



AGENDA
COMMON COUNCIL
Tuesday, August 21, 2012

To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Peter Hintz, Alderman, 2nd District
Ruth Dawidziak, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Tom Preusker, Alderman, 4th District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council minutes for August 7, 2012. (*R. Dawidziak*)
6. Letters and Communications: (*T. Vos*)
 - A. A memorandum from Alderman Hintz regarding his absence from the August 21 meetings.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-2: (*S. Rauch*)
 - Report 1 – Committee of the Whole minutes, August 7, 2012
 - Report 2 – Primary Election Report, August 14, 2012
9. Payment of Vouchers. (*K. Simenson*)
10. Licenses and Permits. (*T. Preusker*)
11. Appointments and Nominations: None
12. Public Hearings: None

13. **RESOLUTIONS:**

- A. Resolution 4571(22) to approve a two-year agreement for Public Works services with Wanasek Corporation. This item was discussed at the August 7, 2012 Committee of the Whole meeting. *(R. Prailes)*

14. **ORDINANCES:**

None

15. **MOTIONS:**

None

16. **ADJOURN INTO CLOSED SESSION** *(E. Johnson)*

1. Wis. Stats 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.

- To discuss the Police Chief contract.

17. **RECONVENE INTO OPEN SESSION** *(R. Dawidziak)*

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** *(T. Vos)*

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

| | |
|--|---------------------------------|
| Common Council Agenda Item Number: 5 | Date: August 21, 2012 |
| Submitted By: Beverly R. Gill, City Clerk | Subject: Meeting Minutes |

Details:

Attached please find the minutes from August 7, 2012 Common Council meeting. Staff recommends approval of these minutes.

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Common Council approve these minutes at the August 21, 2012 Common Council meeting.



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**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
August 7, 2012**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:56 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Tom Preusker, Katie Simenson
Excused: Steve Rauch

Also present: City Attorney John Bjelajac, Police Chief Peter Nimmer, Library Director Gayle Falk, Fire Chief Dick Lodle, Assistant to the Administrator Megan Watkins, Treasurer Steve DeQuaker, Streets and Parks Supervisor Dan Jensen

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Miller led the council, staff and audience in the Pledge of Allegiance

3. CITIZEN COMMENTS

None

4. CHAMBER OF COMMERCE REPRESENTATIVE

None

5. APPROVAL OF COUNCIL MINUTES FOR JULY 17, 2012

A motion was made by Hintz with a second by Vos to approve the minutes from July 17, 2012. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Dawidziak with a second by Hintz to accept the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Simenson reported on a dead bush located in the utility easement before Traveller's Run which needs to be replaced. She also reported on tall weeds near the railroad station area.

Johnson questioned how the Girl Scout's rain garden is doing in Echo Park. Jensen replied that a downspout was being installed and reported the garden is well maintained.

Vos asked if the Milwaukee Avenue construction project is on schedule. The mayor replied that it is on schedule and right where they had anticipated it to be at this time on the project.

Preusker reported on a problem with the traffic light on Milwaukee Avenue and Grove Street. He had observed the traffic lights in the evening switching to a flashing yellow on Milwaukee Avenue with a flashing red on Grove. He considered it a dangerous intersection as drivers are thinking all of the lights are flashing red. Preusker's suggestion would be to either stay on a four-way red or leave it on a normal cycle.

Simenson was concerned that at the exit of Walgreens that a "dip" in the road not be created as the city had to pay to correct the previous problem with a low entrance.

Dawidziak reported on the "City-wide Block Party" being planned. Due to the cancellation of the 4th of July Fireworks, an alternate date was being planned. Dawidziak said Fun Services of Oak Creek will provide bounce houses, inflatable obstacle courses and carnival-type games. She said that both the Rotary Club and Lion's club were interested in providing food and beverages. The fireworks are scheduled for dusk with a movie in the park to follow.

Simenson questioned the cost of the block party. The mayor did not have all of the figures but anticipated a cost of \$2,500.

8. REPORTS 1-8

A motion was made by Vos with a second by Johnson to approve Reports 1-8. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Simenson with a second by Hintz to approve vouchers, pre-paid and reimbursements in the amount of \$754,295.56 Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Preusker, Simenson Nay: None Motion carried 7-0

10. LICENSES AND PERMITS

A motion was made by Preusker with a second by Hintz to approve licenses as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Prailes with a second by Johnson to approve the appointments as presented. With all in favor, the motion carried.

12. PUBLIC HEARING "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING AN AMENDMENT TO THE MUNICIPAL CODE TO ADD SECTIONS 315-26(37) AND 315-27D(31) ALLOWING FOR OUTSIDE SEATING

The mayor opened the public hearing at 7:08 p.m. There was no discussion. A motion was made by Johnson with a second by Simenson to close the public hearing. With all in favor, the public hearing closed at 7:09 p.m.

13. RESOLUTIONS

A. RESOLUTION 4567(18) "A RESOLUTION TO APPROVE THE AWARD OF BID FOR THE REPLACEMENT OF THE LIBRARY ROOF TO CARLSON RACINE ROOFING FOR THE NOT-TO-EXCEED AMOUNT OF \$53,000"

A request for a second reading and a motion to approve was made by Hintz with a second by Vos. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Preusker, Simenson Nay: None Motion carried 7-0

B. RESOLUTION 4568(19) "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER ONE WITH R.R. WALTON FOR THE 2012 CITY IMPROVEMENT PROJECT IN THE AMOUNT OF \$9,083.27"

A request for a second reading and a motion to approve was made by Dawidziak with a second by Vos. Discussion: Simonsen questioned the logic in approving a resolution for work that had already been completed. Jensen explained that issues do emerge on construction sites and decisions have to be made which can lead to change orders. The mayor added that because it is the wish of the council not to address agenda items from the Committee of the Whole the same night as the Common Council, that also contributes to the problem. Vos commented that he felt the process works and change orders are common to the construction industry. Vos felt if the change orders were too numerous then it may be necessary to take a look at the engineering. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Preusker, Simenson Nay: None Motion carried 7-0

C. RESOLUTION 4569(20) "A RESOLUTION TO APPROVE A REVISION TO THE CITY OF BURLINGTON FIRE DEPARTMENT BYLAWS"

A request for a second reading and a motion to approve was made by Vos with a second by Simenson. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Preusker, Simenson Nay: None Motion carried 7-0

D. RESOLUTION 4570(21) "A RESOLUTION TO APPROVE A REVISED COMPREHENSIVE SIGN PLAN FOR BMO HARRIS BANK LOCATED AT 1000 MILWAUKEE AVENUE"

A request for a second reading and a motion to approve was made by Simenson with a second by Johnson. With all in favor, the motion carried.

14. ORDINANCES

A. ORDINANCE 1954(8) "AN ORDINANCE TO AMEND SECTION 315-26D IN THE B-1 DISTRICT AND SECTION 315-27D IN THE B-2 DISTRICT TO ALLOW FOR OUTDOOR SEATING WITH CONSUMPTION OF FOOD AND BEVERAGES"

A request for a second reading and a motion to approve was made by Preusker with a second by Simenson. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Preusker, Simenson Nay: None Motion carried 7-0

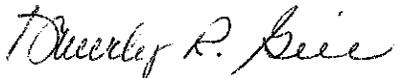
15. MOTIONS

A. MOTION 12-748 "AN ORDINANCE TO AMEND SECTION 315-26D IN THE B-1 DISTRICT AND SECTION 315-27D IN THE B-2 DISTRICT TO ALLOW FOR OUTDOOR SEATING WITH CONSUMPTION OF FOOD AND BEVERAGES"

A motion was made by Prailes with a second by Hintz to approve Motion 12-748. With all in favor, the motion carried.

16. ADJOURNMENT

A motion was made by Johnson with a second by Hintz to adjourn the meeting. With all in favor, the motion carried and the meeting adjourned at 7:23 p.m.



Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties



Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

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|--|--------------------------------|
| Common Council Agenda Item Number: 6A | Date: August 21, 2012 |
| Submitted By: Alderman Peter Hintz | Subject: Communications |

Details:

Communication A – Alderman Peter Hintz will be unable to attend the August 21, 2012 Committee of the Whole and Common Council meetings.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept this communication at the August 21, 2012 Common Council meeting.

To: Mayor, City of Burlington
Aldermen, City of Burlington

From: Alderman Peter Hintz

PH

Date: August 14, 2012

Re: City Council meeting

Please be advised that I will not be in attendance at the City Council meeting scheduled for Tuesday, August 21, 2012.



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| Common Council Agenda Item Number: 8 | Date: August 21, 2012 |
| Submitted By: City Staff | Subject: Reports 1-2 |

Details:

Attached please find the following reports:

Report 1 – Committee of the Whole minutes, August 7, 2012
Report 2 – Primary Election Report, August 14, 2012

Options & Alternatives:
N/A

Financial Remarks:
None.

Executive Action:
Staff recommends that the Council accept these reports at the August 21, 2012 Common Council meeting.

AUGUST 14, 2012 PRIMARY RESULTS

| | POLLING PLACE #1 | POLLING PLACE #2 |
|------------------------------|---------------------------|---------------------------|
| | DISTRICT 1 & 2 | DISTRICT 3 & 4 |
| | WARDS 1,2,3,4 | WARDS 5,6,7,8 |
| REGISTERED VOTERS | 2878 | 3210 |
| VOTES CAST | 654 | 832 |
| PERCENT | 22.72% | 25.92% |
| PARTY PREFERENCE | | |
| REPUBLICAN | 291 | 293 |
| DEMOCRATIC | 61 | 44 |
| CONSTITUTION | 0 | 0 |
| AMERICANS ELECT | 1 | 0 |
| REPUBLICAN PARTY | | |
| CONGRESSIONAL | | |
| UNITED STATES SENATOR | | |
| Eric Hovde | 163 | 183 |
| Mark W. Newmann | 124 | 164 |
| Tommy G. Thompson | 169 | 228 |
| Jeff Fitzgerald | 94 | 140 |
| Write-in | 2 | 1 |
| Over-Vote | 1 | 0 |
| Under-Vote | 6 | 18 |
| CONGRESS DISTRICT 1 | | |
| Paul Ryan | 423 | 603 |
| Write-In | 6 | 6 |
| Over-Vote | 0 | 0 |
| Under-Vote | 130 | 125 |
| ASSEMBLY DISTRICT 63 | | |
| Robin J. Vos | 439 | 596 |
| Write-in | 8 | 90 |
| Over-Vote | 0 | 129 |
| Under-Vote | 112 | |
| DISTRICT ATTORNEY | | |
| W. Richard Chiapete | 351 | 516 |
| Write-in | 3 | 2 |
| Over-Vote | 0 | 0 |
| Under-vote | 205 | 216 |
| CLERK | | |
| Wendy M. Christensen | 408 | 567 |
| Write-in | 2 | 1 |
| Over-Vote | 0 | 0 |
| Under-Vote | 149 | 166 |

| | POLLING PLACE #1 | POLLING PLACE #2 |
|------------------------------|------------------|------------------|
| TREASURER | | |
| Jane Nikolai | 395 | 569 |
| Write-in | 2 | 0 |
| Over-Vote | 0 | 0 |
| Under-Vote | 162 | 165 |
| REGISTER OF DEEDS | | |
| Tyson Fettes | 403 | 575 |
| Write-in | 2 | 2 |
| Over-Vote | 0 | 0 |
| Under-Vote | 154 | 157 |
| DEMOCRATIC PARTY | | |
| CONGRESSIONAL | | |
| UNITED STATES SENATOR | | |
| Tammy Baldwin | 78 | 85 |
| Write-in | 0 | 0 |
| Over-Vote | 0 | 0 |
| Under-Vote | 12 | 10 |
| CONGRESS DISTRICT 1 | | |
| Rob Zerban | 67 | 73 |
| Write-in | 0 | 0 |
| Over-Vote | 0 | 0 |
| Under-Vote | 23 | 22 |
| ASSEMBLY DISTRICT 63 | | |
| Kelley Albrecht | 73 | 76 |
| Write-in | 0 | 0 |
| Over-Vote | 0 | 0 |
| Under-Vote | 17 | 19 |
| DISTRICT ATTORNEY | | |
| Write-In | 3 | 2 |
| Over-Vote | 0 | 0 |
| Under-Vote | 87 | 93 |
| Clerk | | |
| Write-in | 5 | 3 |
| Over-Vote | 0 | 0 |
| Under-Vote | 85 | 92 |
| TREASURER | | |
| Write-in | 3 | 3 |
| Over-Vote | 0 | 0 |
| Under-Vote | 87 | 92 |
| REGISTER OF DEEDS | | |
| Write-in | 3 | 3 |
| Over-Vote | 0 | 0 |
| Under-Vote | 87 | 92 |
| | | |
| | | |



City Clerk

300 N. Pine Street, Burlington, WI, 53105
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|--|------------------------------|
| Common Council Agenda Item Number: 10 | Date: August 21, 2012 |
| Submitted By: Beverly R. Gill, City Clerk | Subject: Licenses |

Details:

OPERATOR'S LICENSES FOR APPROVAL

Benkendorf, Ryan M.
Blakely, Nicole C.
Doleshal, Kaylie E.
Ostrander, Nichole M.
Rash, Victoria E.
Stilltner, Mark A.
Vyvyan, Christine M.

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business license fees are calculated on a case by case basis depending on the type of license applied for.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the August 21, 2012 Council meeting.



CITY OF BURLINGTON

Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

| | |
|--|---|
| Common Council Item Number: 13A | Date: August 21, 2012 |
| Submitted By: Dan Jensen, Public Works Supervisor | Subject: Resolution 4571(22) to consider awarding a street sweeping contract to Wanasek Corporation for 2012 to 2014 in accordance with the terms outlined in the contract and schedule A. |

Details:

The City of Burlington wishes to engage The Wanasek Corporation into a contract to conduct street maintenance services as noted on attachment A. The city will realize a savings of approximately \$13,000 a year by contracting with Wanasek Corporation for such services. This saving is gained by not having to replace our current Crosswind Elgin machine at a cost of approximately \$230,000.

More specifically, in 2011 Wanasek Corporation spent 225.5 hours of labor and charged \$25,494.33 for sweeping the city's streets. This amounts to an hourly cost of \$113/Hr. In comparison if the City of Burlington were to replace its current sweeper the cost to perform the same services would be \$171.73/Hr. This is a difference of \$13,231/Yr. or \$58.67/Hr. Staff recommends approval of this resolution.

Options & Alternatives:

One option would be to continue to sweep the streets with the DPW sweeper until it breaks down.

Financial Remarks:

Funding will be the General Fund taken out of the Contract Services line item of the Public Works Streets Department budget. It is estimated that the expenditure will be approximately \$26,000 a year.

Executive Action:

This item was discussed at the August 7, 2012 Committee of the Whole meeting and is placed on the August 21, 2012 Common Council meeting for consideration.

Resolution No. _____
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A TWO-YEAR AGREEMENT FOR PUBLIC WORKS
SERVICES WITH WANASEK CORPORATION**

WHEREAS, the City of Burlington owns and maintains a roadway system and provides regular street sweeping services; and,

WHEREAS, Wanasek Corporation provides public works services to municipalities including street sweeping, and catch basin maintenance services; and,

WHEREAS, the City Council has determined that entering into an agreement with Wanasek Corporation to provide services described in Exhibit "A" is in the best interest of the city to provide quality service and reduce costs; and,

WHEREAS, the City Administrator and the Public Works Supervisor have reviewed the proposed two-year contract, attached hereto and made a part hereof, and recommend it's approval.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the two-year agreement with Wanasek Corporation for public works services is hereby approved and the Mayor is authorized to execute said agreement on behalf of the City.

Introduced: August 7, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

Data

In 2011 Wanasek Corp spent 225.5 Hours of labor and a total cost of \$25,494.33 for sweeping the city's streets. This amounts to an hourly cost of \$113/Hr.

In comparison if the City of Burlington were to replace its current sweeper (up for replacement in 2011) the cost to perform the same services would be \$171.73/Hr.

- Wage and Benefits Avg. $\$37.21 \times 225.5 = \$8,390.85$
- Cost of Crosswind Sweeper $\$230,000 - \$20,000 \text{ Trade} = \$210,000$ or $\$120/\text{Hr.}$ to run for ten years. ($\$2,257$ month or $\$27,084/\text{Yr.}$)
- Total City Cost $\$8,390.85 + \$27,084 \text{ payments} + \$1,250 \text{ Fuel} + \$2,0000 \text{ Parts} = \$38,725$
- $\$38,725 \div 225.5 = \$171.73/\text{Hr.}$

Difference of \$13,231/Yr. or \$58.67/Hr.



THE WANASEK CORP.
EXCAVATION & UTILITY CONTRACTOR

ADDENDUM A

July 9, 2012

Dan Jensen, PE
Department of Public Works
2200 S. Pine Street
Burlington, WI 53105

Re: Street Sweeper

Dear Dan:

Thank you for allowing us to once again provide a proposal to the city for supplemental sweeping of the streets and the maintenance services for the catch basins and sewer systems. Our proposal would be time and material once again and we would provide the following as needed or as directed.

- Downtown Street sweeping between the hours of 3 a.m. to 7 a.m.
- We will have a sweeper available with a 1 hour maximum response time for emergency callout work such as accidents and the like
- Any and all maintenance and fueling of our sweeper
- Our sweeper has the ability to dump into a large container such as a roll-off or a dump truck.
- We are flexible and can adjust our schedule as needed
- All services as stated on the municipal services evaluation dated September 8, 2009.
- The weekly and monthly sweeping rates are under normal and customary conditions. Excessive sweeping and clean up due to extreme weather conditions excluded.

Our proposal requires the City of Burlington to provide the following:

- A dump site (container to be provided by contractor) for dumping the refuse
- The City to bear all tipping fees for the refuse removal
- City to provide water for the sweeper within the route



Since 1903

(Draft: 7/26/12)

AGREEMENT FOR THE
PROVISION OF CERTAIN
PUBLIC WORKS SERVICES

This agreement ("Agreement") is made and entered into by and between:

- a) The CITY OF BURLINGTON, WISCONSIN, being a Wisconsin municipal corporation with its City Hall located at 300 North Pine Street, Burlington, Wisconsin 53105 (hereinafter referred to as the "City"); and
- b) THE WANASEK CORP., being a Wisconsin corporation with offices located at 29606 Durand Avenue, Burlington, Wisconsin 53105 (hereinafter referred to as "Wanasek").

Introduction

The City owns and maintains a roadway system which requires maintenance work on a regular basis. Wanasek provides various services to municipalities, and such services include the roadway maintenance work described above.

The City is interested in hiring the services of Wanasek, and Wanasek is interested in performing such services for the City, for some of the said maintenance work required for the City's roadways. The parties are entering into this Agreement for such purposes.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE ABOVE-NAMED PARTIES HEREBY AGREE AS FOLLOWS:

have Fifteen (15) calendar days after the giving of such written notice (in the manner described in below paragraph number 9) in which to cure and correct such failure of performance. In the event, however, such failure of performance (i) is other than the payment of money and (ii) is of a nature that the said failure of performance cannot be reasonably cured and corrected within the said fifteen-day time period, then the non-performing party shall take steps to commence, and thereafter continuously maintain, a good faith effort to cure and correct the said failure of performance. In the event that the non-performing party fails to fully cure and correct the said failure of performance in the manner and in the time frame(s) described above, then the other party may give a further written notice to the non-performing party declaring that the non-performing party is in default under this Agreement. Upon such default by the non-performing party, the other party may then (i) terminate this Agreement and/or (ii) pursue any and all other remedies, both legal and equitable, that may be available to it under the law, with respect to such default.

8. Further Termination Rights of City. In addition to the procedures contained in above paragraphs numbered 6 and 7 of this Agreement, the City may immediately terminate this Agreement at any time when and if the Common Council of the City, in the sole and absolute discretion of the Common Council, declares, through a written resolution adopted by the Common Council, that the public health, safety, and welfare of the City requires the immediate termination of this Agreement. In such event, this Agreement shall be deemed terminated immediately upon the adoption by the Common Council of the said written resolution described above.

9. Notices. Any notice required to be given by either party to the other party shall be in writing, and shall be delivered to such other party either by (i) personal service, or by (ii) certified mail in a postpaid envelope addressed to such party at the address specified above in this Agreement, or to such other address as may from time to time be designated in writing by such other party.

Dated this _____ day of _____, 2012.

CITY OF BURLINGTON, WISCONSIN

THE WANASEK CORP.

By: _____
Robert Miller
Mayor

By: _____
John Wanasek
President

Attest: _____
Beverly Gill
City Clerk