda for discussion and possible action.

Sincerely,

Steve Arnold
Mayor

Plan Commission
Initiated by

Planning Dept.
Drafted by

April 20, 2015
Date

RESOLUTION R-51-15
A RESOLUTION APPROVING PRELIMINARY PLAT FOR FAHEY FIELDS

WHEREAS, Ronald Klaas, agent for Fahey Land LLC, has submitted a request for approval of a preliminary plat (PP-2054-15) for Fahey Fields, and

WHEREAS, the applicant has submitted a phasing plan for staging of public improvements within the plat,

WHEREAS, the Plan Commission has reviewed and recommended approval, with conditions, of the preliminary plat,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Common Council of the City of Fitchburg herewith approves the preliminary plat (PP-2054-15) with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Subdivision Improvement Agreement and park fees will be required to be executed prior to the City signing the final plat.
- 3.) Utility easements shall be shown on the final plat.
- 4.) Rezoning of the property at the time of the final plat to accommodate the uses herein anticipated.
- 5.) Applicant shall work with Public Works on sanitary sewer and watermain layout and sizing.
- 6.) Compliance with conditions of CARPC Resolution 2009-15.
- 7.) The plat may be adjusted depending on the design of the roundabout at Fahey Glen and Nobel Drive.
- 8.) Preliminary Plat provided to the City on April 15, 2015 which includes drainage arrows shall be reviewed by Public Works and may need adjustments depending on Public Works review.
- 9.) Mary Lane shall be used only for one direction of the street (north/south) or (east/west) as there is a clean break at Fahey Glen where the street changes direction. Preliminary Plat shall be updated to recognize this name change and be resubmitted within one week of Plan Commission action for approval by Planning Department.
- 10.) Attend to Park Commission comments and show that the McGaw Park addition is capable of handling the required improvements.

Adopted by the Common Council of the City of Fitchburg this 28th day of April, 2015.

Patti Anderson, City Clerk

Approved: _____

Steve Arnold, Mayor

PENDING REFERRAL ITEMS	
•	Rezone Request RZ-1853-09 by Randy Bruce of Knothe & Bruce Architect, LLC, Agent for McKee Family, LLC, to Rezone from Residential Medium Density (R-M) to Planned Development District General Implementation Plan (PDD-GIP) Property Associated with Lots 53 & 54 of Chapel Valley Plat
•	R-70-14 Resolution Designating Path Location for a Connection to McKee Road from the Military Ridge Path - tabled June 24, 2014
•	2014-O-22 Chapter 54 - Parks, Recreation and Forestry, Article III Division 3. Tree and Shrub Management
•	R-26-15 Authorizing Acceptance of 2015 Contract Bid
•	Rezone/Conditional Use Permit Request RZ/CU-2056-15 by Samina Khan, to Rezone Property Addresses as 6200 Nesbit Road from the B-G (Geberal Business) District to the B-P (Professional Office) District and a Conditional Use Permit to Allow for a Proposed Daycare Use as well as an Existing Personal Training Health Club Use
•	Rezone Request by Craig Raddatz, with Authorization from Hamm Fam Land LLC, to Rezone from the PDD-GIP (Planned Development District - General Implemantation Plan) to the PDD-SIP (Planned Development District - Specific Implemantation Plan) District
•	2015-O-12 An Ordinance Amending Chapter 23 to Article 1 Table 2(g), Article 5 Section 5.6.2(f)(vi), Article 5 Table 21