



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

Tuesday, August 21, 2018

6:30 p.m.

Common Council Chambers, 224 East Jefferson Street

Mayor Jeannie Hefty
Susan Kott, Alderman, 1st District
Theresa Meyer, Alderman, 1st District
Bob Grandi, Alderman, 2nd District
Ryan Heft, Alderman, 2nd District
Steve Rauch, 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** (*J. Schultz*)
 - A. Approval of the Committee of the Whole Minutes for August 7, 2018.
4. **PRESENTATIONS:**
An update from Dave Blank from Real Racine
5. **DISCUSSION:**
 - A. A petition from Cynthia and Aubrey McGaughy to forgo installing a required ADA Restroom at 225 E. Jefferson street also known as 2 Fancie Gals.
6. **RESOLUTIONS:**
 - A. **Resolution 4915(17)** - To consider an approval of a Certified Survey Map for property located at 1054 Milwaukee Avenue.
 - B. **Resolution 4916(18)** - Approval of a Preliminary Plat for the proposed Glen at Stonegate Subdivision, Addition No. II.

- C. **Resolution 4917(19)** - Approval of a Work Order For Baxter & Woodman, INC. to Prepare Preliminary and Final Compliance Alternatives Plans for Phosphorus and WPDES Permit Renewal Assistance Engineering Services for the Not-to-Exceed Amount of \$18,350.

- D. **Resolution 4918(20)** - To approve the Application for an Urban Non-Point Source and Storm Water Management Program Planning Grant for the Purpose of Funding Urban Storm Water Planning With the Wisconsin Department of Natural Resources.

- 7. **ORDINANCES:**

- A. **Ordinance 2040(6)** - To consider amending the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 332 Milwaukee Avenue from Commercial to Medium Residential Density.

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

- 9. **ADJOURNMENT** (*T. Preusker*)

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: August 21, 2018

SUBJECT: Committee of the Whole Minutes for August 7, 2018.

SUBMITTED BY: Diahnn Halbach, City Clerk

BACKGROUND/HISTORY:

The attached minutes are from the August 7, 2018 Committee of the Whole meeting.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the attached minutes from the August 7, 2018 Committee of the Whole meeting.

TIMING/IMPLEMENTATION:

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

Attachments

COW Minutes



City Clerk
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CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, August 7, 2018

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

Mayor Jeannie Hefty called the meeting of the Common Council to order at 6:30 p.m. starting with roll call. Present: Mayor Hefty, Susan Kott, Theresa Meyer, Ryan Heft, Steve Rauch, Jon Schultz, Tom Preusker, Todd Bauman. Excused: Bob Grandi

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

Also present: City Administrator Carina Walters, City Attorney John Bjelajac, Director of Administrative Services Megan Watkins, Finance Director Steve DeQuaker, Director of Public Works Peter Riggs, Building Inspector Gregory Guidry, Sergeant Robert Jones.

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

3. **Approval of Minutes**

A motion was made by Alderman Heft with a second by Alderman Rauch to approve the July 17, 2018 Committee of the Whole meeting minutes. With all in favor, the motion carried.

4. **RESOLUTIONS:**

- A. **Resolution 4914(16)** - to approve the award of bid to Miller Motors for the purchase of three (3) 2019 Ford Police Interceptor Utility AWD vehicles in the total amount of \$88,038 (plus licenses and titles).

Sergeant Jones explained that the new vehicles would replace three existing vehicles and has been budgeted for in the 2018 Equipment Replacement Fund. Sergeant Jones stated that the department opened it's bidding process via VendorNet for the vehicles on June 28, 2018 and two bids were received for the same amount. Jones recommended awarding the bid to Miller Motors as they are the most familiar with the vehicles.

5. **ORDINANCES:**

- A. **Ordinance 2039(5)** - to amend the Official Traffic Map to add a "No Left Turn" on Milwaukee Avenue at Amanda Street.

This item was tabled.

6. **MOTIONS:**

- A. **Motion 18-905** - consideration of approval to changes in the City of Burlington Revolving Loan Fund (RLF) Manual.

Administrator Walters gave a brief overview of the changes and then introduced Jenny Trick and Carolyn Engel from the RCEDC to provide further details about the proposed changes.

Jenny Trick and Carolyn Engel reviewed the proposed policy manual stating that with the closing of the TID, the RLF funds are being proposed to be re-allocated into a RLF to benefit all City of Burlington businesses which would be provided in the form of a low-interest loan depending on the need of the applicant. Repayment of these loans would be used to assist other businesses within the City of Burlington.

- B. **Motion 18-906** - to consider approving a Certificate of Appropriateness for property located at 420, 428, and 436 N. Pine Street (Itzin's Shoes & Repairs).

Building Inspector, Gregory Guidry, explained the improvements being made include painting and the replacement of two awnings with one awning that would span all three buildings. Guidry stated that HPC awarded the owner with a facade grant in the amount of \$7,000 at their July 26, 2018 meeting and recommended Council approve the COA as presented.

- C. **Motion 18-907** - to consider approving a Certificate of Appropriateness for 164 E. Washington Street.

Building Inspector, Gregory Guidry, stated that this property was a laundromat and was recently purchased for a new business called Jivilee, which would be used as a wedding-support venue with an indoor/outdoor bar and Vacation Rental By Owner (VRBO) suites. Guidry further explained the improvements being made include painting, an awning, new signage, an indoor/outdoor bar, window boxes, light fixtures and new doors. Guidry stated that HPC approved the Certificate of Appropriateness (COA) application at their July 26, 2018 meeting and recommended Council approve the COA as presented.

- D. **Motion 18-908** - to consider approving a Certificate of Appropriateness for 413 N. Pine Street.

Building Inspector, Gregory Guidry, stated that this property was one of the smaller buildings destroyed in the Schuette Daniels fire which will be deconstructed and replaced with an outdoor space that will support both the Mercantile building and the soon-to-be Jivilee venue. Guidry explained the new construction will consist of a one-story brick wall with an iron gateway, leading to an outdoor area covered by a wooden pergola. Guidry stated that HPC approved the Certificate of Appropriateness (COA) application at their July 26, 2018 meeting and recommended Council approve the COA as presented.

- E. **Motion 18-909** - to amend the Racine County Holding Tank Agreement in order to allow for the Municipal City of Burlington greater oversight of control over the installation of Holding Tanks at the Burlington Airport.

City Attorney John Bjelajac reviewed the background history and explained that moving forward, hangar owners would need to involve the City in the approval process of obtaining a Holding Tank Agreement at the Burlington Municipal Airport which will give the City greater oversight and help to better identify holding tank locations.

7. **ADJOURNMENT**

A motion was made by Alderman Rauch with a second by Alderman Bauman to adjourn. With all in favor, the meeting adjourned at 7:03 p.m.

Minutes respectfully submitted by:

Diahm C. Halbach
City Clerk
City of Burlington



DATE: August 21, 2018

SUBJECT: DISCUSSION - A petition from Cynthia and Aubrey McGaughy to forgo installing a required ADA Restroom at 225 E. Jefferson street also known as 2 Fancie Gals.

SUBMITTED BY: Carina Walters, City Administrator

BACKGROUND/HISTORY:

In February 2017, Building Inspector Gregory Guidry completed a courtesy walkthrough with the potential owners of 225 Jefferson Street to discuss code compliance concerns prior to the purchase of the building. During those discussions, and at a minimum, it was identified an ADA bathroom and ADA ramp would need to be incorporated for code compliance. Between February and April 2017, Cynthia and Aubrey McGaughy purchased the building.

Between April and May 2017 Mayor Hefty, Gregory Guidry, Attorney John Bjelajac and I met with the McGaughy's who felt the ADA bathroom was not necessary based on the International Building Code (IBC) 2902, that an exemption lied in Wisconsin Legislature Code SPS 362.2902.3, in which the City can approve the exemption that states.

*Article (4). Public facilities. This is a department exception to the requirements in IBC section 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where **all** of the following requirements are met:*

- (a) No more than 25 occupants are accommodated.*
- (b) Other restrooms are conveniently located and available to the patrons and employees during all hours of operation. This has apparently not yet been met or satisfied.*
- (c) The omission is approved in writing by the local unit of government.*
- (d) A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.*

Staff contacted the Wisconsin Department of Safety and Professional Services who indicated the exemption was not applicable due to the building, which was previously zoned Residential to Commercial. Under now zoned SPS 366.0101(2), once the zoning has changed from Residential to Commercial, this building or any other building now must meet the IBC as a new commercial building. The existing building code does not apply here. Therefore, an ADA compliant bathroom must be part of the project. Staff sent the attached letters to the McGaughy's.

In June 2017 the McGaughy's were given a 90 day Temporary Occupancy which began the time frame for the completion of the ADA Bathroom. Due to the July 12, 2017 Flood, in August, the McGaughy's asked the City for a six month extension to their permanent occupancy requirement due to four feet of water in the basement, in which they lost furniture, tools, painting supplies, according to the McGaughy's this totaled approximately \$7,000. Staff asked what progress had been made at that time to identify where they were in the ADA bathroom remodel. At that time they had received bids but were unable to afford the work and staff provided a 6 month extension to complete the ADA bathroom. Staff has been working diligently with the McGaughy's, who still do not have Final Occupancy.

In March 2018 Attorney Bjelajac was contacted by the McGaughy's Attorney Richard M. Scholze to appeal the need for the ADA bathroom. In April staff sent the following letter outlining the position necessitating the ADA bathroom and provided the McGaughy's three administrative appellate avenues.

- 1) A written request to the Common Council asking for an exemption from the ADA bathroom requirement under Wisconsin Administrative Code SPS 362.2902.3.
- 2) They can make a similar request for such an exemption directly to the State of Wisconsin.
- 3) Matter could also be reviewable by the City of Burlington Zoning Board of Appeals.

City Administrator Carina Walters received notification 2 Fancie Gals would like to seek approval of the Common Council to forgo installing the required ADA bathroom. This evening the McGaughy's will be present to outline their petition.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff is seeking for confirmation of the Code provisions to ensure an ADA compliant bathroom is constructed.

TIMING/IMPLEMENTATION:

This item is for discussion at the July 17 Committee of the Whole meeting.

Attachments

May 24, 2017 Letter

June 1, 2017 Letter

June 20, 2017 Letter

April 13, 2018 Letter to Attorney Scholze



CITY OF BURLINGTON

Administration Department

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May 24, 2017

HAND DELIVERED TO:

Rick and Cynthia McGaughy
225. E. Jefferson Street
Burlington, Wi 53105

Re: May 19, 2017 Meeting

Dear Rick and Cynthia,

The City of Burlington is very pleased to see a previously empty building in the downtown area come to life. We are most honored to have you become a part of our business community.

We also thank you for meeting with Mayor Hefty, City Attorney John Bjelajac and myself on Friday May 19, 2017 to outline your concerns with respect to the Building Inspector and try to bring closure to your inquiry with respect to the City's local discretion to the exception you outlined below in International Building Code (IBC) section 2902.

According to your inquiry and intent, within International Building Code (IBC) 2902, an exemption lies in Wisconsin Legislature Code SPS 362.2902.3, in which the City can approve the exemption that specifically states:

Article (4). Public facilities. This is a department exception to the requirements in IBC section 2902.3: Toilet rooms may be omitted in a small retail or mercantile building where all of the following requirements are met:

(a) No more than 25 occupants are accommodated.

(b) Other restrooms are conveniently located and available to the patrons and employees during all hours of operation. This has apparently not yet been met or satisfied.

(c) The omission is approved in writing by the local unit of government.

(d) A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

After speaking with Randall R. Dahmen of the Wisconsin Department of Safety and Professional Services on Monday, May 22, 2017, he indicated the exemption outlined above was not applicable. It is not available because the building was previously zoned Residential to Commercial. Under now zoned SPS 366.0101(2), once the zoning has changed from Residential to Commercial, this building or any other building now must meet the IBC as a new commercial building. The existing building code does not apply here. Therefore, an ADA compliant bathroom must be part of the project. As outlined in my email on May 2, 2017, the City has not, and does not, grant such exemption. Because of my conversation with Randall Dahmen, and the information that I received from him, a conversation with Steve Dobratz, Section Chief over Commercial Plan Review for the Wisconsin Department of Safety and Professional Services was not necessary as the change of zoning from Residential to Commercial dictated the ADA regulation.

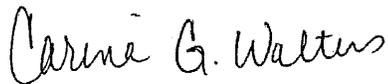
I understand this may be fiscally constraining your overall budget; however, the City has offered to allow 2 Fancie Gals to complete the ADA bathroom within two to three months of opening its doors. Should 2 Fancie Gals not complete the ADA bathroom within such time, the Building Inspector does have the purview to impose the necessary fines to ensure compliance or withdraw the temporary occupancy permit. Please keep me posted in that regard.

It is our goal to ensure every business and/or project that comes to fruition within the City is navigated through the City's process as seamlessly as possible. Again, we will continue to take every step reasonably possible to ensure that 2 Fancie Gals has a successful opening, as our residents are eager to see your beautiful furniture.

Lastly, during our initial meeting, Gregory provided you the city's revised garbage ordinance and you were to reach out to John's disposal to ensure appropriate billing. If you have already completed this task, thank you for being proactive, otherwise ensure this transfer is completed by June 1, 2017.

Please don't hesitate to contact me regarding any concerns in the future.

Sincerely,



Carina G. Walters
City Administrator

Cc: Mayor Jeannie Hefty
John Bjelajac, City Attorney
Gregory Guidry, Building Inspector
Steve Dobratz, Wisconsin Department of Safety and Professional Services
Randall R. Dahmen, Wisconsin Department of Safety and Professional Services



CITY OF BURLINGTON

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June 1, 2017

Mr. Rick and Ms. Cynthia McGaughy
225 E. Jefferson Street
Burlington, Wisconsin 53105

Re: May 24, 2017 Correspondence

Dear Rick and Cynthia,

Since the delivery to you of our letter dated May 24, we have continued to review and discuss internally the Wisconsin Administrative Code provisions pertaining to the construction of an ADA-compliant restroom in your new retail store.

We did take steps, for instance, to contact by telephone Mr. Steve Dobratz, of the Wisconsin Department of Safety and Professional Services, to review with him the opinion that we earlier received from Mr. Randall Dahmen of his office. Mr. Dahmen had indicated to us in our prior contact with him that, under the circumstances described to him, the City of Burlington did not have discretion to exempt you from constructing the ADA-compliant restroom.

In speaking with Mr. Dobratz, he indicated that Section SPS 362.2902(4) of the Wisconsin Administrative Code does allow the City to provide such an exemption, but only if the following conditions precedent (cited directly from SPS 362.2902(4)) are met:

- (a) No more than 25 occupants are accommodated.
- (b) Other restrooms are conveniently located and available to the patrons and employees during all hours of operation.
- (c) The omission is approved in writing by the local unit of government.
- (d) A copy of the written approval from the local unit of government is provided to the department or its authorized representative upon request.

After receiving this information from Mr. Dobratz, we asked John Bjelajac, our City Attorney (who was in attendance at our City Hall meeting with you), to also review and study the applicable SPS code provisions, to confirm the information presented to us. Atty. Bjelajac did so, and he agrees with the information provided by Mr. Dobratz.

In fairness to you, and to your wife and daughter, who we understand will be running the store, we wanted to share this further information with you.

Along the same lines of full disclosure, we want to also share with you our following thoughts and position regarding the SPS exemption provisions cited above:

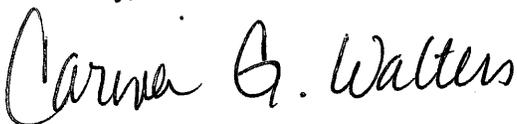
1. As a matter of good public policy, we believe that the ADA restroom standards should be adhered to whenever reasonably possible. With respect to your store, we believe that it is not unreasonable to so require an ADA restroom.
2. The City of Burlington Common Council, of course, can change this policy if it would wish to do so. Our staff recommendation to the Common Council, however, would be to confirm the policy of requiring ADA-compliant restrooms, in keeping with the basic concept of the need for ADA facilities, to serve all members of our community.
3. Finally, we do not believe that there exist for your store other restrooms that are "conveniently located and available" to your customers and employees, as required under above subsection (b). Such other restrooms (i) should be ADA-compliant, otherwise the very intent of SPS 362.2902(4) would be defeated, and (ii) we believe that it would be an unfair and inappropriate policy to have a business being exempted, by allowing its customers to travel outside to another building that did follow the SPS Code requirements and did install an ADA-compliant restroom in its facility.

We stand by our position to require the construction of an ADA-compliant restroom in your store, but we do so in a spirit of goodwill, and with a pledge to provide to you whatever assistance that we can reasonably give to your new business venture in our community.

Along these lines, Mr. Jim DeLuca, our consulting Building Inspector, gave to you a 90-day temporary occupancy permit, so that you could open the doors of your new store on May 26. We are also working with you by allowing the installation of the ADA restroom to occur during the 90-day temporary occupancy period, as opposed to the standard requirement of being done prior to any occupancy.

Should you have any questions regarding any of these matters, please feel free to contact us. We also always stand ready to again meet with you, to discuss any matters of concern.

Sincerely,



Carina G. Walters
City Administrator

Cc: Mayor Jeannie Hefty & Members of the Common Council
Mr. John Bjelajac, City Attorney
Mr. Gregory Guidry, Building Inspector
Mr. Steve Dobratz, Wisconsin Department of Safety and Professional Services
Mr. Randall R. Dahmen, Wisconsin Department of Safety and Professional Services



CITY OF BURLINGTON

Administration Department

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June 20, 2017

Mr. Rick and Ms. Cynthia McGaughy
225 E. Jefferson Street
Burlington, Wisconsin 53105

Re: June 12, 2017 Inspection

Dear Rick and Cynthia,

Pursuant to the June 12 inspection completed by James Deluca of Municipal Services, LLC, of the property located at 225 E. Jefferson Street, Burlington, Wisconsin in accordance with Municipal Code 115-8, Mr. Deluca advised those at the meeting, he needed further direction from the City Administrator with respect to outstanding code compliance.

Mr. Deluca primarily focused his inspection on the ADA accessibility route within the building and the ADA required bathroom. Other items Mr. Deluca reported on needing future review, as the building was previously zoned residential and rezoned to a commercial structure, would be the design requirement change, especially for loading, exiting and plumbing.

The findings of the June 12 inspection that still need attention within the 90 day temporary occupancy timeline include:

- 1) The platform at the bottom of the ADA ramp shall comply with A117- Section 405 to ensure a flat platform. The temporary cold patch platform does not meet this requirement.
- 2) Ensure a ramp handrail is installed.
- 3) The second door exit stairs facing Jefferson Street will need to be brought up to code to ensure the stairs are parallel to the ramp.
- 4) Submittal of the revised accessible ramp drawings since the original submission.
- 5) The ADA-compliant restroom.
- 6) Review by the inspector of other facets of loading, exiting and plumbing

Mr. Deluca is ready to assist you and your contractor to ensure the future work is code compliant.

Sincerely,

Carina G. Walters
City Administrator

Cc: Jeannie Hefty, Mayor
John Bjelajac, City Attorney
James Deluca, Municipal Services, LLC

Bjelajac & Kallenbach, LLC
Attorneys at Law

Atty. John M. Bjelajac, LLC
Terrance L. Kallenbach, S.C.

Judith M. Hartig-Osanka
(1938-2011)

601 Lake Avenue
Post Office Box 38
Racine, Wisconsin 53401-0038
Telephone: (262) 633-9800
FAX: (262) 633-1209

April 13, 2018

Atty. Richard M. Scholze
Wanasek, Scholze, Ludwig & Ekes
133 South Pine Street
Post Office Box 717
Burlington, Wisconsin 53105-0717

RE: ADA Bathroom/225 East Jefferson Street

Dear Atty. Scholze:

Over the last weeks/months Carina Walters, the City Administrator, and I have been further discussing and reviewing afresh the ADA bathroom issues pertaining to the retail store operated by the McGaughy family at 225 East Jefferson Street in the City of Burlington, under the tradename of "2 Fancie Gals".

Most recently for instance, I contacted Mr. Steve Dobratz, the Section Chief - Commercial Building and UDC Programs, for the Bureau of Technical Services, Division of Industry Services, of the State of Wisconsin Department of Safety and Professional Services, to discuss this matter with him. Prior to that we again worked with Mr Gregory Guidry, the City's Building Inspector, regarding the applicable ordinances and State codes that are in play for the issues at hand.

The culmination of all of these steps leads Ms. Walters and this writer, however, to continue to stand by the position taken and outlined in the prior two letters, dated May 24, 2017, and June 1, 2017, that Ms. Walters sent to Mr. Rick and Ms. Cynthia McGaughy, that being that an ADA bathroom is required to be installed at the store at 225 East Jefferson Street. We are confident that you already have those two letters in your file, but we are still, in any event, enclosing copies of the same with this letter.

What we do wish to further do, however, by means of this letter, is to outline for you at least three administrative appellate avenues that you can pursue on behalf of the McGaughys if they would like to take such steps. In no particular order, please be advised that the following administrative avenues appear to be available to them:

Atty. Richard M. Scholze
April 13, 2018
Page 2

- 1) A written request can be sent to the City of Burlington Common Council asking for an exemption from the ADA bathroom requirement under Wisconsin Administrative Code SPS362.2902.3. This would not involve a due process hearing, but you and the McGaughys would be given an opportunity to address the Common Council, and also present to the Common Council any written information that might be desired.
- 2) It is our understanding that a similar request for such an exemption may be made directly to the State of Wisconsin, assumedly to the Department of Safety and Professional Services. We do not have any specific procedural information for you, however, so you would have to determine the proper code citations and procedures to follow.
- 3) This is a matter that should also be reviewable by the City of Burlington Zoning Board of Appeals. Mr. Guidry and other City staff members at the front desk can provide more procedural information to you regarding this avenue of review.

Finally, we stand ready to meet with you, if you believe such a meeting would be helpful. Just let us know in that regard. And should you have any other concerns or questions, please contact our office.

Thank you.

Very truly yours,

BJELAJAC & KALLENBACH



John M. Bjelajac

JMB/bj

cc: Mayor Jeannie Hefty
Ms. Carina Walters
Mr. Gregory Guidry



DATE: August 21, 2018

SUBJECT: RESOLUTION 4915(17) - To consider an approval of a Certified Survey Map (CSM) for property located at 1054 Milwaukee Avenue.

SUBMITTED BY: Gregory Guidry, Building Inspector

BACKGROUND/HISTORY:

This item is to consider recommending approval of a Certified Survey Map (CSM) request from GMX Real Estate Group, LLC for property located at 1054 Milwaukee Avenue. This CSM, drafted by Donald C. Chaput, WLS, seeks a re-division of Lots 1 and 2. The proposed land revision creates a larger Lot 1 (the Lot that contains this proposed development) and a smaller Lot 2 - the primary parcel containing the Fox River Plaza shopping center.

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 August 21, 2018 Committee of the Whole meeting and due to timing, is scheduled for final consideration at this evening's Common Council meeting.

Attachments

Res 4915(17)
1054 Milw Ave CSM map

RESOLUTION NO. 4915(17)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP IN THE CITY OF
BURLINGTON FOR PROPERTY LOCATED AT 1054 MILWAUKEE AVENUE**

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

COMMENCING AT THE SOUTHWEST CORNER OF THE NORHTWEST ¼ OF SAID SECTION 28: THENCE NORTH 88°23'43" EAST ALONG THE SOUTH LINE OF SAID ¼ SECTION 45.27 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF MILWAUKEE AVENUE; THENCE NORTH 37°12'06" EAST ALONG SAID SOUTHEASTERLY LINE 526.00 FEET TO THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 37°12'06" EAST 371.00 FEET TO A POINT; THENCE SOUTH 52°47'54" EAST ALONG THE SOUTHEASTERLY LINE OF LOT 1, CERTIFIED SURVEY MAP NO.1174 A DISTANCE OF 175.00 FEET; THENCE NORTH 37°12'06" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT, 65.00 FEET TO A POINT; THENCE NORTH 15°46'13" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT, 68.42 FEET TO A POINT; THENCE NORTH 52°47'54" WEST ALONG THE NORTHEASTERLY LINE OF SAID LOT, 150.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF MILWAUKEE AVENUE; THENCE NORTH 37°12'06" EAST ALONG SAID SOUTHEASTERLY LINE 100.00 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE AND SAID SOUTHEATERLY LINE 168.21 FEET, WHOSE RADIUS IS 578.58, WHOSE CENTER LIES TO THE NORTHWEST AND WHOSE CHORD BEARS NORTH 36°22'07" EAST 168.20 FEET TO A POINT; THENCE NORTH 88°17'31" EAST 577.53 FEET TO A POINT ON THE WESTERLY LINE OF THE WISCONSIN ELECTRIC POWER COMPANY RIGHT-OF-WAY; THENCE SOUTH 16°17'16" WEST ALONG SAID WESTERLY LINE 962.23 FEET TO A POINT; THENCE SOUTH 52°20'29" WEST ALONG THE NORTHERLY LINE OF LOT 2, CERTIFIED SURVEY MAP NO. 2898, A DISTANCE OF A 161.69 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ¼ OF SECTION 28; THENCE SOUTH 88°23'43" WEST ALONG SAID SOUTH LINE AND NORTHERLY LINE OF SAID LOT, 78.54 FEET TO A POINT; THENCE SOUTH 37°12'06" WEST ALONG THE NORTHERLY LINE OF SAID LOT, 146.49 FEET TO A POINT; THENCE NORTH 52°47'54" WEST ALONG THE NORTHERLY LINE OF SAID LOT, 473.00 FEET TO A POINT; THENCE NORTH 37°12'06" EAST 120.00 FEET TO A POINT; THENCE NORTH 52°47'54" WEST 250.00 FEET TO A POINT OF BEGINNING.

TAX PARCEL ID: 206-03-19-28-021-010
1054 Milwaukee Avenue
CONTAINING 679,928 SQUARE FEET (15.6090 ACRES)

WHEREAS, at their August 14, 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 May 25, 2018 by Donald C. Chaput, 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: August 21, 2018
Adopted: _____, 2018

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk

CERTIFIED SURVEY MAP NO. _____

A revision of Lots 1 and 2 of Certified Survey Map No. 1217, recorded in Volume 3 of Certified Survey Maps, on pages 557-558, in the office of the Register of Deeds of Racine County, and unplatted lands all lying in the Southwest 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

Owner : Fox River Plaza, LLC
 11518 N. Port Washington Rd.
 Suite 103
 Mequon, WI 53092

GRAPHIC SCALE

0 180 360

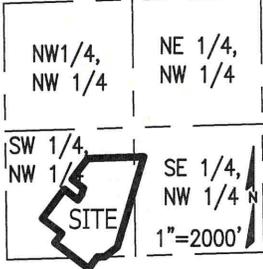


(IN FEET)

1 inch = 180 ft.

VICINITY MAP

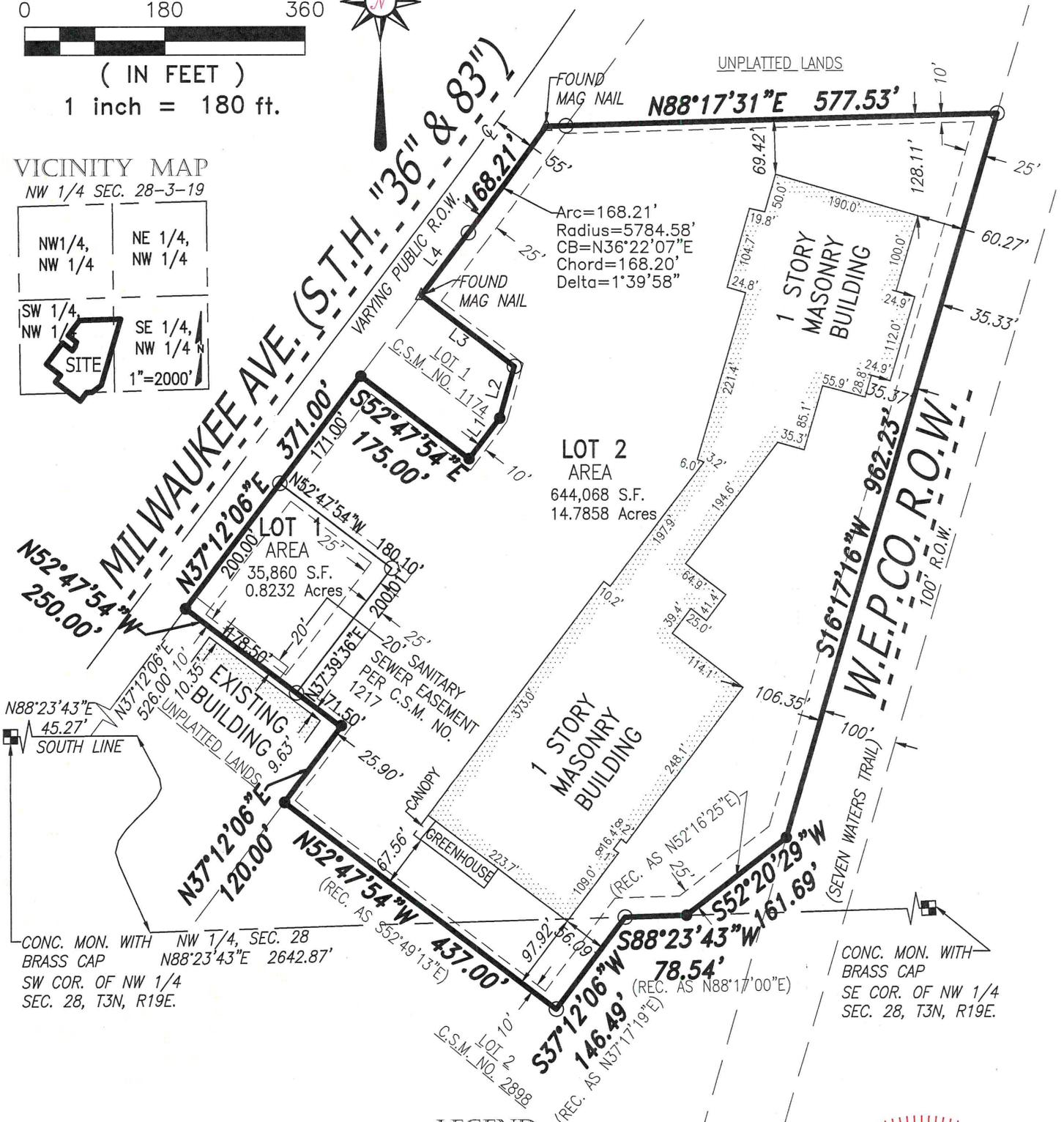
NW 1/4 SEC. 28-3-19



NOTE:
 -Lot 1 is prohibited from direct vehicle ingress and egress with S.T.H. "36" & "83"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N37°12'06"E	65.00'
L2	N15°46'13"E	68.42'
L3	N52°47'54"W	150.00'
L4	N37°12'06"E	100.00'



LEGEND

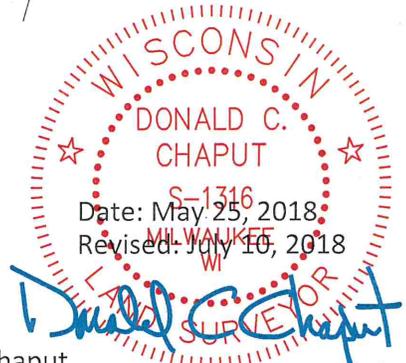
- Indicates set 1 3/8" OD iron pipe, 18" in length, 1.13 lbs. per lineal foot.
- Indicates found 1 3/8" OD iron pipe

Zoning: B-1
 Front Setback: 25 feet
 Side Setback: 10 feet
 Rear Setback: 25 feet

CHAPUT
 LAND SURVEYS

234 W. Florida Street
 Milwaukee, WI 53204
 414-224-8068
 www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
 Professional Land Surveyor S-1316



Date: May 25, 2018
 Revised: July 10, 2018

Dwg. No. 2399.02-dmb
 Sheet 1 of 3 Sheets
 Page 18 of 35

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 1 and 2 of Certified Survey Map No. 1217, recorded in Volume 3 of Certified Survey Maps, on pages 557-558, in the office of the Register of Deeds of Racine County, and unplatted lands all lying in the Southwest 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN} :SS
RACINE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Lots 1 and 2 of Certified Survey Map No. 1217, recorded in Volume 3 of Certified Survey Maps, on pages 557-558, in the office of the Register of Deeds of Racine County, and unplatted lands all lying in the Southwest 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin, bounded and described as follows:

COMMENCING at the Southwest corner of the Northwest 1/4 of said Section 28; thence North 88°23'43" East along the South line of said 1/4 Section 45.27 feet to a point on the Southeasterly line of Milwaukee Avenue; thence North 37°12'06" East along said Southeasterly line 526.00 feet to the point of beginning of lands hereinafter described; thence continuing along said Southeasterly line North 37°12'06" East 371.00 feet to a point; thence South 52°47'54" East along the Southwesterly line of Lot 1, Certified Survey Map No. 1174 a distance of 175.00 feet; thence North 37°12'06" East along the Southeasterly line of said Lot, 65.00 feet to a point; thence North 15°46'13" East along the Southeasterly line of said Lot, 68.42 feet to a point; thence North 52°47'54" West along the Northeasterly line of said Lot, 150.00 feet to a point on the Southeasterly line of Milwaukee Avenue; thence North 37°12'06" East along said Southeasterly line 100.00 feet to a point of curvature; thence Northeasterly along the arc of a curve and said Southeasterly line 168.21 feet, whose radius is 5784.58, whose center lies to the Northwest and whose chord bears North 36°22'07" East 168.20 feet to a point; thence North 88°17'31" East 577.53 feet to a point on the Westerly line of the Wisconsin Electric Power Company right-of-way; thence South 16°17'16" West along said Westerly line 962.23 feet to a point; thence South 52°20'29" West along the Northerly line of Lot 2, Certified Survey Map No. 2898, a distance of 161.69 feet to a point on the South line of the Northwest 1/4 of Section 28; thence South 88°23'43" West along said South line and Northerly line of said Lot, 78.54 feet to a point; thence South 37°12'06" West along the Northerly line of said Lot, 146.49 feet to a point; thence North 52°47'54" West along the Northerly line of said Lot, 437.00 feet to a point; thence North 37°12'06" East 120.00 feet to a point; thence North 52°47'54" West 250.00 feet to the point of beginning.

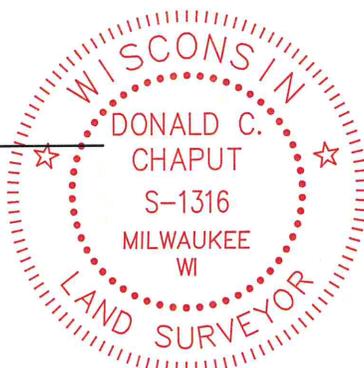
Said lands as described contains 679,928 square feet or 15.6090 Acres.

THAT I have made the survey, land division and map by the direction of Fox River Plaza, LLC, owner.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the City of Burlington Municipal Code in surveying, dividing and mapping the same.

May 25, 2018
DATE
Revised: July 10, 2018



Donald C. Chaput
DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 1 and 2 of Certified Survey Map No. 1217, recorded in Volume 3 of Certified Survey Maps, on pages 557-558, in the office of the Register of Deeds of Racine County, and unplatted lands all lying in the Southwest 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

Fox River Plaza, LLC, limited liability company duly organized and existing under and by virtue of the laws of the State of , as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Burlington Code of Ordinances.

This agreement shall be binding on the undersigned and assigns.

In Witness Where of, the Fox River Plaza, LLC has caused these presents to be signed by Joseph Devorkin, its member, at _____, _____, this day of _____, 2018.

In the presence of:

Fox River Plaza, LLC

Joseph Devorkin, Member

STATE OF WISCONSIN)

): SS

RACINE COUNTY)

Personally came before me this ____ day of _____, 2018, Joseph Devorkin, of the above named corporation, to me known as the persons who executed the foregoing instrument, and to me known to be a member of the corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of the corporation, by its authority.

(Notary Seal)

Notary Public State of Wisconsin
My commission expires,
My commission is permanent.

COMMON COUNCIL RESOLUTION

Resolved, that this "Certified Survey Map", in the City of Burlington, is hereby approved by the Common Council, dated this ____ day of _____, 2018

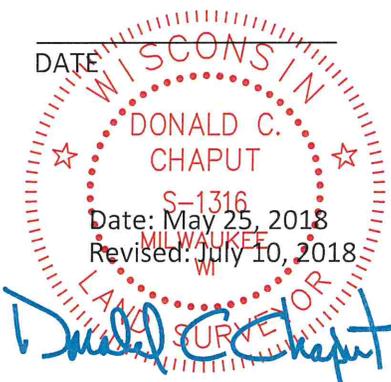
DATE

(name)

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Burlington

DATE

(name)



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



DATE: August 21, 2018

SUBJECT: RESOLUTION 4916(18) - Approval of a Preliminary Plat for the proposed Glen at Stonegate Subdivision, Addition No. II.

SUBMITTED BY: Gregory Guidry, Building Inspector

BACKGROUND/HISTORY:

MC Home Builders met with City staff May of 2018 with their intention of developing the vacant lot north of the existing Glen at Stonegate Subdivision. This 23 acre lot, owned by Birchwood Realty, LLC, is considered Addition No. II of the Glen at Stonegate Subdivision and the final phase of this residential development project.

The Preliminary Plat submitted by MC Home Builders, LLC for the Glen at Stonegate, Addition No. II proposes to develop thirty single-family lots. The original subdivision and Addition No. I contain 63 lots, which are nearly all built out.

The proposed residential lots for Addition II range in size from 11,094 square feet to 56,989 square feet. The larger proposed lots contain primary environmental corridor, wetlands, and a drainage easement. The proposed outlot is 124,210 square feet in size, located in the southeast corner of the proposed addition, and consists of a stormwater pond, wetland, environmental corridor, and a drainage easement.

The Plan Commission discussed and approved this Preliminary Plat and their August 14, 2018 meeting. Per Chapter 278 of the Municipal Code, a preliminary plat is the first step in the approval process with the subdivision addition. A final plat and development agreement with Birchwood Realty, LLC will be considered by the Plan Commission and Common Council in the coming months.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

The Plan Commission approved this Preliminary Plat and their August 14, 2018 meeting and recommends Council approval of the same.

TIMING/IMPLEMENTATION:

This item is for discussion at the August 21, 2018 Committee of the Whole meeting and scheduled for final consideration at the September 4, 2018 Common Council meeting.

Attachments

Res 4916(18)

Stonegate Addition II Preliminary Plat

**A RESOLUTION APPROVING A PRELIMINARY PLAT FOR THE PROPOSED GLEN AT
STONEGATE SUBDIVISION ADDITION NO. II**

WHEREAS, the Plan Commission of the City of Burlington has reviewed a preliminary plat shown hereon, proposed and submitted by as submitted by MC Home Builders LLC and owned by Birchwood Realty, LLC for property located north of the existing The Glen at Stonegate Subdivision. The property is on parcel 206-03-19-22-009-000 located at 2500 S. Teut Road; and,

WHEREAS, at their August 14, 2018 meeting, the Plan Commission did recommend approval of the Preliminary Plat based on the information provided, and contingent upon the recommendations included in the August 8, 2018 memorandum by Tanya Fonseca of Graef and the July 11, 2018 memorandum by Gary Splinter of Kapur & Associates.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the attached Preliminary Plat (1 Sheet as prepared by Donald C. Chaput of Chaput Land Surveys, a Wisconsin Certified Land Surveyor, dated July 3, 2018 for the proposed The Glen at Stonegate, Addition No. II located north of the existing The Glen at Stonegate Subdivision adjacent to STH 36, as Attachment "A" is hereby conditionally approved subject to the following:

- The Applicant's design generally with the provisions enumerated in §278-48 "Lots." Some lots may have development limitations due to the delineated wetlands. Per Chapter §278-48(G), corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets. In this case, this impacts lots 88 and 89. Given that lots 88 and 89 lots exceed the minimum of 70 feet in width (both are 95.10 feet wide and 226.76 feet deep), these are wide enough, however with the wetlands, and the narrower nature of the lots in comparison to the adjacent lots, consideration may be given to reconfiguring these lots to give these corner lots a slightly larger building envelope, akin to the other lots in the subdivision.
- Per Chapter 278-23 (5), the address of the owner must be shown.
- Per Chapter 236.20 (3)(a), the Section in the preamble below the subdivision name must be listed.
- Per Chapter 236.20 (4)(b), all proposed roadways must be labeled as "Dedicated to Public".

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution to Birchwood Realty, LLC.

Introduced: August 21, 2018
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

PRELIMINARY PLAT OF THE GLEN AT STONEGATE ADDITION NO. II

Part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Northwest 1/4, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

OWNER:
BIRCHWOOD REALTY LLC

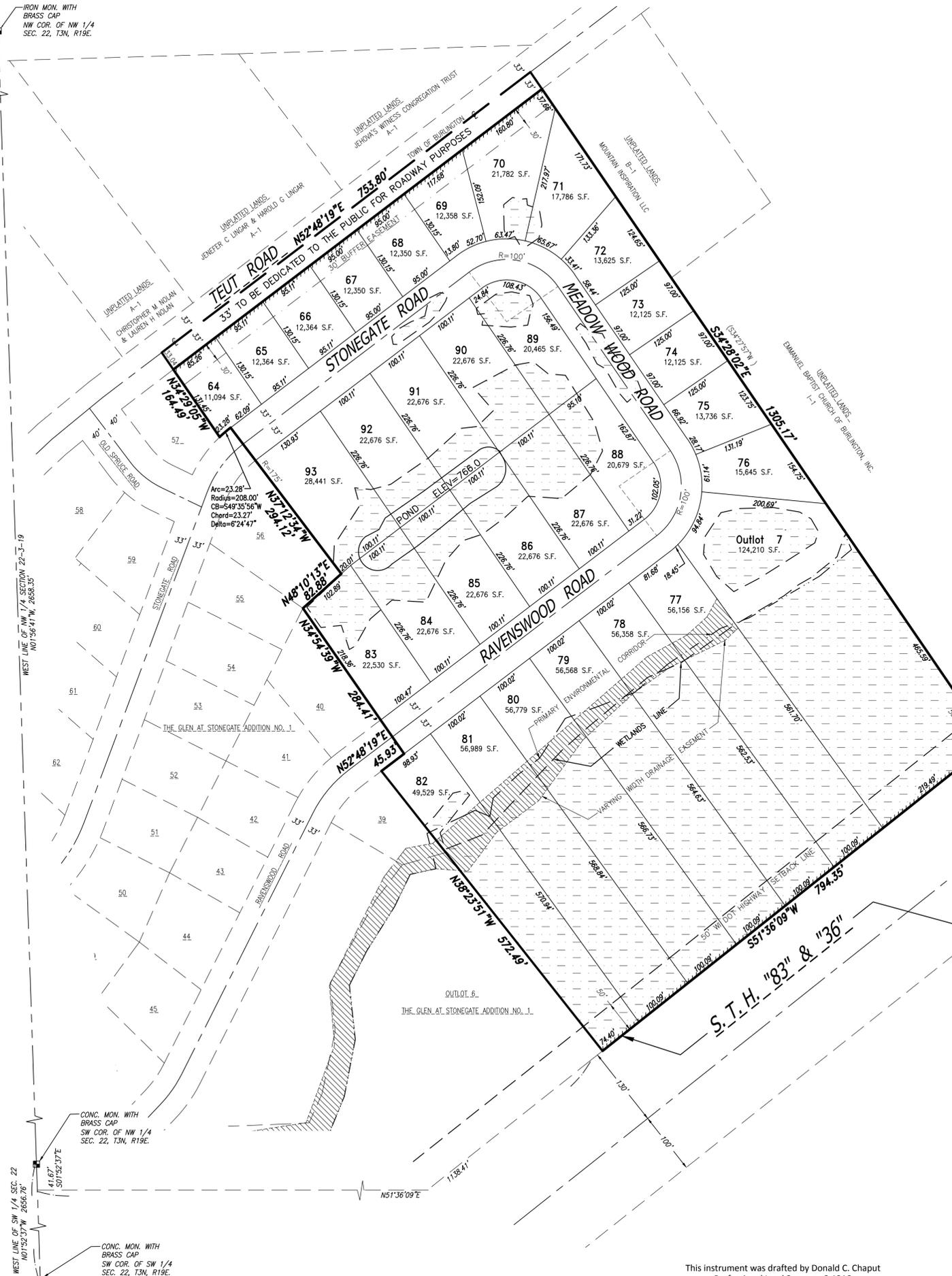
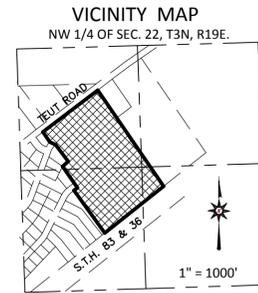
SUBDIVIDER:
MC HOME BUILDERS LLC
5008 Green Bay Road,
Kenosha, WI 53144

NOTES:

- Bearings referenced to the West line of the Northwest 1/4 of Section 22-3-19, Wisconsin State Plane Coordinate System, South Zone Grid, published by S.E.W.R.P.C. as N01°56'41"W.
- Land included in this plat will be purchased by MC HOME BUILDERS LLC after City of Burlington approvals have been obtained.
- Existing zoning RS-2 (Single Family Residence District).
Street yard setback: 25 feet
Side yard setback: 8 feet
Rear yard setback: 25 feet
Maximum height: 35 feet
Minimum land area: 11,000 square feet
- Lots 64-70 will have no vehicular access to Teut Road.
- Right of way width on the westerly side of Teut Road as shown per found monumentation and record information.
- Owner's of record BIRCHWOOD REALTY LLC
- Lots containing wetland areas to have deed restrictions to be determined by the City of Burlington.

Wisconsin D.O.T. Notes:

- All lots and blocks are hereby restricted so that no owner, possessor, user, licensee, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of USH/STH 36 and 83 it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s.236.293, Wisconsin Statutes and shall be enforceable by the department.
- 50' Highway Setback - "Highway Setbacks: this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation."



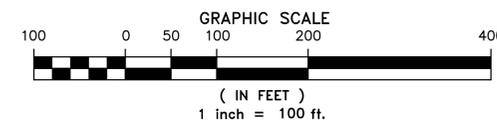
LEGEND

- () RECORD DIMENSIONS
- ACCESS RESTRICTION SEE NOTES
- PRIMARY ENVIRONMENTAL CORRIDOR AS FIELD DELINEATED BY BONESTROO ROSENE ANDERLIK AND ASSOCIATES JANUARY-2006
- WETLANDS AS FIELD DELINEATED BY STANTEC JUNE 2018

I Donald C. Chaput, Professional Land Surveyor do hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I to the best of my professional knowledge and belief have fully complied with the provisions of the subdivision and platting municipal codes of the City of Burlington and Chapter 236 of the Wisconsin State Statutes.

Date: July 3, 2018

Donald C. Chaput
 Professional Land Surveyor
 Registration Number S-1316



REQUIRED SETBACKS	
SETBACK	DISTANCE (FT)
STREET	25
REAR	25
SIDE	8 MIN 20 TOTAL

234 W. Florida Street
 Milwaukee, WI 53204

Date	Revision description

This document is an instrument of professional service, and may be protected by the surveyor's work product doctrine or surveyor/client privilege. The information shown hereon is intended solely for the use of the client and client directed third parties.
Drawing No. 2944-ajj/grb

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



DATE: August 21, 2018

SUBJECT: **RESOLUTION 4917(19)** - Approval of a Work Order For Baxter & Woodman, INC. to Prepare Preliminary and Final Compliance Alternatives Plans for Phosphorus and WPDES Permit Renewal Assistance Engineering Services for the Not-to-Exceed Amount of \$18,350.

SUBMITTED BY: Peter Riggs, Director of Public Works

BACKGROUND/HISTORY:

The City of Burlington is permitted by the Wisconsin Department of Natural Resources (WDNR) to own and operate the wastewater treatment plant. Part of this permitting requires compliance with certain limits on the effluent discharged from the plant, specifically phosphorus. WDNR requires that we submit a series of studies and reports concerning our efforts to achieve compliance with phosphorus discharge limits.

This summer the City submitted the Operational Evaluation for Phosphorus and Study of Feasible Alternatives. The next in the series of required reports are the Preliminary Compliance Alternatives Plan, due December 31, 2018, and the Final Compliance Alternatives Plan, Due June 30, 2019. These reports will be critical in determining how the City will proceed with achieving compliance with phosphorus discharge limits by January 1, 2024.

Baxter & Woodman has assisted the City with the study of phosphorus since we entered into an Engineering Services Agreement in 2014.

BUDGET/FISCAL IMPACT:

The work order submitted by Baxter & Woodman includes services related to the preparation of the Preliminary Compliance Alternatives Plan, Final Compliance Alternatives Plan, WPDES Permit Renewal, and project administration. The cost is not to exceed \$18,350, which will be funded by the operating budget of the Wastewater Utility.

This cost is comparable to previous work orders for similar phosphorus services provided by Baxter & Woodman.

RECOMMENDATION:

Staff recommends the Common Council approve the resolution authorizing the work order with Baxter & Woodman for the not to exceed amount of \$18,350.

TIMING/IMPLEMENTATION:

This item is scheduled for discussion at the August 21, 2018 Committee of the Whole meeting and scheduled for final consideration at the September 4, 2018 meeting of the Common Council.

Attachments

Res 4917(19)
B&W Work Order

RESOLUTION NO. 4917(19)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A WORK ORDER FOR BAXTER & WOODMAN, INC. TO
PREPARE PRELIMINARY AND FINAL COMPLIANCE ALTERNATIVES PLANS FOR
PHOSPHORUS AND WPDES PERMIT RENEWAL ASSISTANCE ENGINEERING SERVICES
FOR THE NOT-TO-EXCEED AMOUNT OF \$18,350**

WHEREAS, the Wisconsin Department of Natural Resources (WDNR) requires the City to submit reports and plans as part of our Wisconsin Pollution Discharge Elimination System (WPDES) permit; and,

WHEREAS, the Preliminary Compliance Alternative Plan is due to WDNR by December 31, 2018, and the Final Compliance Alternatives Plan is due to WDNR by June 30, 2019 as required in the City of Burlington WPDES permit; and,

WHEREAS, the City must renew the WPDES permit with WDNR in 2019; and,

WHEREAS, the City entered into an Engineering Services Agreement with Baxter & Woodman, Inc. on February 7, 2014; and,

WHEREAS, the City has executed work orders with Baxter & Woodman, Inc. for engineering services related to phosphorus discharge compliance and assistance with WPDES permit application under the Engineering Services Agreement; and,

WHEREAS, the Director of Public Works and the Wastewater Foreman recommend approval of the work order for Baxter & Woodman, hereto attached, for the not-to-exceed amount of \$18,350.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the City of Burlington shall approve the work order for Baxter & Woodman, Inc., hereto attached, for the not-to-exceed amount of \$18,350.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute this work order on behalf of the City.

Introduced: August 21, 2018
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

**CITY OF BURLINGTON, WISCONSIN
PRELIMINARY AND FINAL COMPLIANCE ALTERNATIVES PLANS FOR
PHOSPHORUS AND WPDES PERMIT RENEWAL ASSISTANCE
ENGINEERING SERVICES
WORK ORDER**

ENGINEERS' PROJECT NO. 170146.31

Project Description:

The Project consists of assisting the City with preparing the Preliminary and Final Compliance Alternatives Plans for Phosphorus, due December 31, 2018 and June 30, 2019 respectively, in accordance with the Modified January 1, 2018 Wisconsin Pollution Elimination Discharge System (WPDES) permit. In addition, we will assist the City with preparing the renewal application for the WPDES permit due June 30, 2019.

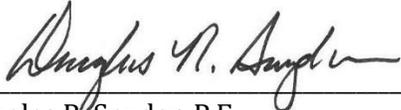
Engineering Services:

The general provisions of this contract are enumerated in the Engineering Services Agreement between the City and Engineers dated February 7, 2014. The scope of services for this Project are listed in Attachment A of this Work Order.

Compensation:

Compensation for the services to be provided under this Work Order will be in accordance with the Engineering Services Agreement dated February 7, 2014. The Owner shall pay the Engineer for the services performed or furnished under Attachment A, based on the Engineer's standard hourly billing rates for actual work time performed plus a reimbursement of out-of-pocket expenses including travel, which in total will not exceed \$18,350.

Submitted by: **BAXTER & WOODMAN, INC.**

By: 
Douglas R. Snyder, P.E.

Title: Regional Manager

Date: June 14, 2018

Approved: **CITY OF BURLINGTON, WI**

By: _____
Jeannie Hefty

Title: Mayor

Date: _____

Attest: _____
Diahn Halbach, City Clerk

Additional Comments and Conditions: None.

SCOPE OF SERVICES

1. PROJECT ADMINISTRATION AND MEETINGS – Confer with City staff and project team to ensure that the goals of the Project are achieved, and to clarify and define the general scope, extent, and character of the Project. Submit a draft of the Preliminary and Final Compliance Alternatives Plans to City staff for review and incorporate City’s comments into the final reports. Attend meetings to present information to the City regarding the Plans.
2. PRELIMINARY COMPLIANCE ALTERNATIVES PLAN – Prepare a Preliminary Compliance Alternatives Plan using the format of the WDNR Phosphorus Alternatives Report Checklist including:
 - A. BACKGROUND INFORMATION - Provide a description of existing facilities, collection system, flows, and loadings for the facility.
 - B. OPTIMIZATION PLAN SUMMARY - Provide a summary of the optimization plan efforts and the results of those efforts for 2018.
 - C. TREATMENT OPTIONS - Develop potential treatment options including biological and chemical treatment, effluent filtration, groundwater discharge, or effluent pumping to an alternate location.
 - D. WATERSHED INFORMATION - Summarize watershed information including a watershed map, locations of MS4s in the watershed, and the non-point source to point source ratio for the watershed.
 - E. ADAPTIVE MANAGEMENT - Evaluate the feasibility of adaptive management including eligibility and needed load reductions to meet TMDL limits.
 - F. TRADING - Evaluate the offset needed for trading to be successful.
 - G. FINANCIAL IMPACT OF COMPLIANCE - Evaluate the potential cost impacts on rate-payers from implementing the compliance options.
 - H. OPTIONS TO CONSIDER FOR FUTURE PRELIMINARY DESIGN - Outline options to reduce effluent phosphorus that should be studied, as part of a more in-depth preliminary design evaluation in the future, if the City is not granted a variance for total effluent phosphorus.

3. FINAL COMPLIANCE ALTERNATIVES PLAN - Prepare a Final Compliance Alternatives Plan using the general format of the Preliminary Compliance Alternatives Plan. Incorporate comments from the WDNR on the Preliminary Compliance Alternatives Plan and expand on the recommended alternative identified in the Preliminary Compliance Alternatives Plan.
4. WPDES Permit Renewal Application – Assist the City with the engineering aspects of the online renewal application, including the Mercury Variance Application and Phosphorus Variance including the following for each variance application:
 - A. DATA SUMMARY FOR PROPOSED INTERIM LIMIT – Provide previously prepared data from 2013 through 2018 to be used for the WDNR to determine an interim limit for the next WPDES Permit term.
 - B. PROCESS DESCRIPTION - Provide a previously prepared description of the existing treatment processes or source reduction measures for each parameter.
 - C. SUMMARY OF CURRENT (2013 TO 2018) REMOVAL CAPABILITIES AND SOURCE REDUCTION EFFORTS – Provide previously prepared summaries of the removal capabilities and/or source reduction efforts of each parameter for the existing facility from 2013 to 2018.

I:\Crystal Lake\BURWI\170146-Operational Evaluation\Contract\170146.31 Work Order\170146.31 Work Order.docx

City of Burlington							
Plan Number: 170146.31							
Plan Name: BURWI Phosphorus Compliance Alternatives Plans							
Level 2	Level3	Labor Category	Employee	Planned Hrs	Compensation Fee	Reimb Allowance	Total Compensation
Overall Project Total				160.00	18,290.00	60.00	18,350.00
TASK 1 Project Administration and Meetings				32.00	4,340.00	60.00	4,400.00
		Sr Engineer IV	Douglas Snyder	12.00			
		Sr Engineer III	Brent Perz	4.00			
		Sr Engineer I	Joseph Marchese	8.00			
		Engineer I	Lila Johnson	8.00			
TASK 2 Data Analysis				32.00	3,680.00	0.00	3,680.00
		Sr Engineer III	Brent Perz	8.00			
		Sr Engineer I	Joseph Marchese	8.00			
		Engineer I	Lila Johnson	16.00			
TASK 3 Compliance Plans				84.00	8,960.00	0.00	9,180.00
		Sr Engineer IV	Douglas Snyder	8.00			
		Sr Engineer III	Brent Perz	8.00			
		Sr Engineer I	Joseph Marchese	8.00			
		Engineer I	Lila Johnson	60.00			
TASK 4 WPDES Permit Renewal				12.00	1,310.00	0.00	1,310.00
		Sr Engineer IV	Douglas Snyder	2.00			
		Sr Engineer I	Joseph Marchese	2.00			
		Engineer I	Lila Johnson	8.00			
ZZWRTOF Accounting Required					0.00	0.00	0.00



DATE: August 21, 2018

SUBJECT: RESOLUTION 4918(20) - To approve the Application for an Urban Non-Point Source and Storm Water Management Program Planning Grant for the Purpose of Funding Urban Storm Water Planning With the Wisconsin Department of Natural Resources.

SUBMITTED BY: Peter Riggs, Director of Public Works

BACKGROUND/HISTORY:

In 2014 the City applied for, and was awarded, an Urban Non-Point Source Planning grant from the Wisconsin Department of Natural Resources to assist with the creation of a storm water management plan. A variety of deliverables were completed by staff and Kapur as part of this project, which includes Municipal Separate Storm Sewer System (MS4) Permit application and program requirements, update of Construction Site Erosion Control Ordinance

Adoption of a storm sewer illicit discharge ordinance, and GIS mapping and survey of storm sewer system. All tasks associated with the project and grant are complete. We must now submit the grant's final report and reimbursement request.

The DNR has informed staff the resolution that was approved during the original application in 2014 is not sufficient and requires modification in order to close out the grant and receive final reimbursement. Specifically, the authorized agent named in the original resolution is no longer associated with the project. The DNR supplied language for a new authorizing resolution that is sufficient.

BUDGET/FISCAL IMPACT:

The City has already paid all expenses for the project. Submittal of the grant's final report and reimbursement request will allow the DNR to issue final payment for their portion of the project's costs. We expect this amount to equal \$46,140, which will be placed in the General Fund as Intergovernmental Revenue.

RECOMMENDATION:

Staff recommends the Common Council approve the resolution, thereby allowing staff to close out the grant and receive reimbursement from the DNR.

TIMING/IMPLEMENTATION:

This item is scheduled for discussion at the August 21, 2018 Committee of the Whole meeting and final consideration at the September 4, 2018 meeting of the Common Council.

Attachments

Res 4918(20)

**A RESOLUTION APPROVING THE APPLICATION FOR AN URBAN NONPOINT SOURCE
AND STORM WATER MANAGEMENT PROGRAM PLANNING GRANT FOR THE
PURPOSE OF FUNDING URBAN STORM WATER PLANNING WITH THE WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

WHEREAS, The City of Burlington is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155; and,

WHEREAS, a cost-sharing grant is required to carry out the project.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Director of Public Works acts on its behalf to:

- Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial assistance that may be available;
- Sign a grant agreement between the City of Burlington and the Department of Natural Resources;
- Sign and submit reimbursement claims along with necessary supporting documentation;
- Sign and submit interim and final reports and other documentation as required by the grant agreement;
- Sign and submit an Environmental Hazards Assessment Form, if required; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Burlington shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Introduced: August 21, 2018
Adopted:

Jeanie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk



DATE: August 21, 2018

SUBJECT: ORDINANCE 2040(6) - To consider amending the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 332 Milwaukee Avenue from Commercial to Medium Residential Density.

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 Craig Faust to rezone property at 332 Milwaukee Avenue, it was determined a plan amendment was also required. Per the Comprehensive Plan, 332 Milwaukee Avenue is listed as “Commercial” and would not be consistent with the requested zoning change from B-2, Central Business District to Rd-2, Two-Family Residential. As such, an amendment from “Commercial” to “Medium Density Residential” is necessary to be compliant.

Plan Commission recommended approval of this amendment as Resolution 26 at their July 10, 2018 meeting.

The process of a Comprehensive Plan Amendment begins with a Plan Commission recommendation. From there a 30 day waiting period will occur in which surrounding communities are notified of a Public Hearing. Following 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:

The Plan Commission and City Staff recommend approval of this amendment to the Racine County Multi-Jurisdictional Comprehensive Plan.

TIMING/IMPLEMENTATION:

This item is for discussion at the August 21, 2018 Committee of the Whole meeting with a Public Hearing scheduled the same night and is for final consideration at the September 4, 2018 Common Council meeting.

Attachments

Ord 2040(6)

**ORDINANCE AMENDING THE RACINE COUNTY MULTI-JURISDICTION
COMPREHENSIVE PLAN FOR THE CITY OF BURLINGTON, WISCONSIN FOR
332 MILWAUKEE AVENUE**

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 July 17, 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-Six dated July 10, 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 “Commercial” in the Plan to the new land use designation of “Medium Density Residential” 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: August 21, 2018

Adopted: _____, 2018

Jeannie Hefty, Mayor

Attest:

Diahn Halbach, City Clerk

EXHIBIT A

Legal Description

206-03-19-32-470-150
332 Milwaukee Avenue

Section 32 T3N, R19E, Perkins 2nd Addition, Lot 6, Block 4