



CITY OF BURLINGTON

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

AGENDA COMMITTEE OF THE WHOLE

Wednesday, February 21, 2018

6:30 p.m.

Common Council Chambers, 224 East Jefferson Street

Mayor Jeannie Hefty
Susan Kott, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Bob Grandi, Alderman, 2nd District
Ruth Dawidziak, Alderman, 2nd District
Tom Vos, Alderman, 3rd District
Jon Schultz, Council President, Alderman, 3rd District
Thomas Preusker, Alderman, 4th District
Todd Bauman, Alderman, 4th District

Student Representatives:

Gabriel King, Burlington High School
Jack Schoepke, Burlington High School

1. **Call to Order - Roll Call**
2. **Citizen Comments**
3. **Approval of Minutes** (*Grandi*)
 - A. Approval of the February 6, 2018 Committee of the Whole Minutes.
4. **PRESENTATIONS:**
5. **DISCUSSION:**
An update from the Chamber of Commerce regarding the Room Tax Report.
6. **RESOLUTIONS:**
 - A. **Resolution 4882(40)** - to approve Task Order Number 106 with Kapur & Associates, Inc. to provide civil engineering services for the complete analysis of the Burlington Office & Manufacturing Park (BMOP) expansion project for the not-to-exceed amount of \$12,000.
 - B. **Resolution 4883(41)** - to consider approving a Certified Survey Map for property located at 1088 Hidden Creek Lane.

7. **ORDINANCES:**

- A. **Ordinance 2032(9)** - to approve amending the Racine County Multi-Jurisdictional Comprehensive Plan 2035 for property located at 100 and 124 S. Dodge Street.
- B. **Ordinance 2032(10)** - to approve amending the Racine County Multi-Jurisdictional Comprehensive Plan 2035 to incorporate the Burlington Area Manufacturing & Office Park (BMOP) expansion in the City of Burlington, Wisconsin.
- C. **Ordinance 2034(11)** - to amend Chapter 274-9B "Snow and Ice Removal" of the Code of the City of Burlington to eliminate notification by the Police Department.

8. **MOTIONS:** There are none.

9. **ADJOURNMENT** (*Dawidziak*)

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.



COMMITTEE OF THE WHOLE

ITEM NUMBER 3A

DATE: February 21, 2018

SUBJECT: Committee of the Whole Minutes for February 6, 2018

SUBMITTED BY: Diahnn Halbach, City Clerk

BACKGROUND/HISTORY:

The attached minutes are from the February 6, 2018 Committee of the Whole meeting.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the attached minutes from the February 6, 2018 Committee of the Whole meeting.

TIMING/IMPLEMENTATION:

This item is scheduled for final consideration at the February 21, 2018 Common Council meeting.

Attachments

COW Minutes



CITY OF BURLINGTON

City Clerk
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CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, February 6, 2018

1. **Call to Order - Roll Call**

**Prior to the Call to Order of the Committee of the Whole meeting, Officer Matthew Barrows was sworn in as Sergeant for the City of Burlington's Police Department.*

Call to Order / Roll Call

Mayor Hefty called the meeting of the Committee of the Whole to Order on Tuesday, February 6, 2018 at 6:33 p.m. starting with Roll Call. Present: Susan Kott, Edward Johnson, Bob Grandi, Ruth Dawidziak, Jon Schultz, Tom Preusker, Todd Bauman. Excused: Tom Vos.

Student Representatives Present: Gabriel King, Jack Schoepke. Excused: None.

Also present: City Administrator Carina Walters, City Attorney John Bjelajac, Director of Administrative Services Megan Watkins, Director of Finance Steve DeQuaker, Police Chief Mark Anderson, Fire Chief Alan Babe, Building Inspector Gregory Guidry, DPW Director Peter Riggs, and Library Director Joe Davies. Also in attendance: Gregory Governatori, Kapur and Associates.

2. **Citizen Comments** - There were none.

3. **Approval of Minutes**

A motion was made by Alderman Preusker with a second by Alderman Kott to approve the January 16, 2018 Committee of the Whole meeting minutes.

4. **DISCUSSION**

A. An update regarding the 2016-2019 Strategic Plan Initiatives.

Carina Walters provided a brief overview to the 2016-2019 Strategic Plan and reviewed the five strategic priorities along with their strategic initiatives and the current status for each one, which includes Financial Sustainability, Economic Development, Infrastructure Maintenance and Expansion, a Competitive Workforce, and Citizen Engagement.

Alderman Grandi questioned the timeline for the Citizen Engagement initiative that is scheduled to begin in 2019 and felt sooner action should be initiated in order to keep the momentum moving forward. Walters explained that the City intends to create a city-wide citizen survey in order to see where the community feels the City is excelling as well as possible areas for improvement and that the plan of intention was to begin this in Spring of 2019.

Alderman Grandi then inquired about other areas of Citizen Engagement. Walters responded that a packet for newly elected officials and/or potential elected officials, will also be created with the intention of providing elected officials and citizens a better overview as to whom potential candidates

might be.

B. A discussion regarding the City of Burlington's Winter Ice Festival.

Mayor Hefty welcomed Mike Austin and congratulated him for winning first place, as well as the people's choice award, in the 2018 National Lake Geneva Snow Sculpture Championships and will be moving on to the International Championship in Breckenridge, CO. Mayor stated that Austin is also the man behind the scenes for the Burlington Ice Sculpting competitions. Mayor said that she had been approached in July by Mr. Don Berg, Director of Winter Fun Productions, which hosts the National Snow Sculpting Competition, and was asked if the City of Burlington would be interested in hosting the State Ice Sculpting Championship. Mayor asked Council if there were any questions or comments. Having none, the Mayor made an official announcement that the City of Burlington would host the 2018 State Ice Sculpting Championship.

C. An update regarding the proposed TID legislation.

Walters stated that she and Mayor Hefty attended a meeting regarding Foxconn and one of the topics of conversation was the challenge between Racine and Kenosha Counties vying for the Foxconn project as far as which County could provide better financial incentives than the other. Walters stated that from this conversation, a thought of how both Racine and Kenosha Counties could benefit from a joint marketing opportunity evolved. Walters stated that Speaker Vos suggested and was looking for feedback from elected officials about the possibility of creating this plan for the Counties through a 1% of a positive tax increment generated by each of the TID districts. Walters further stated that there are several questions that need to be considered including how other non-TID communities would benefit from the existing TID communities, as well as logistics of how the money would be dispersed throughout the Counties and if there is a benefit in this for the City of Burlington and what happens if a community doesn't have a good performing TID.

Alderman Johnson asked for clarification in regards to how this would work. Walters responded that future legislation may include that any current, as well as future TID districts provide 1% of their positive increment to both Racine and Kenosha Counties to be used towards joint marketing efforts.

Alderman Dawidziak inquired about what would happen once a TID closes. Walters responded that the suggested legislation would be for ten years and then it would end.

Alderman Johnson asked if the City is limited to a certain number of TIDs . Walters responded that the City can only have 12% of their assessed valuation in a TID and that currently Burlington is at 22% because of the Aurora TID, which was allowed through special legislation; once the ER TID and TID 3 are closed, the City's valuation will go down to 10%, which will allow the City some flexibility to open up any future TIDs.

Alderman Preusker was concerned that Burlington is the furthest away from the either County and questioned how much the City would actually benefit from this.

Alderman Schultz questioned what exactly is expected to be accomplished because companies are going to move here because of Foxconn not because of additional marketing. Schultz also questioned why should money from our TIDs be allocated to other municipalities, especially to those without TIDs of their own. Schultz also questioned why Milwaukee County shouldn't also be included in this proposed plan.

Alderman Grandi wanted to know what kind of marketing and economic development is being planned and how would the City of Burlington benefit from it.

Alderman Dawidziak inquired as to what the value of the City's contribution would be. Walters didn't have a confirmed dollar amount; however stated that she perceives it to be 1% of the incremental value, but also stated that this is all very new in concept and there are a lot of questions that still need to be answered.

Alderman Grandi asked who determined the 1% and if there was a known dollar amount that could be collected from the TIDs. Walters responded that at the meeting, it was roughly identified that \$600,000 to \$800,000 could be collected annually from open TIDs throughout Racine and Kenosha Counties for a period of 10 years.

Alderman Bauman questioned why existing "pre-Foxconn" TIDs should be affected and suggested new TIDs that actually generate money because of Foxconn could possibly be considered, however, still didn't like this idea.

5. **RESOLUTIONS:**

- A. **Resolution 4878(36)** - to consider Task Order Number One Hundred Five, with Kapur and Associates, Inc. for the 2018 Street and Sidewalk Improvement Program and associated utility improvements.

Mayor Hefty introduced Resolution 4878(36). Peter Riggs stated that this covers all engineering work for the four roads that are scheduled to be resurfaced in 2018 as part of the Five Year Street Improvement Plan which was previously discussed during the budget workshop in 2017.

Alderman Schultz asked when an analysis of the total miles of roads in the City versus what is reconstructed, along with the average lifespan would be completed. Riggs responded that it would be ready in advance of the 2019 budget workshops.

- B. **Resolution 4879(37)** - to consider approving an award of bid for the Congress Street Baseball Diamond Restroom Facility to Reese Group for the total amount of \$160,000.

Mayor Hefty introduced Resolution 4879(37). Riggs stated that the Board of Public Works opened 4 bids for the Congress Street Baseball Diamond Restroom Facility on Thursday, January 25, 2018 and the lowest winning bidder was Reese Group for the total lump sum bid amount of \$160,000.

- C. **Resolution 4880(38)** - to consider approving a Memorandum of Understanding (MOU) between the City of Burlington, Town of Burlington, the Rochester Volunteer Fire Company, and the Tichigan Volunteer Fire Company for the submittal of a joint grant application to the Federal Emergency Management Agency (FEMA) for Self-Contained Breathing Apparatus (SCBA) packs and Rapid Intervention Team (RIT) packs.

Mayor Hefty introduced Resolution 4880(38). Chief Babe explained that the City of Burlington Fire Department, Town of Burlington Fire Department, Rochester Volunteer Fire Company, and the Tichigan Volunteer Fire Company have agreed to enter into a collaborative agreement in which the Rochester Volunteer Fire Company will be the lead agency and named applicant, whereas the other agencies will be partners in this grant application. Babe further explained that the City of Burlington has unsuccessfully attempted two previous FEMA Assistance to Firefighters Grant applications for the self-contained breathing apparatus but is hopeful that this interoperability approach to obtain federal funding shows our desire to continue working together.

Alderman Schultz asked what the timeline is for an answer. Babe responded that they will start reviewing at the end of the month and can take up to a year to receive an answer. Alderman Schultz then asked what the plan is for new equipment is if this is denied again. Babe responded that the equipment needs to be replaced soon and if denied may have to consider budgeting for in the 2019 Budget.

- D. **Resolution 4881(39)** to consider authorizing fee assessments for Weights and Measures license holders for July 1, 2016 through June 30, 2017.

Mayor Hefty introduced Resolution 4881(39). Diahnn Halbach explained that the State of Wisconsin bills the City \$6,400 for Weights & Measures inspection services and the City then in turn, invoices the Weights and Measures license holders in order to recoup this expense.

6. **ORDINANCES:** There were none.

7. **MOTIONS:** There were none.

8. **ADJOURNMENT**

A motion was made by Alderman Schultz with a second by Alderman Preusker to adjourn the meeting. With all in favor, the meeting adjourned at 7:22 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington



COMMITTEE OF THE WHOLE

ITEM NUMBER 6A

DATE: February 21, 2018

SUBJECT: **RESOLUTION 4882(40)** - to approve Task Order Number 106 with Kapur & Associates, Inc. to provide civil engineering services for the complete analysis of the Burlington Office & Manufacturing Park (BMOP) expansion project for the not-to-exceed amount of \$12,000.

SUBMITTED BY: Carina Walters, City Administrator

BACKGROUND/HISTORY:

Attached for your review and approval is Kapur and Associates Task Order No. 106 for engineering services for the complete infrastructure analysis regarding the potential Burlington Office & Manufacturing Park (BMOP) expansion project. The scope of service includes: evaluation of routes for the sanitary sewer and watermain extensions, evaluation of existing sewer system for capacity, review of regional stormwater facilities, estimation of construction costs for comparison and budgeting purposes, and preparation of a report documenting the findings and recommendations.

The preliminary report from Kapur will be submitted to the City Administrator on or before March 23, 2018, with the final report on or before April 20, 2018.

BUDGET/FISCAL IMPACT:

The dollars would be paid from the General Fund; however, should a Tax Incremental District (TID) is formed/financed, the Council will need to pass a resolution for reimbursement of TIF dollars to the General Fund.

RECOMMENDATION:

City staff has reviewed and recommends approval of Task Order No. 106 in the amount of \$12,000 to provide an infrastructure analysis for the BMOP expansion project.

TIMING/IMPLEMENTATION:

This item is for discussion at the February 21, 2018 Committee of the Whole meeting and scheduled for final consideration at the March 6, 2018 Common Council meeting.

Attachments

Res 4882(40)
Task Order 106

RESOLUTION NO. 4882(40)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING TASK ORDER NUMBER ONE HUNDRED SIX WITH
KAPUR & ASSOCIATES, INC. TO PROVIDE CIVIL ENGINEERING SERVICES FOR
THE COMPLETE ANALYSIS OF THE BURLINGTON OFFICE & MANUFACTURING
PARK EXPANSION FOR THE NOT-TO-EXCEED AMOUNT OF \$12,000**

WHEREAS, the City of Burlington has entered into a master agreement for engineering services with Kapur and Associates, Inc.; and,

WHEREAS, the City has requested assistance in the analysis of infrastructure for the Burlington Office & Manufacturing Park (BMOP) expansion project including evaluation of routes for the sanitary sewer and watermain extensions, evaluation of existing sewer system for capacity, review of regional stormwater facilities, estimation of construction costs for comparison and budgeting purposes, and preparation of a report documenting the findings and presenting recommendations; and,

WHEREAS, said task order is for the not-to-exceed amount of \$12,000 and has been recommended for approval by the City Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Task Order Number One hundred Six is hereby approved for the not-to-exceed amount of \$12,000.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Task Order Number One Hundred Six on behalf of the City.

Introduced: February 21, 2018
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk

**TASK ORDER NUMBER #106
CIVIL ENGINEERING SERVICES**

This Task Order is made as of January 31, 2017, under the terms and conditions established in the MASTER AGREEMENT FOR ENGINEERING SERVICES, (the Agreement), between the **City of Burlington (Owner)** and **Kapur & Associates, Inc. (Engineer)**. This Task Order is made for the following purpose:

Provide civil engineering services and a cost analysis to provide infrastructure for an expansion to the Burlington Manufacturing and Office Park (BMOP). All costs associated with the infrastructure improvements, including municipal sewer, watermain, storm sewer, roadways, curb and gutter, earthwork, engineering, permitting, environmental assessments, and regional storm water improvements will be included. Breakdown of anticipated costs will be provided at the direction of the City and their financial advisor.

Section A. – Scope of Services

Engineer shall perform the following Services:

1. Evaluate routes to provide sanitary sewer to all possible areas of expansion as identified on the current BMOP expansion planning map. Evaluate proposed system flows for sanitary sewer and capacity for a fully expanded sanitary sewer service area. Evaluate existing sewer system for adequate capacity. This will include assessing lift stations, gravity main locations and possible environmental and topographic constraints.
2. Evaluate routes to provide watermain service with looping options, adequate pressure zones, and evaluate system capacity for fully expanded service area. This will include assessing hydrant pressure, main locations and possible environmental and topographic constraints
3. Review and recommend possible locations for regional storm water facilities.
4. Review and provide estimated storm sewer infrastructure needs, costs and locations.
5. Coordinate with the Wisconsin DOT for intersection improvements plans requirements
6. Prepare detailed cost estimates based on a conceptual planning level of all improvements required for the creation of the TIF. Costs will be provided based on zoning classification and by parcel as required. Cost estimates will

include all roadways, utilities, stormwater, engineering, permitting, earthwork and environmental assessments.

7. Prepare and provide a detailed project report detailing assumptions, quantities, costs and materials.
8. Attend meetings and provide information as required and requested by the City of Burlington to assist in the expansion of the BMOP.

Section B. – Schedule

Engineer shall perform the Scope of Services and deliver the related Documents according to the following schedule:

1. Provide “Preliminary Estimate/Report” to the City of Burlington for review and comment on or before March 23, 2018.
2. Provide Final Report to the City of Burlington on or before April 20, 2018.

Section C. – Compensation

In return for the performance of the foregoing obligations, Owner shall pay to Engineer an amount not-to-exceed Twelve Thousand Dollars (\$12,000.00) payable according to the following terms:

A not-to-exceed amount based on the rates as listed in Attachment A of the Agreement, plus direct expenses. Cost plus services are limited to an agreed maximum figure unless amended.

Engineer may request a change to the billing hours if scope changes, beyond the control of the Engineer, resulting in an extension of the schedule or necessitates a change in personnel.

Compensation for Additional Services (if any) shall be paid by Owner to Engineer according to the hourly billing rates shown in Attachment A of the Agreement.

IN WITNESS WHEREOF, the Owner and Engineer have executed the Task Order.

Owner: City of Burlington

Engineer: Kapur & Associates, Inc.

By: _____

By: Gregory L. Governatori

Signature: _____

Signature: _____

Title: _____

Title: Project Manager

Date: _____

Date: _____



COMMITTEE OF THE WHOLE

ITEM NUMBER 6B

DATE: February 21, 2018

SUBJECT: **RESOLUTION 4883(41)** - to consider approving a Certified Survey Map for property located at 1088 Hidden Creek Lane.

SUBMITTED BY: Gregory Guidry, Building Inspector

BACKGROUND/HISTORY:

This item is to consider recommending approval of a Certified Survey Map request from Lynch & Associates Engineering for property located at 1088 Hidden Creek Lane, for the Springbrook Townhome Phase II project. This CSM, drafted by Jacob S. Jensen, WLS, seeks to adjust the subdivision to address the parking lot and curb spillover. This Certified Survey Map will create two parcels, which are greater than 1.5 acres in size. Phase II will consist of an eight-unit, multi-family building (known as Building 2) directly south of the existing eight-unit, multi-family building (known as Building 1) that abuts Hidden Creek Lane. Phase II will be oriented on a diagonal sitting in the southwest corner of the development site looking northeast. The building materials, the building façade, roof details, the lighting plan and the landscape plan would remain the same for Building 2 as they were for Building 1.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

The Plan Commission and City Staff recommend approval of this Certified Survey Map request.

TIMING/IMPLEMENTATION:

This item is for discussion at the February 21, 2018 Committee of the Whole meeting and for final consideration at the March 6, 2018 Common Council meeting.

Attachments

Res 4883(41)

CSM map

RESOLUTION NO. 4883(41)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP IN THE CITY OF
BURLINGTON FOR PROPERTY LOCATED AT 1088 HIDDEN CREEK LANE, PHASE II**

WHEREAS, the Plan Commission of the City of Burlington has reviewed a Certified Survey Map (CSM) for property described as:

PART OF LOT 1 OF CERTIFIED SURVEY MAP 1999, AS RECORDED IN VOLUME 6, PAGE 115, AS DOCUMENT 1602466 IN THE RACINE COUNTY REGISTER OF DEEDS OFFICE, THAT PART OF VACATED YAHNKE ROAD AND LANDS ALL LOCATED IN THE NORTHEAST $\frac{1}{4}$ AND THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RAINCE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE NORTH $00^{\circ}30'45''$ WEST, ALONG THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$, 1688.04 FEET; THENCE NORTH $89^{\circ}29'15''$ EAST 1041.30 FEET TO THE WEST LINE OF LOT 1 OF SAID CERTIFIED SURVEY MAP 1999 AND THE POINT OF BEGINNING; THENCE NORTH $68^{\circ}50'55''$ EAST ALONG THE SOUTH LINE OF HIDDEN CREEK LANE, 140.98 FEET; THENCE SOUTH $14^{\circ}17'01''$ EAST 156.79 FEET; THENCE NORTH $69^{\circ}20'08''$ EAST 354.52 FEET TO THE EAST LINE OF SAID LOT 1 AND THE WEST LINE OF SOUTH PINE STREET (STH 83); THENCE SOUTH $18^{\circ}57'59''$ EAST ALONG SAID LINE, 38.94 FEET; THENCE SOUTH $9^{\circ}12'26''$ EAST ALONG SAID LINE, 311.18 FEET; THENCE SOUTH $15^{\circ}58'28''$ WEST ALONG SAID LINE, 83.87 FEET TO THE SOUTH LINE OF THE NORTH $\frac{1}{2}$ OF SAID SOUTHWEST $\frac{1}{4}$; THENCE NORTH $89^{\circ}28'54''$ WEST ALONG SAID SOUTH LINE, 443.22 FEET; THENCE NORTH $13^{\circ}53'10''$ WEST ALONG SAID WEST LINE, 408.51 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 185,790 SQUARE FEET OR 4.265 ACRES, MORE OF LESS.

TAX PARCEL ID: 206-02-19-04-027-220
1088 HIDDEN CREEK LANE, PHASE II
CONTAINING 87,008 SQUARE FEET (1.997 ACRES)

WHEREAS, at their February 13, 2018 meeting, the Plan Commission did recommend approval of the CSM.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the attached CSM prepared on September 18, 2017 by Jacob S. Jensen, WLS, is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk record said CSM with the Racine County Register of Deeds and provide a copy of the recorded CSM to the Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177.

Introduced: February 21, 2018
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk

CERTIFIED SURVEY MAP NO. _____

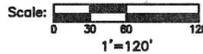
Part of Lot 1 of Certified Survey Map 1999, part of vacated Yahnke Road and Lands located in the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 2 North, Range 19 East, City of Burlington, Racine County, State of Wisconsin.



LOCATION SKETCH
NOT TO SCALE

NOTE: THIS CERTIFIED SURVEY MAP CORRECTS AND SUPERSEDES CSM 3037, VOL. 9, PG. 861, DOC. 2296664.

NORTH REFERENCED TO THE W. COUNTY COORDINATE SYSTEM (MACHINE ZONE) NAD 83. THE SURVEY IS BEARING TO THE NW 1/4 OF SEC. 4, T. 2N, R. 19E, S. 45N. ALSO W. STATE PLANE SYSTEM SOUTH ZONE AS NOT 57.387M

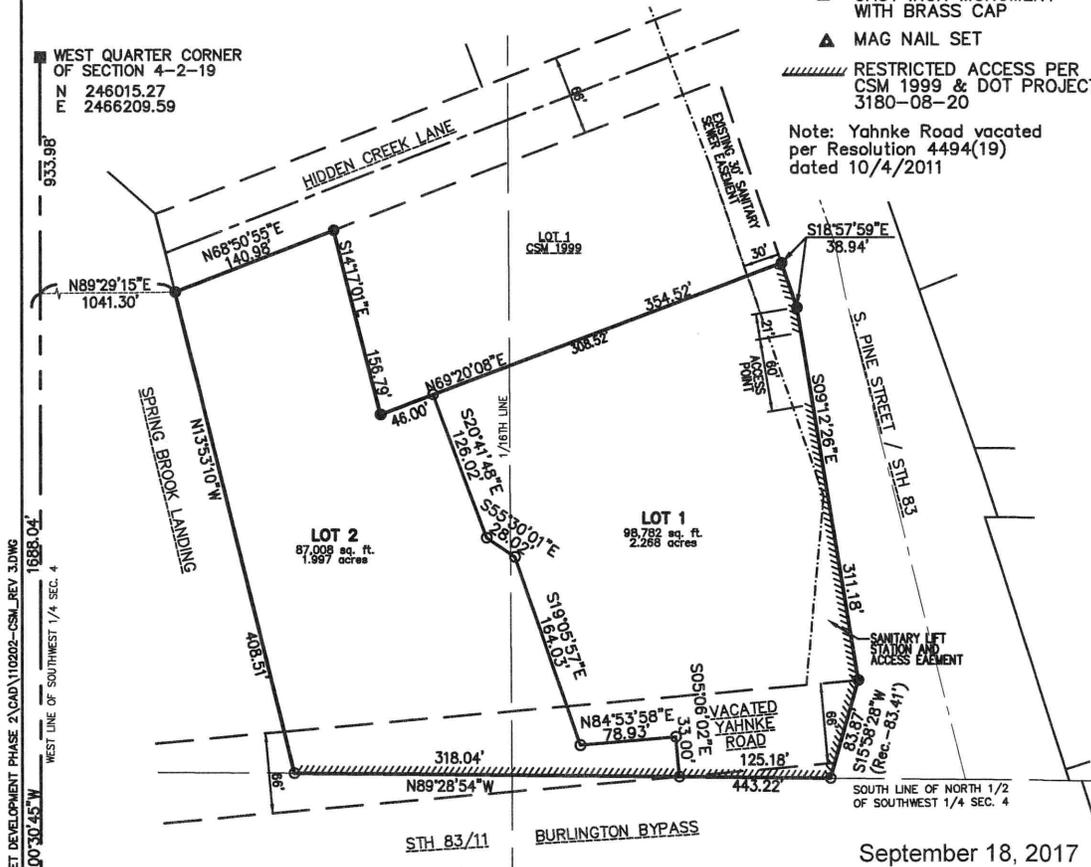


LEGEND

- 5/8" X 18" IRON BAR WEIGHING 1.13 LBS/FT, SET
- 1 5/16" OD IRON PIPE FOUND
- CAST IRON MONUMENT WITH BRASS CAP
- ▲ MAG NAIL SET

////// RESTRICTED ACCESS PER CSM 1999 & DOT PROJECT 3180-08-20

Note: Yahnke Road vacated per Resolution 4494(19) dated 10/4/2011



September 18, 2017

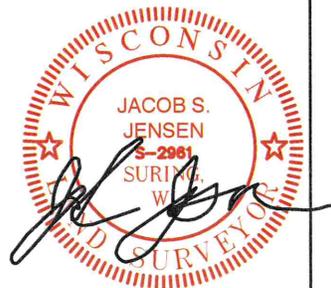
Owner:
Springbrook Townhomes III, LLC
P.O. Box 365
Burlington, WI 53105

Subdivider:
City of Burlington
300 N. Pine Street
Burlington, WI 53105

Surveyor:
Lynch & Associates
5482 S. Westridge Drive
New Berlin, WI 53151
(262)402-5040



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
(262) 402-5040
440 MILWAUKEE AVENUE
BURLINGTON, WI 53185
(262) 248-3697



Survey No. 16-0053
SHEET 1 OF 3 SHEETS

THIS INSTRUMENT DRAFTED BY JACOB S. JENSEN P.L.S. #S-2961

P:\SHARED\1 - PROJECTS\2016\16.0053 PSG - PINE STREET DEVELOPMENT PHASE 2\CAD\102602-CSM_REV 3.DWG
WEST LINE OF SOUTHWEST 1/4 SEC. 4
16888.04'
100°30'45"W
SOUTHWEST CORNER OF SECTION 4-2-19
PNZ 243394.79
2466299.31

CERTIFIED SURVEY MAP NO . _____

Part of Lot 1 of Certified Survey Map 1999, part of vacated Yahnke Road and Lands located in the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 2 North, Range 19 East, City of Burlington, Racine County, State of Wisconsin.

NOTE: THIS CERTIFIED SURVEY MAP CORRECTS AND SUPERSEDES CSM 3037, VOL. 9, PG. 861, DOC. 2296664.

SURVEYOR'S CERTIFICATE

I, Jacob S. Jensen, Wisconsin Professional Land Surveyor, do hereby certify that at the direction of the City of Burlington. I have surveyed, divided and mapped the land described hereon and that the information shown hereon is a correct representation of all exterior boundaries of the land surveyed and the land divisions thereof made that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 278 of the Subdivision Control Ordinance for the City of Burlington, said land being described as follows:

Part of Lot 1 of Certified Survey Map 1999, as recorded in Volume 6, Page 115, as Document 1602466 in the Racine County Register of Deeds Office, that part of vacated Yahnke Road and Lands all located in the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin, more particularly described as follows;

Commencing at the southwest corner of said Section 4; thence North 00°30'45" West, along the west line of said Southwest 1/4, 1688.04 feet; thence North 89°29'15" East 1041.30 feet to the west line of Lot 1 of said Certified Survey Map 1999 and the point of beginning; thence North 68°50'55" East along the south line of Hidden Creek Lane, 140.98 feet; thence South 14°17'01" East 156.79 feet; thence North 69°20'08" East 354.52 feet to the east line of said Lot 1 and the west line of South Pine Street (STH 83); thence South 18°57'59" East along said line, 38.94 feet; thence South 9°12'26" East along said line, 311.18 feet; thence South 15°58'28" West along said line, 83.87 feet to the south line of the North 1/2 of said Southwest 1/4; thence North 89°28'54" West along said south line, 443.22 feet; thence North 13°53'10" West along said west line, 408.51 feet to the point of beginning.

Said parcel contains 185,790 square feet or 4.265 acres, more or less.

Dated this 18th day of September, 2017.



Jacob S. Jensen P.L.S. S-2961



CITY COUNCIL APPROVAL CERTIFICATE

RESOLVED, THAT THIS CERTIFIED SURVEY MAP, IN THE CITY OF BURLINGTON, WISCONSIN, BE THE SAME, IS HEREBY APPROVED BY THE CITY COUNCIL OF BURLINGTON.

JEANNIE HEFTY, MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, WISCONSIN, ON THE _____ DAY OF _____, 2017.

DIAHNN HALBACH, CITY CLERK

P:\SHARED\1 - PROJECTS\2016\16.0053 PSG - PINE STREET DEVELOPMENT PHASE 2\CAD\110202-CSM_REV 3.DWG

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map 1999, part of vacated Yahнке Road and Lands located in the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 2 North, Range 19 East, City of Burlington, Racine County, State of Wisconsin.

CORPORATE OWNER'S CERTIFICATE

_____ A WISCONSIN CORPORATION, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON THIS CERTIFIED SURVEY MAP IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF BURLINGTON. WE FURTHER CERTIFY THAT THIS MAP IS REQUIRED BY S.236.10 & S.236.12 TO BE SUBMITTED TO THE FOLLOWING AGENCIES FOR APPROVAL OR OBJECTION; CITY OF BURLINGTON.

IN THE PRESENCE OF:

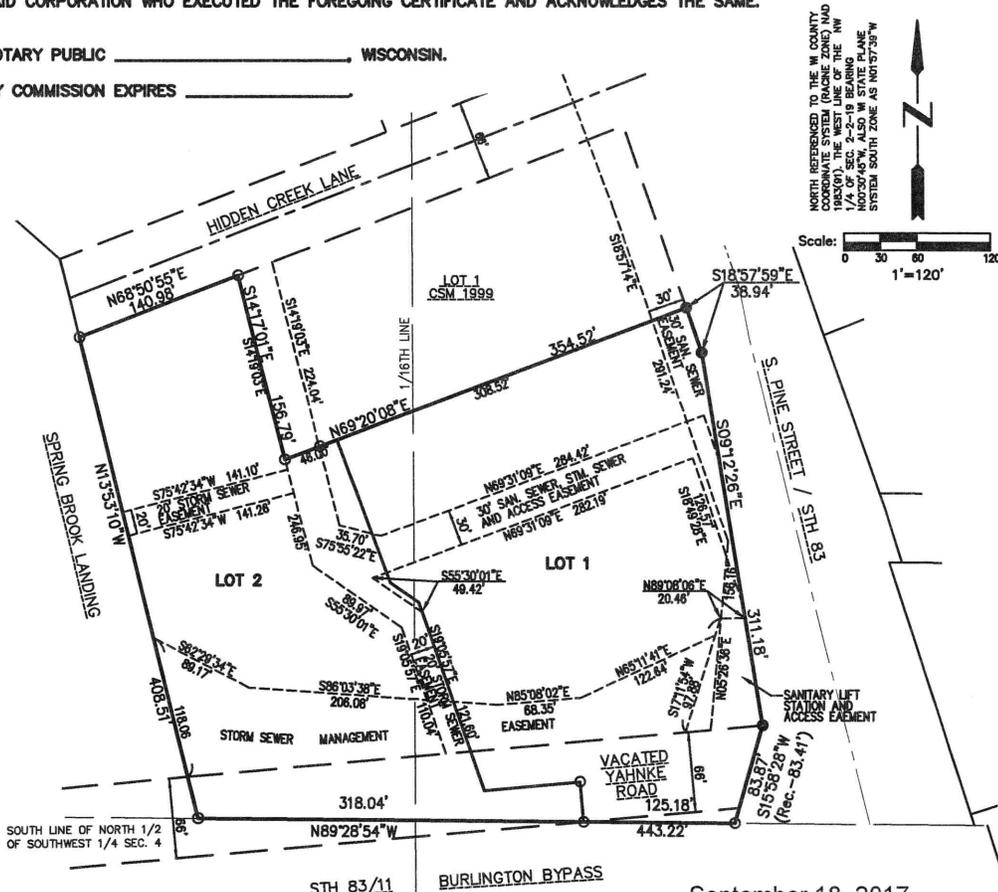
_____ PRESIDENT _____ DATE _____ WITNESS

STATE OF WISCONSIN)
COUNTY OF RACINE) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2017, _____ AND _____ WITNESS OF THE ABOVE NAMED CORPORATION, KNOWN TO ME TO BE SUCH OFFICERS OF SAID CORPORATION WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGES THE SAME.

NOTARY PUBLIC _____, WISCONSIN.

MY COMMISSION EXPIRES _____



September 18, 2017

EXISTING EASEMENTS

LEGEND

- 1 5/16" O.D. x 24" IRON PIPE SET WEIGHING 1.13 LBS/FT
- 1 5/16" OD IRON PIPE FOUND

NOTE: THIS CERTIFIED SURVEY MAP CORRECTS AND SUPERSEDES CSM 3037, VOL. 9, PG. 861, DOC. 2296664.



Survey No. 16-0053
SHEET 3 OF 3 SHEETS

P:\SHARED\PROJECTS\2016\16.0053.PSG - PINE STREET DEVELOPMENT PHASE 2\CAD\110202-CSM_REV 3.DWG



COMMITTEE OF THE WHOLE

ITEM NUMBER 7A

DATE: February 21, 2018

SUBJECT: ORDINANCE 2032(9) - to approve amending the Racine County Multi-Jurisdictional Comprehensive Plan 2035 for property located at 100 and 124 S. Dodge Street.

SUBMITTED BY: Gregory Guidry, Building Inspector

BACKGROUND/HISTORY:

The Racine County Multi-Jurisdictional Comprehensive Plan was implemented by state statute on January 1, 2010. Upon review of a rezone request from Casey's Marketing Company to rezone property at 100 and 124 S. Dodge Street, it was determined a plan amendment was also required. Per the Comprehensive Plan, 100 and 124 S. Dodge Street is listed as "Industrial" and would not be consistent with the requested zoning change from B-1, Neighborhood Business District and M-1, Light Manufacturing District to B-2, Central Business District. As such, an amendment from "Industrial" to "Commercial" is necessary to be compliant.

The process of a Comprehensive Plan Amendment begins with a Plan Commission recommendation. A Public Hearing will be held at the Common Council meeting. After the Public Hearing the Common Council will consider the amendment and make it part of permanent record if approved. Racine County will amend the land use plan yearly with any updates or amendments.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

Plan Commission and City Staff recommend approval of this Multi-Jurisdiction Comprehensive Plan Amendment.

TIMING/IMPLEMENTATION:

This item is for discussion at the February 21, 2018 Committee of the Whole meeting, with a Public Hearing scheduled the same evening and is scheduled for final consideration at the March 6, 2018 Common Council meeting.

Attachments

Ord 2032(9)

**ORDINANCE AMENDING THE RACINE COUNTY MULTI-JURISDICTION
COMPREHENSIVE PLAN FOR THE CITY OF BURLINGTON, WISCONSIN FOR
100 AND 124 S. DODGE STREET**

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. On July 21, 2009, the City of Burlington adopted, as Ordinance No. 1890(11) a comprehensive plan (the "Plan") pursuant to the provisions of Sections 62.23(3)(b) and 66.1001 of the Wisconsin Statutes, such Plan being formally titled "A Multi-Jurisdictional Comprehensive Plan for the City of Burlington, Wisconsin."

Section 2. Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes allows the Plan to be amended, from time to time, by the City of Burlington under and pursuant to the provisions and procedures contained in such Sections 62.23(3)(b) and 66.1001(4).

Section 3. The City of Burlington wishes to so amend the Plan as expressly described below (the "Plan Amendment") and the procedures specified on Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes for the Plan Amendment have been fully complied with by the City of Burlington.

Section 4. The Plan Amendment pertains to the real property (the "Real Property") located in the City of Burlington and which is more specifically described in attached Exhibit A, such Exhibit A being hereby incorporated herein by reference.

Section 5. The Common Council held a public hearing on said amendment on January 16, 2018 and which public hearing was properly noticed by a Class 1 notice under Chapter 985 of the Wisconsin Statutes and was duly published at least thirty (30) days before the public hearing was held.

Section 6. The City of Burlington Common Council hereby finds and determines based, in part, upon the City Plan Commission's recommendation and Plan Commission Resolution Number Twenty-Four dated January 9, 2018 that:

- a) The Comprehensive Plan Amendment is consistent with the goals, objectives, and policies of the Plan.
- b) The Plan Amendment will not lead to any detrimental environmental effects.
- c) The Plan Amendment is compatible with surrounding land uses.
- d) The Comprehensive Plan Amendment will not overburden existing local and county facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.
- e) The Comprehensive Plan Amendment will enhance economic development within the City and County.
- f) The Comprehensive Plan Amendment is in substantial agreement with the recommendations of the regional land use plan.

Section 7. The Comprehensive Plan is accordingly hereby amended by the adoption of the following Plan Amendment: “Real Property (described in attached Exhibit A) be changed from its current land use designation of “Industrial” in the Plan to the new land use designation of “Commercial” in the Land Use Plan Element and Land Use Plan Map for the year 2035 of the City's Comprehensive Plan.

Section 8. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Burlington Common Council and publication or posting as required by law.

Introduced: February 20, 2018

Adopted: _____, 2018

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

EXHIBIT A

Legal Description

206-03-19-32-402-702 and 206 03-19-32-402-701
100 S. Dodge Street and 124 S. Dodge Street

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76170

Parcel A:

Lot 2 of Certified Survey Map No. 1178, Recorded November 10, 1986 in the office of the Register of Deeds for Racine County, Wisconsin in Volume 3 of Certified Survey Maps, Pages 453-454, as Document No. 1210923, being Block 66 and Southerly 1/2 of Vacated East State Street of the Original Plat of Burlington, as recorded in the office of the Register of Deeds for Racine County, Excepting the Easterly 27 feet thereof, being part of the South 1/2 of the Northeast 1/4 of Section 32, Township 3 North, Range 19 East, of the 4th P.M. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

Parcel B:

Perpetual Easement for Ingress and Egress, identified as Easement # 1 in Reciprocal Easement Agreement recorded December 1, 1986 in Volume 1833 of Records, Page 565 as Document No. 1212693.

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76171

Lot 1 of Certified Survey Map No. 1178 in Volume 3 Pages 453-454, as recorded in the office of the Register of Deeds for Racine County, Wisconsin on November 10, 1986 as Document No. 1210923, being a part of Lots 5, 6, 7, and 8, Block 66, Original Plat of Burlington according to the recorded plat thereof. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

ALSO DESCRIBED AS:

All of Lots 1 and 2 as designated upon C.S.M. No. 1178, recorded November 10, 1986 in Volume 3 of Certified Survey Maps on Pages 453 & 454 in the Register's Office of Racine County, Wisconsin, said C.S.M. being in part of the South Half of the Northeast Quarter of Section 32, Township 3 North, Range 19 East of the Fourth Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1 of said C.S.M. No. 1178, said point being the intersection of the Northerly line of a public road designated Dodge Street with the Northerly line of a public road designated Adams Street; thence North 26 degrees 04 minutes 56 seconds West along the Westerly line of said Lots 1 & 2 of said C.S.M. No. 1178 and the Northerly line of said Dodge Street, a distance of 298.64 feet to the Northwesternly most corner of said Lot 2 of said C.S.M. No. 1178; thence North 63 degrees 38 minutes 14 seconds East along the Northerly line of said Lot 2 of said C.S.M. No. 1178, a distance of 238.24 feet to the Northeastly most corner thereof; thence South 26 degrees 35 minutes 05 seconds East along the Easterly line of said Lot 2 of said C.S.M. No. 1178, a distance of 298.64 feet to the Southeastly most corner thereof, said point also being in the Northerly line of said Adams Street; thence South 63 degrees 38 minutes 14 seconds West along the Southerly line of said Lots 1 & 2 of said C.S.M. 1178 and the Northerly line of said Adams Street, a distance of 240.86 feet to the Point of Beginning, containing 71,540 square feet, 1.642 acres, more or less, all being situated in the City of Burlington, County of Racine and the State of Wisconsin.



COMMITTEE OF THE WHOLE

ITEM NUMBER 7B

DATE: February 21, 2018

SUBJECT: **ORDINANCE 2033(10)** - to approve amending the Racine County Multi-Jurisdictional Comprehensive Plan 2035 to incorporate the Burlington Area Manufacturing & Office Park (BMOP) expansion in the City of Burlington, Wisconsin.

SUBMITTED BY: Megan Watkins, Director of Administrative Services

BACKGROUND/HISTORY:

The development and adoption of a conceptual master plan for the Burlington Manufacturing and Office Park (BMOP) will advance the City of Burlington's coordinated growth strategy. Core tenets of this strategy include the efficient expansion of utilities and infrastructure, the provision of quality and affordable housing, the creation of family supporting jobs, the preservation of natural resources, and the expansion of the property tax base. As the BMOP is a successful business park and demand for industrial and manufacturing land continues to grow in Racine County, the City of Burlington can position itself to satisfy this demand through the BMOP expansion with attendant commercial and residential development in the surrounding area.

The Racine County Multi-Jurisdictional Comprehensive Plan was implemented by state statute on January 1, 2010. Upon review of an expansion request from the City of Burlington to expand the Burlington Area Manufacturing and Office Park, it was determined a plan amendment was also required. Per the Comprehensive Plan, that the Real Property in the Burlington Area Manufacturing and Office Park expansion be incorporated in the 2035 Multi-Jurisdictional Comprehensive Plan to be compliant.

The process of a Comprehensive Plan Amendment begins with a Plan Commission recommendation. A Public Hearing will be held at the Common Council meeting. After the Public Hearing the Common Council will consider the amendment and make it part of permanent record if approved. Racine County will amend the land use plan yearly with any updates or amendments.

Plan Commission recommended approval of this amendment as Resolution 25 at their February 13, 2018 meeting.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

The Plan Commission and City Staff recommend approval of this amendment to the Racine County Multi-Jurisdictional Comprehensive Plan as it is a valuable resource for the community.

TIMING/IMPLEMENTATION:

This item is for discussion at the February 21, 2018 Committee of the Whole meeting, scheduled for a Public Hearing the same night and for final consideration at the March 6, 2018 Common Council meeting.

Attachments

Ord 2033(10)

ORDINANCE AMENDING THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN 2035 TO INCORPORATE THE BURLINGTON AREA MANUFACTURING & OFFICE PARK EXPANSION IN THE CITY OF BURLINGTON, WISCONSIN

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. On July 21, 2009, the City of Burlington adopted, as Ordinance No. 1890(11) a comprehensive plan (the “Plan”) pursuant to the provisions of Sections 62.23(3)(b) and 66.1001 of the Wisconsin Statutes, such Plan being formally titled “A Multi-Jurisdictional Comprehensive Plan for the City of Burlington, Wisconsin.”

Section 2. Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes allows the Plan to be amended, from time to time, by the City of Burlington under and pursuant to the provisions and procedures contained in such Sections 62.23(3)(b) and 66.1001(4).

Section 3. The City of Burlington wishes to so amend the Plan as expressly described below (the “Plan Amendment”) and the procedures specified on Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes for the Plan Amendment have been fully complied with by the City of Burlington.

Section 4. The Plan Amendment pertains to the real property (the “Real Property”) located in the City of Burlington and which is more specifically described in attached Exhibit A, such Exhibit A being hereby incorporated herein by reference.

Section 5. The Common Council held a public hearing on said amendment on _____, 2018 and which public hearing was properly noticed by a Class 1 notice under Chapter 985 of the Wisconsin Statutes and was duly published at least thirty (30) days before the public hearing was held.

Section 6. The City of Burlington Common Council hereby finds and determines based, in part, upon the City Plan Commission's recommendation and Plan Commission Resolution Number Twenty-Five dated February 13, 2018 that:

- a) The Comprehensive Plan Amendment is consistent with the goals, objectives, and policies of the Plan.
- b) The Plan Amendment will not lead to any detrimental environmental effects.
- c) The Plan Amendment is compatible with surrounding land uses.
- d) The Comprehensive Plan Amendment will not overburden existing local and county facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.
- e) The Comprehensive Plan Amendment will enhance economic development within the City and County.
- f) The Comprehensive Plan Amendment is in substantial agreement with the recommendations of the regional land use plan.

Section 7. The 2035 Multi-Jurisdictional Comprehensive Plan for the City of Burlington, Wisconsin is accordingly hereby amended by the incorporation of the Real Property (described in attached Exhibit A) pursuant 66.1001(4) of the Wisconsin Statutes.

Section 8. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Burlington Common Council and publication or posting as required by law.

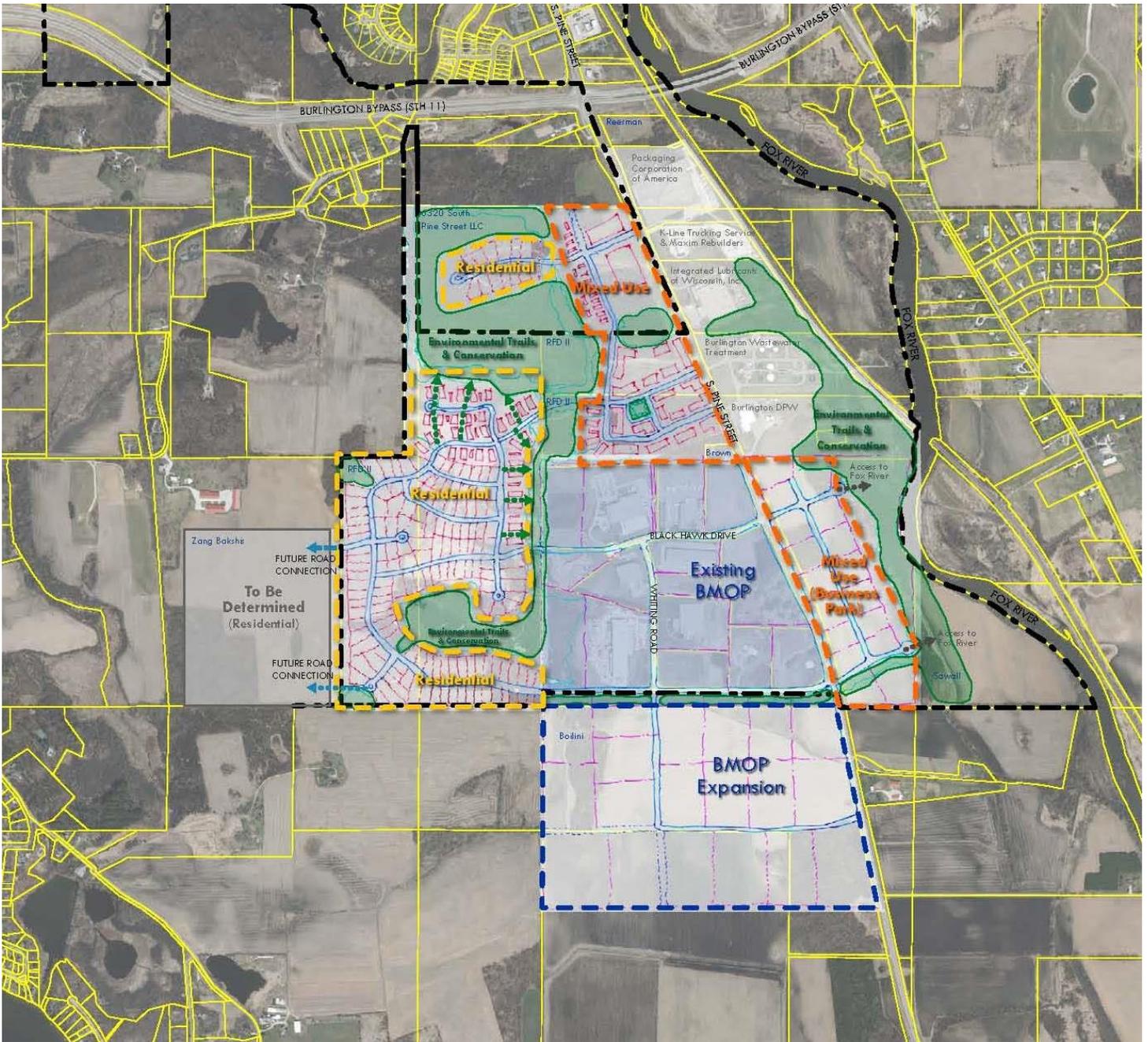
Introduced: February 21, 2018
Adopted: _____, 2018

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

EXHIBIT A



Tax I.D. Numbers:

- | | |
|----------------------|----------------------|
| 002-02-19-09-002-000 | 206-02-19-09-006-000 |
| 206-02-19-09-002-010 | 206-02-19-09-007-101 |
| 206-02-19-08-002-000 | 206-02-19-08-001-000 |
| 206-02-19-05-001-010 | 206-02-19-05-021-010 |
| 206-02-19-09-009-000 | 002-02-19-16-003-000 |
| 002-02-19-16-006-000 | 002-02-19-09-010-000 |
| 002-02-19-08-017-000 | 206-02-19-09-011-000 |
| 206-02-19-10-014-000 | |



COMMITTEE OF THE WHOLE

ITEM NUMBER 7C

DATE: February 21, 2018

SUBJECT: ORDINANCE 2034(11) - to amend Chapter 274-9B "Snow and Ice Removal" of the Code of the City of Burlington to eliminate notification by the Police Department.

SUBMITTED BY: Peter Riggs, Director of Public Works

BACKGROUND/HISTORY:

Wisconsin Statute 66.0907(5) requires that local governments keep sidewalks free of snow and ice and empowers them to pass along the cost for clearing sidewalks when property owners fail to do so. Chapter 274-9(A) of the City of Burlington Municipal Code requires property owners to remove snow and ice within 18 hours of the end of snowfall. Chapter 274-9(B) outlines the process by which the City may take corrective action on a noncompliant sidewalk and pass along expenses to the property owner.

Chapter 274-9(B) requires the Police Department direct the Department of Public Works to clear a noncompliant sidewalk of snow and ice. In the past, dispatch would field the report of a noncompliant sidewalk and officers would perform the initial inspection. The Police Department would then provide notice for Public Works to take action. Public works would then inspect, issue notice to the property owner by mail, reinspect at the end of the notice deadline, and clear the sidewalk if it were still out of compliance. Any charges incurred for clearing the sidewalk would then be given to the Finance Department to bill the property owner or place as a lien on their property.

With the change in dispatch, the initial report of a noncompliant sidewalk has been moved to clerical staff at the Department of Public Works. By removing the Police Department from the inspection process we eliminate a redundant inspection, free up officer time, and improve the timeline to achieve compliance. The change in the ordinance is necessary to allow for the Department of Public Works to continue to charge for work performed to achieve compliance.

Oversight of noncompliant sidewalk snow removal is a common Public Works function.

BUDGET/FISCAL IMPACT:

This change should have no direct fiscal impact. However, the elimination of the Police Department inspect is assumed to free up some amount of officer time.

RECOMMENDATION:

Staff recommends Common Council amendment of chapter 274-9B to eliminate the requirement of the Police Department in the sidewalk snow removal process.

TIMING/IMPLEMENTATION:

This is for discussion at the February 21, 2018 Committee of the Whole and is scheduled for final consideration at the March 6, 2018 meeting of the Common Council.

Attachments

Ord 2034(11)

Wis Statute Sidewalk Snow Removal

**AN ORDINANCE TO AMEND CHAPTER 274-9B, "SNOW AND ICE REMOVAL" OF
THE CODE OF THE CITY OF BURLINGTON TO ELIMINATE NOTIFICATION BY THE
POLICE DEPARTMENT**

- I. Chapter 274-9B of the Code of the City of Burlington, Racine County, Wisconsin, "Snow and Ice Removal" is hereby amended as follows:
- B. Removal by City. ~~Upon notification by the Police Department,~~ the Department of Public Works shall cause all sidewalks which have not been cleaned or sprinkled in the manner heretofore described to be cleaned or sprinkled upon the default of the person whose duty it shall be to clean or sprinkle the same, and the cost thereof shall be assessed and collected as a special tax against the abutting property.
- II. It is further ordained that the application of this ordinance shall be effective after its passage and publication as required by law.
- III. All other language as contained in Chapter 274 of the Municipal Code of the City of Burlington shall remain without change and in full force and effect.

Introduced: February 21, 2018
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

66.0907 Sidewalks. (1) PART OF STREET; OBSTRUCTIONS. Streets shall provide a right-of-way for vehicular traffic and, where the council requires, a sidewalk on either or both sides of the street. The sidewalk shall be for the use of persons on foot, and no person may encumber the sidewalk with boxes or other material. The sidewalk shall be kept clear for the use of persons on foot.

(2) GRADE. If the grades of sidewalks are not specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

(3) CONSTRUCTION AND REPAIR. (a) *Authority of council.* The council may by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks. The standard may be different for different streets. The council may order by ordinance or resolution sidewalks to be laid as provided in this subsection.

(b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the council.

(c) *Notice.* A copy of the ordinance, resolution or order directing the laying, removal, replacement or repair of sidewalks shall be served upon the owner, or an agent, of each lot or parcel of land in front of which the work is ordered. The board of public works, or either the street commissioner or the city engineer if so requested by the council, may serve the notice. Service of the notice may be made by any of the following methods:

1. Personal delivery.
2. Certified or registered mail.
3. Publication in the official newspaper as a class 1 notice, under ch. 985, together with mailing by 1st class mail if the name and mailing address of the owner or an agent can be readily ascertained.

(d) *Default of owner.* If the owner neglects for a period of 20 days after service of notice under par. (c) to lay, remove, replace or repair the sidewalk the city may cause the work to be done at the expense of the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in s. 62.15 (1).

(e) *Minor repairs.* If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of \$100, the board of public works, street commissioner or city engineer, if so required by the council, may immediately repair the sidewalk, without notice, and charge the cost of the repair to the owner of the lot or parcel of land, as provided in this section.

(f) *Expense.* The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by contract or otherwise, and report the expenses to the comptroller. The comptroller shall annually prepare a statement of the expense incurred in front of each lot or parcel of land and report the amount to the city clerk. The amount charged to each lot or parcel of land shall be entered by the clerk in the tax roll as a special charge, as defined under s. 74.01 (4), against the lot or parcel of land and collected like other taxes upon real estate. The council by resolution or ordinance may provide that the expense incurred may be paid in up to 10 annual installments and the comptroller shall prepare the expense statement to reflect the installment payment schedule. If annual installments for sidewalk expenses are authorized, the city clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special charge, as defined under s. 74.01 (4), against the lot or parcel each year until all installments have been entered, and the amount shall be collected like other taxes upon real estate. The council may provide that the street commissioner or city engineer perform the duties imposed by this section on the board of public works.

(5) SNOW AND ICE. The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense

of clearing in front of any lot or parcel of land shall be included in the statement to the comptroller required by sub. (3) (f), in the comptroller's statement to the city clerk and in the special tax to be levied. The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.

(6) REPAIR AT CITY EXPENSE. The council may provide that sidewalks shall be kept in repair by and at the expense of the city or may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the city and the balance by abutting property owners.

(7) RULES. The council may by ordinance implement the provisions of this section, regulate the use of the sidewalks of the city and prevent their obstruction.

(10) APPLICATION OF SECTION; DEFINITIONS. The provisions of this section do not apply to 1st class cities but apply to towns and villages, and when applied to towns and villages:

- (a) "Board of public works" means the committee or officer designated to handle street or sidewalk matters.
- (b) "City" means town or village.
- (c) "Comptroller" means clerk.
- (d) "Council" means town board or village board.

History: 1975 c. 172, 356, 421, 422; 1979 c. 32; 1983 a. 189, 532; 1991 a. 316; 1993 a. 490; 1999 a. 150 s. 542; Stats. 1999 s. 66.0907; 2015 a. 55.

A city cannot delegate its primary responsibility to maintain its sidewalks, nor delegate or limit its primary liability by ordinance. *Kobelinski v. Milwaukee & Suburban Transport Corp.* 56 Wis. 2d 504, 202 N.W.2d 415 (1972).

The defendant property owners' failure to remove snow and ice from sidewalks in violation of a municipal ordinance did not constitute negligence per se. *Hagerty v. Village of Bruce*, 82 Wis. 2d 208, 262 N.W.2d 102 (1978).

A city, exercising its police power, can impose a special tax on properties for the cost of installing a sidewalk on an adjacent city right-of-way without showing that the properties would be benefited. *Stehling v. City of Beaver Dam*, 114 Wis. 2d 197, 336 N.W.2d 401 (Ct. App. 1983).

66.0909 Curb ramping. (1) The standard for construction of curbs and sidewalks on each side of a city or village street, or a connecting highway or town road for which curbs and sidewalks have been prescribed by the governing body of the town, city or village having jurisdiction, shall include curb ramping providing access to crosswalks at intersections and other designated locations. Curb ramping includes the curb opening, the ramp and that part of the sidewalk or apron leading to and adjacent to the curb opening. Any person constructing new curbs or sidewalks or replacing curbs or sidewalks within 5 feet of a legal crosswalk in any city street, village street, connecting highway or town road shall comply with the standards for curb ramping under this section.

(3) Curb ramps shall conform to the following requirements:

(a) Curb ramping shall be of permanent construction. The ramp shall be at least 40 inches wide. The sides of the ramp shall slope from the sidewalk or apron elevations to the ramp elevation with the widest portion of the side slope not less than 18 inches nor more than 24 inches wide at the curb. The ramp slope may not exceed one inch vertical to 12 inches horizontal from the flow line elevation of the curb. The curb opening shall be not less than 40 inches nor more than 80 inches wide at the flow line of the curb. The taper of the curb from the top of the curb to the flow line of the curb at the curb opening shall be not less than 18 inches nor more than 24 inches wide. The ramp shall be bordered on both sides and on the curb line with a 4-inch-wide yellow stripe or with brick of a contrasting color.

(b) Curb ramping shall be in one of the following locations, to provide access to each end of each crosswalk affected:

1. At the center of the curve of the street corner to accommodate crossing for either direction at the intersection. The entire curb corner may not be made into a ramp, but shall provide for standard sidewalk apron and curb on both sides of a ramp. Any safety zone marking required by ordinance shall be provided in the street or town road 40 inches out and parallel with the curb, joining with the standard safety pedestrian crossing markings in the street or town road;