

**CITY OF EDGERTON  
REGULAR COMMON COUNCIL MEETING  
EDGERTON CITY HALL, COUNCIL CHAMBERS  
12 ALBION STREET**

**Monday, January 3, 2022 at 7:00 p.m.**

**NOTICE:** The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at [www.cityofedgerton.com](http://www.cityofedgerton.com). Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Wednesday, December 29, 2021.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
6. Minutes:
  - A. Consider approval of minutes from December 20, 2021 Council meeting.
7. Committee Reports:
  - A. Finance Committee:
    1. Consider approval of bills and payroll vouchers.
    2. Consider license applications.
    3. Consider Food for Fines program.
    4. Consider "Supersized" ED Grant for 6 W Fulton St.
  - B. Redevelopment Authority:
    1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.
  - C. Fire District:
    1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.
8. Consider second reading and adoption of City of Edgerton Ordinance 21-12: Amend Chapter 12, Section 12.08(13) "Lead and Galvanized Water Service Line Replacement" and Section 12.08(16) "Disconnection of Service" of the Code of General Ordinances.
9. Mayor, alderperson and staff reports.

## 10. Adjourn

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**DECEMBER 20, 2021 COMMON COUNCIL MEETING MINUTES  
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:00 p.m.

Present: Sarah Braun, Casey Langan, Candy Davis, Tim Shaw, Paul Davis and Jim Burdick.

Others Present: City Administrator Ramona Flanigan, Clerk/Treasurer Cindy Hegglund, Police Chief Robert Kowalski, Municipal Services Director Howard Moser, Library Director Kirsten Almo, City Attorney Bill Morgan, and a few citizens.

Hegglund confirmed the meeting agendas were properly posted on Friday, December 17, 2021 at the Post Office, Edgerton Library, City website, and City Hall.

**ACCEPT THE AGENDA:** A Sarah Braun/Tim Shaw motion to accept the agenda as printed passed, all voted in favor.

**MINUTES:** A Sarah Braun/Casey Langan motion to approve the minutes from the December 6, 2021 Common Council meeting passed, all voted in favor.

A Casey Langan/Jim Burdick motion to approve the minutes from the December 9, 2021 Special Common Council meeting passed, all voted in favor.

**COMMITTEES:**

**Finance Committee:** A Candy Davis/Tim Shaw motion to approve the bills and payroll list in the amount of \$342,163.52 passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to adopt City of Edgerton Resolution 23-21: Extending the life of Tax Incremental District #8 to fund the Edgerton Affordable Housing Improvement Program passed on a 6/0 roll call vote.

A Candy Davis/Tim Shaw motion to approve the write-off of the Edgerton Area Chamber of Commerce's obligation for the Depot renovation in the amount of \$13,296.09 passed on a 5/0/1 roll call vote. Sarah Braun abstained from the vote.

**Personnel Committee:** A Candy Davis/Jim Burdick motion to approve the Personnel Policy Manual amendment to Section 5.2.1 Compensatory Time passed on a 6/0 roll call vote. (See attached)

A Candy Davis/Sarah Braun motion to approve the Personnel Policy Manual amendment to Section 5.5 In-charge Pay passed on a 6/0 roll call vote.

A Candy Davis/Jim Burdick motion to approve the Personnel Policy Manual amendment to Section 5.7 Health Insurance passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the Personnel Policy Manual amendment to Section 5.8.1 PTO passed on a 6/0 roll call vote.

A Candy Davis/Jim Burdick motion to approve the Personnel Policy Manual amendment to Section 6.4 Tenure Pay passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to adopt City of Edgerton Resolution 24-21: 2022 Salary Resolution passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the Personnel Policy Manual amendments to Sections 5.8, 5.9 and 5.10 passed on a 6/0 roll call vote.

**Utility Commission:** Ramona Flanigan reported the City replaced 100 private side water laterals using DNR grant funding this year. That same grant will be applied for in 2022 and the hope is to replace at least 100 more laterals. It is anticipated the DNR will require municipalities to pass an ordinance requiring homeowners to replace their lead laterals. Staff felt passing an ordinance now would improve the efficiency of the current replacement program and improve the City's chance of getting another DNR grant. Also, if the city decides to use rate payer's funds to pay for the replacement of any portion of private laterals, the PSC will require this ordinance be in place.

A Paul Davis/Casey Langan motion to introduce and approve the first reading of City of Edgerton Ordinance 21-12: Amend Chapter 12, Section 12.08(13) "Lead and Galvanized Water Service Line Replacement" and Section 12.08(16) "Disconnection of Service" of the Code of General Ordinances passed on a 6/0 roll call vote.

Staff presented some options for funding the private-side lateral replacement for non-residential properties since the DNR grants will not pay for non residential properties. The first option would be to have the owners pay for the replacement through a special assessment process. The second option would be for the City to adopt a policy that allows the utility to pay for 50% of the cost, and the other 50% could be paid for by the property owner or ARPA funds. This option would require an ordinance and also PSC approval. The last option would be to cover the entire cost with ARPA funds. Council would need to approve the use of ARPA funds for that purpose.

A Candy Davis/Paul Davis motion to fund private side commercial lead lateral replacements using 50% rate payer funds and 50% ARPA funds passed on a 6/0 roll call vote.

**ELECTION WORKER APPOINTMENTS:** A Sarah Braun/Tim Shaw motion to approve the 2022-2023 appointment of election workers passed on a 5/0/1 roll call vote. Candy Davis abstained.

Being no other business before the Council, a Casey Langan/Sarah Braun motion to adjourn passed, all voted in favor.

Cindy Hegglund/wl  
City Clerk-Treasurer

Adopted January 3, 2022

**CITY OF EDGERTON ORDINANCE No. 21-12**

**AN ORDINANCE TO AMEND CHAPTER 12, SECTION 12.08 (13) "LEAD AND GALVANIZED WATER SERVICE LINE REPLACEMENT" AND SECTION 12.08(16) "DISCONNECTION OF SERVICE" OF THE CODE OF ORDINANCES**

WHEREAS, the risk of lead exposure from corroding lead or galvanized drinking water service laterals is well documented; and

WHEREAS, the City of Edgerton has many privately-owned existing lead or galvanized water service laterals which require replacement; and

WHEREAS, the City of Edgerton must meet the Wisconsin Department of Natural Resource requirements for local compliance with the Federal Lead and Copper Rule; and

WHEREAS, Chapter 12 of the Code of Ordinances regarding water utility regulations currently does not require property owners to replace their lead or galvanized water service laterals; and

WHEREAS, the City is responsible to providing safe drinking water to our residents and daycare centers; and

WHEREAS, the Common Council of the City of Edgerton has determined that for the health and safety of the residents of the City, particularly the children of the City, that it is necessary to require the replacement of lead and galvanized water service laterals.

NOW, THEREFORE, the Common Council of the City of Edgerton, Wisconsin does hereby ordain as follows:

Chapter 12 Municipal Water Utility – Section 12.08 Service Laterals shall be amended by adding the following:

(13) Lead or galvanized water service line replacement.

- (a) INTENT AND PURPOSE. For purposes of this Section, lead refers to lead, galvanized and any material that cannot meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule. The common council of the city finds that it is in the public interest to establish a comprehensive program for the removal and replacement of both the public-side and the customer-side lead and galvanized pipe water service lines and, to that end, declares the purposes of this section to be as follows:
- 1) To ensure that the water quality at every tap of utility customer meets the water quality standards specified under the federal law;
  - 2) To reduce the lead in city drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of city residents;
  - 3) To eliminate the constriction of water flow caused by mineral rich groundwater

flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and

- 4) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80—141.90 and Wis. Admin. Code §§ NR 809.541 —809.55).

(b) AUTHORIZATION. This ordinance is enacted pursuant to Sec. 62.11(5) and Sec. 281.12(5), Wis. Stats.

(c) IDENTIFICATION OF LEAD SERVICE LINES.

- 1) Upon notice from Edgerton Utilities, any person or entity who owns, manages or otherwise exercises control over a property connected to the Edgerton Utilities water distribution system shall allow Edgerton Utilities to inspect the customer-side service line to determine the material of construction as authorized pursuant to Wis. Stats. § 196.171 et seq. *Customer-side water service line* means the water conduit pipe running from the customer's meter to the curb stop which is the water utility shut-off valve usually located behind the curb on public property.
- 2) Right of entry. In accordance with Section 12.14(1), representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for inspection of service line. If entry is refused, such representatives may disconnect water service in accordance with Section 12.16 or shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served with a special inspection warrant shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- 3) Edgerton Utilities shall create and maintain a record of the location of all identified lead service lines in the City of Edgerton.
- 4) Edgerton Utilities shall provide notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the Edgerton Utilities water distribution system that has been inspected and determined to be constructed of lead.

(d) REPLACEMENT OF LEAD SERVICE LINES.

- 1) Annually, the Utility shall create a list of all lead or galvanized customer-side water service lines to be replaced during that calendar year, and a replacement project timeline. These service lines shall be selected based on factors to include water main replacement projects, available funding for public-side water service lines, available grant funding, and regulatory requirements.
- 2) ~~Where the Water Utility is replacing the lead public-side water service line and the customer-side water service line is lead or galvanized, the owner of the customer-side water lateral shall, at the owner's expense, replace the customer-side lead service.~~ In all cases, the Utility shall supply an appropriate connection point as part of its work. The owner of the customer-side lateral may elect to:
  - a. Contract with a licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner unless financial assistance is provided in accordance with Section 3). below. Within 30 days of the giving of notice of deficiency under subsection (2)(a) of this section, proof of

arrangements for repair shall be provided to the Utility and within 30 days of the giving of notice the repairs shall be completed.

- b. Have the Utility's contractors, if available, complete the repair.
    - i. The Utility may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the customer-side water lateral.
    - ii. If available, and should the owner of the customer-side water lateral select this option, the owner will be charged the entire cost of making the repair, unless financial assistance is provided in accordance with Section 3) below. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed through a special assessment, as provided in Section 4.11 of the Code of General Ordinances.
- 3) The Utility may provide financial assistance to the owner of the property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead. The financial assistance must satisfy all the following conditions:
- a. Any loan provided may not be forgiven by the Utility or the City;
  - b. Grants not using rate payer funds may be provided;
  - c. The amount of financial assistance must be the same for each owner in a customer class, regardless of the replacement process, be it a fixed amount or a percentage of the replacement cost; and
  - d. If grant funding is not available, the financial assistance program using rate payer funds must not exceed 50% of the cost of the customer side replacement and must be approved by the Public Service Commission of Wisconsin

(e) **AUTHORITY TO DISCONTINUE SERVICE.** As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal private water laterals, the Utility may, no sooner than 30 days after the giving of notice as provided in subsection (c)(4) of this section, discontinue water service to such property served by illegal private water lateral after reasonable notice and an opportunity for hearing before the City Utility Commission under Wis. Stats. ch. 68.

#### **12.16 Disconnection of Service**

##### **(2)(e) violation of 12.08(13) Lead or Galvanized Water Service Line Replacement**

This Ordinance shall be in full force and effect after its passage and publication.

Motion by Alderperson:

Seconded by Alderperson:

Roll Call:   Ayes       Noes

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Christopher Lund, Mayor

1st Reading: December 20, 2021

2nd Reading:

Adopted:

Published:

Dated:

\_\_\_\_\_  
Ramona Flanigan, City Administrator

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK )

I, Ramona Flanigan, City Administrator, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the \_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Ramona Flanigan, City Administrator