



**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Wednesday, February 20, 2019**

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

Mayor Hefty called the Common Council meeting to order at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Todd Bauman, Alderman Tom Preusker. Excused: Alderman Jon Schultz.

Student Representatives - Present: Jack Schoepke (BHS) Excused: Morgan Tracy (BHS)

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Fire Chief Alan Babe, Police Chief Mark Anderson, Human Resource Manager Jason Corbin, Building Inspector Gregory Guidry and Intern Nick Faust.

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

3. **Approval of Minutes** - To approve the February 5, 2019 Committee of the Whole Meeting Minutes. Motion: Alderman Bauman. Second: Alderman Kott. With all in favor, the motion carried.

4. **DISCUSSION:**

A. A discussion regarding dogs in City parks.

Alderman Heft stated that he has received feedback from concerned citizens who would like to see dogs allowed in parks. Heft stated that dogs are a part of families and people should be able to enjoy the parks while walking their dogs.

Alderman Bauman stated that he had spoken with the Mayor of Lake Geneva to inquire if they have had any problems with dogs in their parks, since Lake Geneva allows dogs in all of their parks. According to Bauman, they have had very few complaints and haven't experienced any problems. Bauman feels that dogs should be allowed in the parks.

Alderman Kott stated that the issues of maintenance and costs incurred should be a non-issue because the city already has workers maintaining the parks.

Alderman Rauch stated that one of the Park Boards concerns was the possibility of children being chased or harmed and suggested restrictions be added if necessary to ensure safety of others; however, also felt dogs should be allowed in the parks.

Alderman Grandi stated that he felt the ordinance is too restrictive and also felt that dogs should be

allowed in parks. Grandi then asked what the next steps should be. Administrator Walters responded that staff will either modify or create a new ordinance and bring it back to Council for discussion.

Alderman Preusker said that he would like more information and is interested in emulating what other communities have done to allow dogs in their parks. Preusker also stated that geese present a greater biohazard than dogs and dogs actually deter the geese. Preusker suggested adding restrictions such as no dogs in the playground areas.

Administrator Walters confirmed that staff would move ahead with updating the ordinance.

B. A discussion regarding Wastewater Rate Implementation.

Public Works Director, Peter Riggs, reviewed the background history stating that during the review of the 2019 rate increase, a discrepancy was discovered with the rate charged to Category B customers, which are industrial properties. Riggs stated that it was determined that the 2017 rate increase was not applied to these customers and totals \$609,000 of lost revenue for both 2017 and 2018. Riggs presented 4 options to Council that would help rectify the situation and stated that staff recommends Option 3, which presents a moderate delay in the rate adjustment to Category B customers and would result in an estimated \$164,211 of lost revenue in 2019. Riggs also stated that staff does not recommend recouping the lost revenue from these customers from 2017-2019.

Alderman Rauch inquired as to why doesn't the City want to recoup these costs and asked if it could be collected in stages. Riggs replied that staff felt it would be too big of an impact to these customers.

Alderman Grandi asked if Category B customers were notified of the rate increase. Riggs stated that there had been a different director at the time this all took place, but he is not aware of any notifications that were sent other than through the public notification of the budget process. Grandi added that he felt it would be unfair to go back and try to recoup costs that was a result of the city's error but feels that the City should implement the rate increase immediately. Grandi also stated that it was very upsetting to learn that residential customers were paying for the rate increase, while others were not. Grandi then asked if revenues were in the red because of this and how has the City survived without this revenue. Riggs responded that wastewater revenues matched with the budget amounts because volume had increased and because it trended well with the budget, the missing increase wasn't immediately discovered until further exploration of the revenue streams and the implementation of the 2019 rate increase.

Alderman Bauman stated that he's not fond of the immediate response but would support the second option of a short delay in which the rate increase could be implemented as of April 1, 2019. Bauman also agreed with Grandi in regards to not going back and trying to recoup lost revenue due to the city's mistake. Bauman added that this is the second time the City has failed in implementing wastewater increases to these customers which has resulted in a substantial amount of lost revenue and suggested a better policy be put into place as to be sure this doesn't happen again.

Alderman Preusker felt that since the city has gone through the due process, approved the budget and communicated the increase to the public, the only thing that didn't happen was actually implementing the rate increase and therefore is in favor of Option 1, which is immediate implementation of the rate increase.

Alderman Grandi suggested making it the city's policy to send wastewater rate increase notifications to all customers moving forward.

Bob Prailes, 580 Adam Street, stated that this is the second time in six years a mistake was discovered which is \$1.2 million that residential tax payers have had to pay and wanted to know what process would be put into place to be sure this doesn't happen again.

Alderman Preusker agreed with Prailes and Category B customers are the biggest users and should be paying their fair share. Director Riggs responded that steps are already being taken to prevent this situation from happening again, which includes the consolidation of staff into one building. Riggs also stated that they will add a level of formality by sending out notifications to all customers.

Alderman Rauch stated that he feels the city should recoup the costs of lost revenue, while Alderman Preusker stated that the customers paid the amount they were billed for and shouldn't have to pay for the City's mistake.

Administrator Walters stated that staff will identify whether or not costs can be recouped and start immediate rate implementation.

5. **RESOLUTIONS:**

- A. **Resolution 4932(34)** - To consider approving the Annual Contract between the City of Burlington and the Racine County Economic Development Corporation (RCEDC) for 2019 Economic Development Initiatives in the amount of \$47,638.82.

Jenny Trick, RCEDC, reviewed the 2019 Agreement and stated that activities remained relatively the same except for the administration fee of \$5,238.82 which is now charged to Burlington's CDBG RLF loan fund which was originally sourced with the Wisconsin CDBG program.

There was no further discussion.

- B. **Resolution 4933(35)** - To accept A Unanimous Petition for Direct Annexation of 0.48 acres at 1063 Spring Valley Road in the Town of Burlington, Racine County, Wisconsin.

Zoning Administrator Megan Watkins presented the petition for direct annexation which was received from the property owners located at 1063 Spring Valley Road in the Town of Burlington in order to have access to municipal water and sewer for their residence. Watkins further stated that the property petitioned for annexation consists of .48 acres and will be permanently zoned Rs-1 Single Family Residential and that the parcel is contiguous and across from the Aurora Health Center.

- C. **Resolution 4934(36)** - To approve restructuring and modifications to the Burlington Tax Incremental District (TID) Restructured Policy Manual.

Administrator Walters reviewed the background history and explained that the intent of this manual was to provide the Community Development Authority (CDA), charged with TID development parameters, on which businesses the city should allocate revolving loan fund dollars to. Walters added that since TID 3 and ER-TID 1 closed in 2018, Racine County Economic Development Corporation (RCEDC) and staff have been working towards updating the Burlington Tax Incremental District manual. Walters then introduced Carolyn Engel, Business Finance Manager for the RCEDC, to further explain the amendment to the Revolving Loan Fund manual.

Engel explained that the biggest change is the area in which funds can be allocated as well as a change in the approval process which would no longer involve approval from the CDA. Engel stated that final approval of the loan application is recommended to be the City Council since the RLF program would now be available City-wide. Engel then reviewed the red-lined changes in the manual.

There was no further discussion.

- D. **Resolution 4935(37)** - To approve a Final Plat and Development Agreement for the proposed Glen at Stonegate Subdivision, Addition No. II.

Zoning Administrator Watkins reviewed the background history stating that this 23-acre lot, owned by Birchwood Realty, LLC, is considered Addition No. II of the Glen at Stonegate Subdivision and is the final phase of this residential development project. Watkins also stated that the project proposes to develop thirty single-family lots and that the developer has agreed to deposit with the City an irrevocable letter of credit in an amount equal to the City Engineer's estimate of the total cost of installation of public construction, in the amount of \$1,037,411.55.

There was no further discussion.

6. **ORDINANCES:**

- A. **Ordinance 2043(9)** - To amend Section 119-5(B)(1)(a), "Official Maps, Based on the Flood Insurance Study (FIS) of the Municipal Code of Burlington.

Gregory Governatori, Kapur and Associates, explained that in order to remain compliant, an update to the City's ordinance needs to be made which reflects the current mapping and studies that are required by both the Federal Emergency Management Agency (FEMA) and the Wisconsin Department of Natural Resources (WDNR). Governatori further stated that this revision does not affect flood insurance zones, floodplain delineations, flood elevations, and/or floodways in the City and that this is simply an administrative update to revise the FIS numbers.

There was no further discussion.

- B. **Ordinance 2044(10)** - To repeal and recreate Chapter 155, "Fire Prevention, Protections and Control Code" of the Code of the City of Burlington.

Fire Chief Alan Babe explained that in 2013 Wisconsin Act 270 established a Uniform Commercial Building Code (UCBC) for the State of Wisconsin, as well as a Building Code Council for the purpose of establishing standard code provisions. Babe further stated that although the Wisconsin UCBC went into effect and has been practiced since 2014, it has not been officially codified and that this is housekeeping item to bring everything up-to-date. Chief Babe then presented a PowerPoint presentation that reviewed all the changes within the fire code for the City of Burlington.

There was no further discussion.

7. **MOTIONS:**

- A. **Motion 18-913** - To consider approval of a Certificate of Appropriateness and recommendation regarding the revised signage for property located at 457 Milwaukee Avenue.

Walters reviewed the background history regarding the proposed signage for Life Bridge Church on their west wall and is asking Council to make a recommendation to Gregory Guidry, Building Inspector, of being either in favor of the signage, against the signage or wishes to remain silent.

Alderman Kott stated that when the Historic Preservation Commission (HPC) first reviewed the application for improvements to the front facade, there was also a report from interim City Planner Mark Roffers recommending that HPC not approve the front facade grant until the owner first removed the paint on the west wall. Kott feels this Motion should be denied based on the owner not following through on the original request.

Alderman Preusker stated he also recommends that his Motion not be approved.

Alderman Grandi stated that he feels allowing this Motion would set a precedence in the historic district and should be prohibited.

Alderman Bauman said he was confused as to how this particular project got to this point and stated how he felt the owner hasn't broken any rules or is doing anything wrong and feels the church should be allowed to proceed with the project.

Building Inspector Gregory Guidry stated that most of the ordinances pertain to the front facing facades and very little about side facades. Guidry also stated that there is an existing sign there now and that ordinances and codes are written to maintain the aesthetic, integrity and value of the City; however not all codes can be written to cover every situation that might occur and many times it becomes the intent of the project and a matter of deciding when exceptions could and should be made, whereas the HPC has approved other projects that were per the ordinance.

Jon Thorngate, Administrative Pastor at Life Bridge Church, stated that it was never their intentions to be deceptive about anything and they have always intended to remove the existing sign; however did not recall any discussions about the front facade grant being contingent on the removal of the signs on the side wall. Thorngate stated that the church has invested \$70,000 towards improving the front of the building and the delay in the project was due to financing and the design process itself. Thorngate added that they redesigned the original sign based on recommendations from the board and addressed all the concerns presented and now there are new concerns which is leading him to believe that it's not about specific concerns and more about having control. Thorngate also added that they have spoken with legal counsel and believe that they don't actually need city approval for their project; however is asking Council for their recommendation on which sign they approve of so that they can move forward with the project.

Alderman Meyer asked Thorngate why is the sign so important. Thorngate responded that it defines who they are and promotes their church and that many people think they are a furniture store.

Bob Prailes, 580 Adam Street, addressed Council and stated that the sign looks great and is a huge improvement and that Council should make a decision to approve this sign.

Jeff Erickson, 125 Accipiter Court, addressed the Council and stated he was a member of the HPC when plans were originally submitted for this project and doesn't recall any conversation involving removing the paint on the side wall in order to receive the facade grant. Erickson added that he has lived in this city for a very long time and thinks this is a great improvement to the community.

Administrative Walters asked Council for a final recommendation to Building Inspector Gregory Guidry. Alderman Bauman recommended approval of the sign and the remaining five alderman recommended not approving the sign.

B. **Motion 19-921** - To consider approving a Certificate of Appropriateness for property located at 164 E. Washington Street.

Building Inspector Gregory Guidry, reviewed the history and background of this project and explained that Brian Torgerson, owner, is requesting permission to improve three facades for his property located at 164 E. Washington Street. Guidry then reviewed the proposed changes. Jeff Erickson, representative for Torgerson, commented that there were some changes in the plans and then verbally explained those changes.

Alderman Kott commented to both Erickson and Torgerson stating how cooperative and willing they have been during this process in order to improve the appearance of this building and make it look more historical.

Alderman Rauch questioned if the applicant is in violation of any ordinances throughout the City.

Guidry stated that the applicant also owns a building on Pine Street in which he has received a letter to tear down the garage but is not in violation. Alderman Grandi asked if there are any violations on this property and how long have the violations existed. Guidry responded that there are violations on the current building however, the proposed improvements will fix these violations. Walters stated that records of violations go back ten years. Guidry further stated that if violations are resolved, citations can be reviewed.

Alderman Grandi asked if Council could put a timeframe on the project in order to receive the grant. Erickson stated the project could be completed in six months.

Alderman Rauch stated that he has a hard time approving three facade grants for an applicant with such a history of violations. Alderman Kott responded by saying that the end result will be worth it and the applicant is spending more than what he will be receiving.

8. **ADJOURNMENT**

Motion: Alderman Kott. Second: Alderman Heft. With all in favor, the meeting adjourned at 8:14 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach  
City Clerk  
City of Burlington