



CITY OF BURLINGTON

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CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Diahnn Halbach, City Clerk
Tuesday, June 4, 2013

1. Call to Order/Roll Call

Mayor Bob Miller called the meeting to order at 6:31 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Jon Schultz, Tom Preusker, and Todd Bauman.

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Fire Chief Perry Howard, Public Works Director Craig Workman, Public Works Supervisor Dan Jensen, Treasurer Steve DeQuaker, Director of Administrative Services Megan Watkins, Library Director Gayle Falk, and Tom Foht of Kapur Engineering.

2. Citizens Comments and Questions

None

3. Approval of Minutes from May 21, 2013

A motion was made by Hintz with a second by Bauman to approve the minutes from May 21, 2013. With all in favor, the motion carried to approve the minutes.

4. Resolutions

Resolution 4615(5) to consider approving a three year Master Agreement for Engineering Services with Kapur & Associates, Inc.

Dawidziak asked what the criteria were for the final decision. Lahner responded that the City sent out a Request for Proposal (RFP) and nine proposals were received from a variety of engineering firms. Three firms were interviewed and were all very comparable as to their qualifications; it was a very thorough and scrutinizing process. Lahner further replied that the decision to hire Kapur was based on that there wasn't value to gain by switching firms; the rates from each company were roughly the same, and the knowledge that Kapur already has from working with the City outweighed the other options.

Johnson asked how does the City pay for the engineering services and if there are set fees. Lahner responded that the firm is paid on a task order basis based on what the City needs done. There are also certain services throughout the year that are incorporated into the contract that are paid for. Johnson further inquired about how the City budgets for such an expense. Lahner responded that the City budgets per project each year and the City also has a general contract services line that is used to budget for those types of services.

Craig Workman further clarified that the contract being considered is a General Services Agreement which doesn't restrict the City from only using Kapur; projects will be looked at on a project-specific basis and potentially using other contractors for their services.

Bauman asked who was doing this work prior to this agreement. Lahner responded that Kapur has been doing this work for approximately 12 years and prior to that Baxter & Woodman were the contractors. Bauman asked if the City has always used outside contractors. Mayor Miller stated that the City had looked into hiring an in-house engineer but found that it wouldn't be cost-effective.

Lahner added that this Service Agreement also establishes a time-frame for the City because it is renewable every three years and allows the Council to re-visit the process and make decisions based on what is needed at that time. Attorney Bjelajac added that there is total flexibility for both parties and that it can be terminated by either party with a 60-day notice and that it is a good contract.

There was no further discussion. This item is scheduled for the June 18, 2013 Common Council meeting for consideration.

Resolution 4616(6) to consider approving Contract Change Order Number Two with Staab Construction, Inc. for the Phase II Wastewater Treatment Plant Improvement Project in the amount of \$0.

Schultz asked to have the contingency draw explained and how it works. Tom Foht explained that under the original bid there was a contingency fund for the amount of \$200,000 and was to be used in situations when there was extra work to do or an unexpected issue came up so that it wouldn't be required to come back to Council for approval each time, which could potentially delay the project. Schultz asked if this was a common procedure. Lahner responded that this is actually required as part of the Clean Water Fund Loan for this project in which they require a certain amount of money to be allocated towards contingent use. Lahner further explained that issues are quite common in projects such as these, especially digging under ground and not knowing what might be found. Schultz further asked if the contingency amount is covered by the contractors. Lahner replied that the amount is part of the project budget and is included within the grant dollars from the Clean Water Fund Loan.

Vos stated that ultimately it is the responsibility of Kapur & Associates, the City Administrator, the DPW Director to oversee these projects and make sure that anything that is taken out of these contingency funds is legitimate. Lahner replied that is true and that the City also has project manager from Kapur on site almost every day watching over the project and discusses with the contractor any issues or concerns that arise. Vos asked how far along is the project. Craig Workman replied that we are about 75% complete and about to enter the final phase which will probably take through the rest of the summer. In addition, Workman clarified that one of the conditions of the Clean Water Fund is that the DNR requires that every Change Order, even if it's a zero amount, must go to Common Council for approval.

There was no further discussion. This item is scheduled for the June 18, 2013 Common Council meeting for consideration.

Resolution 4617(7) to consider accepting a bid from Cummins NPower, LLC for a portable generator for Wastewater Utility at the cost of \$70,995.

Vos asked if this was a replacement of the Wastewater's current generator. Craig Workman responded that this is a new generator as part of the Wastewater Treatment plant upgrades and that a new pump is being installed at the main lift station. The new generator is designed to run the largest pump in the City plus the six other lift stations. Workman further stated that the generator is portable and will have the ability to be moved around.

Schultz commented about the failure to have this generator could result in sewer backup. Workman explained that the City's collection system is based on a series of gravity pipes that flow into the lift stations that then pump by pressure to a higher elevation and then down to gravity again. Workman further explained that when the power goes out, a couple of the stations have stand-by generators, other stations need a portable generator to be brought out to them. If the generators aren't brought out in time, there is the potential for a back-up to occur.

Resolution 4618(8) to consider approving the 2012 Department of Natural Resources Compliance Maintenance Annual Report.

Mayor Miller referred to the packet presented to each Council Member and pointed out that the score given to the City of Burlington's Wastewater Treatment Plant from the DNR was a 4.0, which has been top notch for years and puts us in good standing with the DNR.

Shultz commented in regards to the question of a low score of financial management due to the lack of funds in the Equipment Replacement Fund and wanted to better understand what that meant. Craig Workman responded that there was a recommendation from our City auditor to increase that fund but that there is significant and sufficient dollars located elsewhere and we plan to have those funds re-allocated into a different type of account per the DNR's request. Workman further commented on the WWTP staff and that credit should go to them for being such great and dedicated employees.

5. MOTIONS

Motion 11-759 to consider approving a Special Event Permit to allow the closure of East Chestnut Street from Pine Street to Dodge Street on July 20, 2013 for the coffee House Rock Music Festival.

Vos asked if the Hampton Hotel had been contacted. Lahner responded that he wasn't sure if the Hampton had been contacted and that he was only aware of the immediate neighboring businesses were to be contacted. Vos was concerned that they might get complaints about the noise. Mayor Miller responded that he didn't feel it would be a concern considering how close the hotel is to the train tracks versus a band playing 3 blocks away.

Hintz questioned if the City would be billing them for police and DPW services. Hintz further questioned if the City would need to layout detour routes and barricades. Lahner responded that charges will be billed based on estimates determined by the number of hours and personnel needed for the event during the application process.

Shultz asked if there had been feedback from the other businesses and if they're okay with the closing down of East Chestnut Street for that duration of time on a Saturday. Lahner responded that there hasn't been any feedback received from the businesses; however would be sure they were notified. Schultz further inquired if it was normal practice for the City to not contact the affected businesses for an event such as this. Lahner responded that is the responsibility of the person hosting the event to contact any neighbors and or businesses prior to the event and that we would make sure The Coffee House notifies their neighboring businesses.

Chief Nimmer stated that another example of this type of event would be very similar to the Lyons Street Dance located on the Chestnut Loop each year. Preusker asked how long that portion of that road is typically closed. Mayor Miller replied that he believed it to be around 5 p.m. until around 10 p.m. or 11 p.m. at the latest. Preusker stated that most businesses are usually closed at that time. Preusker further stated that he isn't against this event, but he also doesn't want to hurt any of the businesses due to the shutting down of a street for twelve hours especially during prime weekend business hours and wants to be sure they are aware of this going on.

Dawidziak asked if there would be a Public Hearing prior to this event. Mayor Miller responded that this item was on tonight's agenda and there would not be a Public Hearing.

Hintz asked which businesses would be affected. Both Lahner and Mayor Miller responded that at least four businesses would be directly affected with limited access. Lahner further stated that Council could choose to approve contingent of approval from the neighboring businesses.

Vos asked what was meant by Interactive Musical Workshops. Carly Rubach, store manager for The Coffee House, explained that the goal of the festival is to focus on youth, so the morning and early afternoon music workshops will be led by local members of the community. Rubach further stated that there would also be a fundraiser to benefit the Music Matters program at the C.A.T.H.E. Center.

Dawidziak asked Rubach if the other businesses had been contacted. Rubach replied that they hadn't yet, but would be doing so.

Schultz stated that he wasn't opposed to having this event, but that a better process is needed when closing down roads for events such as this. Lahner suggested that Council approve the closure contingent upon the neighbors and business approvals and if there is an objection, this would need to come back to Council for further review. Lahner further stated that a better notification process would be implemented prior to coming to Council for approval.

There was no further discussion. Due to the timeliness of this item, it is scheduled for the same night Common Council meeting for consideration.

6. Public Comment

Gerard Nersky, 580 Madison Street, Apt. 133, was concerned about the crossing at Bridge Street near Charcoal Grill and wanted to know why there aren't any flashing lights located there. Nersky further stated how busy that area is and how fast vehicles come around that curve and also spoke of a tree located there which creates a blind spot. Nersky travels via his wheelchair and has feared for his life hoping to get across safely. Mayor Miller directed Dan Jensen and Tom Foht to look into this matter.

7. Adjournment

A motion was made by Dawidziak with a second by Preusker to adjourn the meeting. With all in favor, the meeting adjourned at 6:58 p.m.

Minutes respectfully submitted by:

Diahnn Halbach
Burlington City Clerk
Racine & Walworth Counties