CITY OF BURLINGTON

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CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Diahnn Halbach, City Clerk
Tuesday, November 3, 2015

1. **Call to Order/Roll Call**
   Mayor Robert Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Ed Johnson, Bob Grandi, Ruth Dawidziak, Tom Vos, Jon Schultz, Tom Preusker, and Todd Bauman. Excused: John Ekes

   Also present: City Administrator Carina Walters, City Attorney John Bjelajac, Treasurer and Budget Officer Steven DeQuaker, Director of Administrative Services Megan Watkins, Police Chief Mark Anderson, Fire Chief Perry Howard, Building Inspector and Zoning Administrator Gregory Guidry, and Tom Foht of Kapur and Associates.

2. **Citizens Comments and Questions**
   None

3. **Approval of Minutes from October 20, 2015**
   A motion was made by Grandi with a second by Johnson to approve the minutes from October 20, 2015. With all in favor, the motion carried to approve the minutes.

***NOTE: Per the request of Ms. Chitwood, the order of Agenda Topics was switched around and began with Topic 6, then Topic 4, and Topic 5.**

4. **Topic 6:** Resolution 4751(25) to consider amending the City of Burlington Revolving Loan Fund Policy and Procedures Manual.

   Mayor Miller introduced Resolution 4751(25) and then introduced Carolyn Engel, Business Finance Manager for RCEDC, for further explanation.

   Engel explained the requested change to the Revolving Loan Fund (RLF) Loan manual to increase its administrative fees from 15% to 20%. Engel further explained the purpose of the City Community Development Block Grant (CDBG), which was designed to assist businesses that will invest private funds and retain or create jobs as they maintain operations, expand or relocate in Wisconsin. Engel said that the State awards the funds to applicants in the form of a loan; as the loan is repaid, the monies go into a local RLF account and becomes available for relending to another eligible business in the community.

   Schultz asked what the actual administrative costs are and what they are used for. Engel replied that administrative fees include everything from marketing, tracking, record keeping, reporting, staff, time, and expenses related to administering the program. Engel further stated that the actual costs exceeds 20%, which is why they are requesting the increase of up to 20%.

5. **Topic 4**: Presentation by Tina Chitwood, Community Development Manager for the Racine County Economic Development Corporation (RCEDC), updated everyone on the 2015 RCEDC Semi Annual Report.
   Chitwood explained details about the contract, types of projects and accomplishments, challenges, and the plan for economic development throughout Racine County.

6. **Topic 5:** Resolution 4750(24) to consider approving the 2016 Racine County Economic Development Corporation (RCEDC) Annual Contract for a total in the amount of $48,669.26.

   Chitwood presented the 2016 RCEDC Annual contract and explained the suggested modifications to include more proactive business recruitment responsibilities, of which activities would include: development of a community profile, develop recruitment proposals for priority sites, grow and support existing businesses, provide suggested content and links for the Burlington website, and provide updates to the downtown strategic plan. Chitwood stated they would also continue the implementation of the targeted business recruitment program, marketing activities, workforce development services, organizational development assistance and business financing.

   Schultz commented that he has heard very good things about the work Chitwood and Walters has been doing with the downtown business visits.

   There were no further comments.

7. **Topic:** Discussion regarding the possibility of creating At-Large Council seats

   Mayor introduced Topic 7 and stated that he had spoken with Alderman Ekes about this topic and that he wasn't fond of the idea of At-Large Council seats and he thought bringing the question to the community would be a possibility, and also the idea of four at-large seats and then one seat from each district.

   Attorney Bjelajac briefed Council on the background history of the initial Charter Ordinance No. 50-3, written in 1900, provides that there shall be two persons for each aldermanic district in the City of Burlington. Bjelajac further stated this ordinance can be amended either through council adopting a change or through referendum.

   Vos asked where this topic is coming from. Schultz responded that this was his suggestion and feels that unlike larger cities, a smaller city such as Burlington, doesn't necessarily need district specific alderpersons because the ultimate goal is to service the City as a whole. Schultz stated that changing to an At-Large council could open the doors for people not within the district to fill an otherwise potentially empty seat (Schultz used the example of the vacant seat left by former Alderman Bob Prailes). Schultz also stated that continuously running uncontested elections isn't good and doesn't promote democracy.

   Preusker said he was curious to know what residents would like and can see the merits of increasing the field of applicants, however, can also see the value of physically being from the district in which you live and can better represent.

   Mayor stated that it would need to be decided which seats of the two in each district would become the At-Large seat.

   After much back and forth discussion, the overall consensus was to explore the process more. Bjelajac responded that he and staff would prepare a more specific plan on how to implement the change if Council so chooses.

   There were no further comments.

8. **Topic:** Resolution 4752(26) to consider approving a change of polling location from United Methodist Church to the City of Burlington Department of Public Works located at 2200 S. Pine Street, for Wards 5-8 and 10.

   Mayor introduced Resolution 4752(26) and explained that at the time the initial polling location agreement was made, UMC allowed the elections to be held within their temporary worship area, as they had planned to build a permanent sanctuary and the temporary worship area would become their gathering room, in which hosting elections would be of no issue. However, due to the economic downturn and lack of funds, they would no longer be able to build the addition. In 2013, the church board determined that the temporary

worship area would now be the permanent worship area and it was also determined that elections would no longer be allowed in the actual worship area of the church. UMC made every effort possible to provide space for the election elsewhere throughout the building; however, the available space and traffic flow has been congested during the larger elections and a valid concern of voter privacy has been brought to the clerk's attention by both constituents and election workers.

Vos raised a concern regarding the extended drive especially during the winter and that it's a long way to drive for many people that are used to their polling location being much closer, rather than on the edge of town.

Bauman stated that he didn't like the option of using the DPW mainly because he can't see enough available parking, especially on a Presidential election. Bauman stated that he has been to the DPW for other meetings where the parking lot has been packed and parking was nearly impossible.

Bauman then asked about the Veteran's Terrace and why that wasn't an option. Mayor responded that the Veteran's Terrace is a for-profit business and the agreement the City has with them is that all the profits from the Veteran's Terrace flow up to the Community Fund. The Community Fund is then tasked with distributing those profits throughout the City for worthwhile needy causes.

Schultz had concerns regarding not just the distance but the fact of having to cross the bypass to get to the DPW, which is known to be a potentially dangerous intersection. Schultz expressed that keeping the polling location closer to the City would be best.

Mayor commented that staff had done a thorough job of researching potential polling locations and the list of those places is fairly comprehensive; there just aren't many other options for locations within the City.

Dawidziak commented on the use of the Veteran's Terrace and that it seems like the most logical place to host an election and asked if it's possible to use one of the other rooms if there is another event is booked there the same day. Dawidziak further stated that most times elections are only one or two times per year, and that it's for a very important reason and they should want to give back to the community.

Walters stated the DPW has 42 available parking spaces and that staff would be directed to park behind the building on election days and felt there would be ample parking for voters. Walters asked the City Clerk, Diahnn Halbach, to shed some insight on the parking and the drive. Halbach stated that although United Methodist provides the best parking situation, with the cooperation of staff and possible parking assistance, we could find a way to make the parking work at the DPW. Halbach further stated that the distance from City Hall to the DPW is approximately two miles, which is the same distance for the residents who live in the Falcon Ridge subdivision to United Methodist, which is their polling location as well. Halbach said that the drive could be an inconvenience for some people but for others it more than likely won't matter and in a situation like this, it would be difficult to make everyone happy.

Preusker stated that the City should pursue the Veteran's Terrace and there should be no reason why they can't share their space with an election. Halbach responded that aside from potential implications from sharing a polling location with another event at the same time, you'd also be running into parking issues again. Bjelajac added electioneering near the polls could also be an issue, especially if a candidate were to want to host a post-election party at that location. Bjelajac further encouraged Council not to pursue Veteran's Terrace.

Vos also commented on the potential parking issues and stated that even though he prides himself on arriving at the polling location first thing in the morning, the parking lot at Methodist is usually packed with cars by then and they have somewhere near 100 parking spaces. Vos felt there would be severe parking issues at the DPW and didn't think it was a good idea to open up the back parking lot for voters to park there.

Mayor suggested opening up the south gate and directing traffic to a roped off area near the east entrance of the DPW meeting room and allow voters to enter the room at both the east and west entrances. Walters wanted to be sure that allowing voters to park in the back of the building wouldn't interfere with DPW operations. Mayor said they could move their entire operation to the north and would be fine.

Johnson offered to go back to Methodist and explore more options with them. Halbach responded that there have been extensive talks with the church board and they are adamant about not using their worship area which is completely understandable and appreciates the efforts they have made to accommodate us as best they can, however, it comes down to a space issue, especially during a presidential election.

Dawidziak wanted to be sure that if the polling location were to be moved to the DPW that parking would not be allowed on the highway shoulder. Walters responded that temporary no parking signs could be put in place and could be regulated.

There was no further discussion.

9. **Topic:** Resolution 4753(27) to consider approving an Engagement Letter with Ehlers, Inc. to develop a Five-Year Financial Plan for the not-to-exceed amount of $21,000. This item is scheduled for final consideration at the same night Common Council Meeting.

   Mayor introduced Resolution 4753(27) and opened it up for discussion. There was no discussion.

10. **Topic:** Resolution 4754(28) to consider approving an Engagement Letter with Patrick Romenesko for the 2015 Annual Audit and a 2015 TIF 3/ER TIF 1 Audit in the amount of $36,500.

    Mayor introduced Resolution 4754(28) and opened it up for discussion. There was no discussion.

11. **Topic:** Ordinance 2001(7) to consider creating Section 293-3G titled, "Parking in the front, side, and street yards" in the Municipal Code.

    Mayor introduced Ordinance 2001(7) and opened it up for discussion.

    Bjelajac explained the proposed changes in the parking ordinance and what was added.

    Miller stated that he has had conversations with people both for and against the proposed ordinance change and said a suggestion was made to add a clause that the city would need to receive at least two anonymous complaints of an ordinance violation before the city could take any action. Miller added that this would take the onerous off the city and allow the neighbors to determine if there is or isn't an issue.

    Vos stated that he has only heard one complaint from one person and feels that the city shouldn't be using a baseball bat to kill an ant.

    Johnson stated that he has received complaints from residents about a particular residence that runs a business from his house and stores construction equipment and vehicles in their front yards.

    Schultz asked specifically how many property complaints have actually been received. Walters responded only a few have been brought to the city's attention including the one that was brought to council a few weeks earlier, which is what prompted this discussion in the first place. Schultz then asked if any of these properties in question have been contacted by the City or the Police Department. Bjelajac responded that until the City has an ordinance in place, there isn't anything the City can do about the complaints.

Schultz stated that parking is very limited in the older parts of town and that some driveways are shared or there may not even be a driveway. Schultz added that there is a very small limited number of properties that seem to be a problem and to apply a sweeping policy to the entire city is overkill and has all sorts of unintended consequences on people that don't need their lives micromanaged and there has to be a better way of dealing with this issue that doesn't affect the 99% that this isn't a problem for.

Schultz asked what materials would be allowed to qualify as an "improved surface". Gregory Guidry, Building Inspector, replied that if there is any existing gravel surface would be grandfather-claused in, otherwise a paved hard surface would be required.

Grandi said that he has received a complaint from a resident concerned about a neighbor with garbage all over as well as a truck and cars parked in the front yard. Grandi felt that residents shouldn't have to deal with this either and it does make the city look badly and to do nothing would also be a mistake. Grandi also said he didn't feel the neighbor complaint system was a good idea because sometimes neighbors are afraid to complain about other neighbors – that there is a fear factor there and we shouldn't expect neighbors to report neighbors.

Dawidziak says she has had a lot of feedback, but mostly from residents who are against the change and she is not convinced that a city wide ordinance is the right answer.

Preusker wanted to clarify that this ordinance is not an income powered initiative directed at lower income families and that it's more about aesthetics and potential diminished property values. Preusker also stated that he didn't have any issues with someone storing a canoe on the side of their house; however, he said parking vehicles and equipment on the front lawn is where he would draw the line and compared it to an employer having a dress code. Preusker later clarified that he did not intend his words to be mean that the City was the employer of its residents. That he simply meant residents should be allowed to decide what the public image of Burlington should be.

Bauman felt that allowing people to park in their backyards will create issues as well and said this shouldn't be about the occasional resident who parks on their lawn and more focus should be on the properties that look like dumps but unless there is some kind of ordinance that addresses the issue, there isn't anything the City can to do about it.

Mayor opened the discussion for public comments.

Pastor Scott Carson, 257 Kendall Street, said that this is not about boats and RV's but that it's also about the fact that we live in difficult economic times and many families have needed to combine households which has increased the number of cars needing to park at these residences. Carson encouraged the non-anonymous complaint suggestion and felt that allowing neighbors to determine what should and shouldn't be allowed would encourage neighborhood pride.

Bill Schoessling, Director of Love, Inc, 480 S. Pine Street, questioned that if only a dozen or so people are an issue, then why must the ordinance be changed that would impact those that aren't the ones creating the issue.

Kathleen Muffit, 203 S. Main Street, suggested the City deal with issue under the nuisance ordinance and focus on the ones that are truly in violation.

Susan Riddle, 424 Storle Avenue, spoke of the small home they own where parking is very limited and that due to unfortunate circumstances, they now have four adults living in the home because their two adult children came home from college with huge student loans and they can't afford to move out and pay student loans at the same time. Riddle personally believes that parking on the front lawn looks tacky, however, during a snow

emergency, parking on the lawn would be their only in option in order to move the cars off the street. Riddle feels an ordinance such as this would affect many others just like her.

Tim Bird, 332 Amanda Street, also asked about the nuisance ordinance and if that could be applied.

Attorney Bjelajac responded that the City does have a nuisance law and would need tweaking to be effective and is a tool that could be used.

Mike Wiemer, 743 Foxtrail Circle, stated he lives on a cul de sac and sometimes parking can be an issue and sometimes the only option is to park on the yard. Wiemer said he took a drive around a few of the neighborhoods and counted 32 campers/trailers/vehicles parked somewhere in the yard and not on a hard surface. Wiemer said this was only a small portion of the City and questioned how many more of these types of situations exist and according the proposed ordinance, all these people would be in violation.

Vos stated that more research needed to be done on how this situation would be best handled and that it appears that more people are against the change than for it.

Bauman suggested looking further into the nuisance ordinance.

Mayor Miller said he would include this on the COW agenda again in two weeks and direct staff and the attorney to research this further and determine other options and bring back for discussion.

Bjelajac requested that this not be put back on the agenda until a later in order to give him more time to research the nuisance ordinance and other options. Council agreed to take whatever time was needed.

There was no further discussion.

12. Topic: Motion 15-820 to consider approving a salary increase of five percent for City Administrator Carina Walters. This item is scheduled for final consideration at the same night Common Council Meeting.

Mayor introduced Motion 15-820 and opened it up for discussion. There was no discussion.

13. Adjourn

A motion was made by Vos with a second by Schultz to adjourn the meeting. With all in favor, the meeting adjourned at 8:42 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach