



Coldwater Seals, Inc.
1396 Chattahoochee Ave.
Atlanta, Georgia 30318 USA
TEL: (404)842-0012 Ext 103 FAX: (404)842-0025
Echols@coldwatergroup.com

May 24, 2018

Paula Vandehey
Director of Appleton Public Works
100 North Appleton Street
Appleton, WI 54911

Dear Ms. Vandehey,

My name is Debra Echols and I am the Controller for Coldwater Seals Inc., who leases a location from Coenen Properties, at 1850 W. Reeve Street, Appleton, WI 54914. We have been leasing this property since November 2007 and have been paying Appleton's Finance Department for water and sewer services since that time. The service address on the bill has always indicated the address of 1850 W. Reeve Street, and the bill has never referenced and or indicated that we were actually paying for two locations regarding the Stormwater bill. In January of this year, we received a letter from Sue Olson, your Project Engineer, that the City of Appleton was updating your commercial accounts in the Stormwater Utility billing database. At that time, I forwarded the letter to the owner of the property, Matt Coenen, for his review and opinion on the changes that your engineer wanted to make to our account. The letter from Ms. Olsen, did not seem correct to Matt, which caused him to go down to the Finance Department to discuss further with someone there for clarification. It was discovered at that time that we had been paying for two properties since 2007, for the Stormwater expense for our location, as well as the building in the middle of the property, which is occupied by Badger Plug. There was no way possible for our Accounts Payable, or myself to have ever known that we were paying for two properties, because the address on the bill states 1850 W. Reeve Street. When I do the math, it appears that we have overpaid for the Stormwater usage to Appleton around the amount of \$9,901.20 (10 years x 4 quarters at \$247.53 per quarter). On March 30, 2018, Judy Hackl sent us a letter advising that she had credited our account for \$357.35 for the Stormwater billing error but did not indicate any other future credits for this account.

Upon further investigation of the Stormwater charges, Mr. Coenen relayed to us that the City of Appleton can go back 6 years on a billing error like ours and can issue a credit/refund to a customer for this kind of mistake. We were also advised by him that you would be having two public hearings that are scheduled for June 12th and July 12th, in which at one of these hearings this billing error can be addressed and resolved. Ms. Vandehey, I am reaching out to you to request if you would investigate for us, and to put us on the list for one of the public hearings, in hopes of at least getting us the 6 years credit/refund of \$5,940.72, that we are entitled. If there would have been any way that we could have determined that we were paying for 2 locations on our invoices, we would have inquired about this in 2007, but unfortunately there was not. Even our facility manager, Patty VerVoort, had no way of knowing that we were paying for Badger

Plugs Stormwater expense, since we were only paying our own water and sewer charges on our bill.

Please contact me to let me know what we need to do to go forward, and hopefully reach an agreement with you on a credit/refund that is due to Coldwater Seals, Inc. My contact information is stated above, and I would appreciate it if you would contact me at your earliest convenience to discuss. I would also like to know at the time you contact me, whether we would have to have someone at the hearing, or if this letter will be sufficient.

I have attached an old bill, the Stormwater billing notification, and the letter from Judy Hackl for your review.

Sincerely,

A handwritten signature in cursive script that reads "Debra Echols".

Debra Echols
Corporate Controller

Cc: Matt Coenen



"...meeting community needs...enhancing quality of life."

CITY OF APPLETON
FINANCE DEPARTMENT
100 N. APPLETON STREET
APPLETON, WI 54911

March 30, 2018

Coldwater Seals Inc
1396 Chatthoochee Av
Attn: Angela Foster
Atlanta, GA 30318

Re: Stormwater Credit for Parcel #31-5-1463-02
Account # 106-220-300 @ 1850 W. Reeve St

Angela:

It was recently brought to the City's attention that the stormwater charges for the above mentioned parcel have been billed to you incorrectly. We had previously included stormwater charges for 1830 W. Reeve St on your account. In cases such as these, the Wisconsin Public Service Commission (PSC), which regulates municipal utilities, authorizes collection or refunds of amounts after discovery of such errors. We have credited your account \$357.35 for the last two billing cycles as a courtesy to you. I have included a spreadsheet with these calculations.

The impervious surface on this parcel has been measured in GIS on aerial photography as 20,997 square feet.

The Stormwater Utility billing is based on an ERU-Equivalent Runoff Unit. One ERU is 2,368 square feet. The impervious surface divided by 2368 equals the number of ERU's. The current rate of \$155.00 per ERU per year has been in place since July 1, 2013 and is subject to change by the Common Council. If you have any questions regarding the measurements, please contact Sue Olson @ 920-832-6473 or email sue.olson@appleton.org.

I apologize for any inconvenience this may have caused. If you have any further questions regarding the credit amount, please contact Kelli Rindt/Enterprise Account Manager @ 920-832-6316. Thank you.

Sincerely,

Judy Hackl
Utility Billing Clerk



Finance Department
SERVICE INVOICE

RECEIVED JAN 03 2017

COLDWATER SEALS INC
1396 CHATTHOOCHEE AV
ATTN: ANGELA FOSTER
ATLANTA GA 30318

Date Due 1/20/17	Amount Due 582.69
Account Number 106-220-300	Parcel Number 31-5-1463-02
Billing Date: 12/31/16	Billing Period: 9/01/16 to 12/01/16
Readings in 100's of CF Current:	Readings in 100's of GAL Current: 227.0
Previous:	Previous: 184.0
Billing Consumption in 100's of Cubic Feet	
Water: 5.7	Sewer: 5.7

SERVICE ADDRESS:
1850 W REEVE ST

Late Payment Charge of 1% per month will be added on all outstanding balances.

110 WATER VOLUME CHG.		25.93
120 WATER BASE CHARGE		21.90
130 HYDRANT FEE (PFP)		14.58
TOTAL WATER SERVICES		62.41
210 SEWER VOLUME CHG.		11.62
220 SEWER BASE CHARGE		13.60
TOTAL SEWER SERVICES		25.22
710 STORMWATER CHARGE	6.7 ERU	247.53
	6.7 ERU	247.53
TOTAL STORMWATER SERVICES	(ERU daily base rate is \$0.424657534)	495.06

1/15/17

T O T A L D U E \$ 582.69

PROPERTY OWNERS WILL BE NOTIFIED OF ALL DELINQUENT ACCOUNTS!
THE TIME TO WATER YOUR LAWNS OR FILL YOUR POOLS MAR 10-AUG 31

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Available Payment Options:

*Make checks payable to: City of Appleton

ACCOUNT NUMBER:	106-220-300
DATE DUE:	1/20/17
AMOUNT DUE:	582.69

- By Mail - PO Box 1217, Appleton, WI 54912-1217
- In Person - Hours, location, and after-hour drop box information on reverse side
- Electronic Fund Transfer - Information on City website www.appleton.org/government/finance/city-services-invoices for future billings
- Credit Card - See payments on City's website at Appleton.org. A convenience fee will be applied.

See Reverse Side For Other Information

COLDWATER SEALS INC
1396 CHATTHOOCHEE AV
ATTN: ANGELA FOSTER
ATLANTA GA 30318

CITY OF APPLETON
 CALCULATION OF OVERBILLING FOR STORMWATER FOR PARCEL 31-5-1463-02
 ACCOUNT # 106-220-300

STORMWATER

DATES OF	BILLING	CORRECT		OVERBILLED		DAYS IN BILLING	DAILY	
		ERU	BILLED	ERU				
9/26/17 - 12/27/17	12/31/17	8.9	13.4	-4.5	93	0.424657534	(177.72)	
6/24/17 - 9/25/17	9/30/17	8.9	13.4	-4.5	94	0.424657534	(179.63)	
					OVERBILLED		(357.35)	



RECEIVED JAN 29 2013

Finance Department
100 N. Appleton Street
Appleton, WI 54912
Phone: (920)-832-6442

StormWater Billing Notification

COLDWATER SEALS INC
1396 CHATTHOOCHEE AV
ATTN: ANGELA FOSTER
ATLANTA, GA 30318

The City of Appleton is working on a multi-year project to update the commercial accounts in the Stormwater Utility billing database. The City has had a Stormwater Utility since 1996 and many properties have not been reviewed since the initial set up. Billing is based on the square footage of impervious surface on a parcel. Per the ordinance, impervious surfaces include roof, concrete, asphalt, and gravel. The City uses site plans, aerial photography, and GIS to measure the amount of impervious surface.

The City has the following information for your account:

Tax Key 31-5-1463-01 Utility account number: 106-220-300

Current Billing:

Roof: 14,060 square feet Concrete, Asphalt, Gravel: 1,880 square feet

Proposed Billing:

Roof: 9,276 square feet Concrete, Asphalt, Gravel: 9,166 square feet

The Stormwater Utility billing is based on an ERU – Equivalent Runoff Unit. One ERU is 2368 square feet. By adding the roof and concrete/asphalt/gravel together and dividing by 2368, the ERU's can be determined. The current rate of \$155.00 per ERU per year has been in place since July 1, 2013 and is subject to change by the Common Council.

The new areas will take effect March 1, 2018. If you have any questions, please call me at 920-832-6473.

Thank you,

Sue Olson
Project Engineer

APPLETON CODE

ERUs imposed		
Classification	Public Road	Private Road
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	Actual impervious area of the property using aerial photography	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x <u>impervious area</u> ERU	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x <u>impervious area</u> ERU
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process and/or best available information.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

(f) The minimum charges for any parcel shall be equal to the rate of four-tenths (0.4) of one (1) ERU. (Ord 123-07, §1, 8-7-07; Ord 136-08, §1, 10-7-08; Ord 23-

11, §1, 1-11-11, Ord 100-13, §1, 1-1-15, Ord 51-15, §1, 6-9-15; Ord 43-16, §1, 5-1-16)

Sec. 20-238. New construction.

(a) The property owner shall be responsible for completing the stormwater utility service application form any time a building permit is issued, exclusive of those issued to existing single family residences, or a site plan review is conducted. The form shall be provided by the Division of Inspections with each application for a building permit (exclusive of building permits for single family residences) or application for site plan review. Failure to submit a completed stormwater utility service application form or providing false information on said form, shall result in the penalty as provided in §1-18 of the Municipal Code. (Ord 129-95, §1, 12-9-95; Ord 132-96, §1, 12-18-96)

(b) The owner shall also be liable for stormwater charges, under this ordinance, for the improvement from the date construction of the improvement began.

Sec. 20-239. Method of appeal.

(a) The Stormwater Utility charge may be appealed as follows:

- (1) A written appeal shall be filed with the City Clerk prior to the utility charge due date; or
- (2) Within thirty (30) days of payment, a written challenge to the stormwater charge must be filed with the City Clerk on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within thirty (30) days of payment waives all rights to later challenge the charge.

(b) The committee of jurisdiction will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The committee may act with or without a hearing, and will inform the customer in writing of its decision.

(c) The customer has thirty (30) days from the decision of the committee to file a written appeal to the Common Council.

(d) If the Council or the committee determine that a refund is due the customer, the refund will be applied as a credit on the customer's next quarterly stormwater billing, if the refund will not exceed the customer's next quarterly stormwater billing, or will be refunded at the discretion of the Director of Finance.