



AGENDA COMMON COUNCIL

Tuesday, September 7, 2010

**To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street**

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Jim Prailes, Alderman, 2nd District
Peter Hintz, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Jeff Fischer, Alderman, 4th District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council minutes for August 17, 2010. *(J. Prailes)*
6. Letters and Communications – None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-4: *(P. Hintz)*
 - Report 1 – Historic Preservation Commission minutes, June 24, 2010
 - Report 2 – Airport Committee minutes, July 22, 2010
 - Report 3 – Burlington Housing Authority minutes, July 22, 2010
 - Report 4 – Committee of the Whole minutes, August 17, 2010
9. Payment of Vouchers. *(T. Vos)*
10. Licenses and Permits. *(S. Rauch)*
11. Appointments and Nominations: A-E *(K. Simenson)*
 - A. Scott Molitor to be appointed as an Election Worker, term 2010-2011.
 - B. Pat Lapp to be appointed as an Election Worker, term 2010-2011.
 - C. Bill Milatz to be appointed as an Election Worker, term 2010-2011.
 - D. Jordan Debbink to be appointed as an Election Worker, term 2010-2011.
 - E. Tom Preusker to be appointed as an Election Worker, term 2010-2011.

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear public comment regarding a resolution to vacate a small portion of Washington Street lying between Dodge Street and Pine Street, with reversion of title to such land to the City of Burlington and to amend the Official Map of the City of Burlington to show the same. (*J. Fischer*)
- B. A Public Hearing to hear public comment regarding an ordinance to annex property described as the southern portion of 34701 W. Chestnut Street and amend the Official Zoning Map by zoning the parcel Rs-2, Single Family Residence District. (*R. Prailes*)

13. **RESOLUTIONS:**

- A. Resolution 4430(14) to vacate a portion of Washington Street lying westerly of Dodge Street with reversion of title of such land to the City of Burlington. This item was discussed at the August 3, 2010 Committee of the Whole meeting. (*E. Johnson*)
- B. Resolution 4431(15) to approve a Letter of Engagement with John Mayer to prepare a water review for submission to the Public Service Commission. This item was discussed at the August 17, 2010 Committee of the Whole meeting. (*J. Prailes*)
- C. Resolution 4436(20) to approve the proposal to remediate environmental pollution and create Environmental Tax Increment District Number One in the City of Burlington. This item was discussed at tonight's Committee of the Whole meeting. (*P. Hintz*)

14. **ORDINANCES:**

- A. Ordinance 1907(10) to approve a text amendment to Section 315-27B to allow municipal owned parking structures, garages and parking lots as a Permitted Use in the B-2 District. This item was discussed at the August 17, 2010 Committee of the Whole meeting. (*Vos*)
- B. Ordinance 1908(11) to approve a rezone request for 115 S. Teut Road to rezone the property from I-1, Institutional District to B-1, Neighborhood Business District. This item was discussed at the August 17, 2010 Committee of the Whole meeting. (*S. Rauch*)

15. **MOTIONS:**

- A. Motion 10-690 to approve a Lease Agreement between the City of Burlington and the Burlington Historical Society for property located at 508 Sheldon Street. This item was discussed at the August 17, 2010 Committee of the Whole meeting. *(K. Simenson)*
- B. Motion 10-691 to approve an Airport Hangar Lease with MJJ Holdings, LLC located at 705 Airport Drive in the annual amount of \$517.50. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*
- C. Motion 10-692 to approve a Certificate of Appropriateness and Sign Permit in the Historic Preservation District for 152 E. Chestnut Street. This item was discussed at tonight's Committee of the Whole meeting. *(R. Prailes)*
- D. Motion 10-693 to approve a Sign Permit in the Historic Preservation District for 173 E. Chestnut Street. This item was discussed at tonight's Committee of the Whole meeting. *(E. Johnson)*
- E. Motion 10-694 to approve a Certificate of Appropriateness and Sign Permit in the Historic Preservation District for 240 E. Chestnut Street. This item was discussed at tonight's Committee of the Whole meeting. *(J. Prailes)*
- F. Motion 10-695 to approve a Certificate of Appropriateness and Sign Permit in the Historic Preservation District for 609 N. Pine Street. This item was discussed at tonight's Committee of the Whole meeting. *(P. Hintz)*

16. **ADJOURNMENT** *(T. Vos)*

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.

Draft

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
September 7, 2010**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:37 p.m. starting with roll call. Aldermen present: Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Bob Prailes

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Department of Public Works Supervisor Dick Pieters, Treasurer Steve DeQuaker, Lt. Mark Anderson, Library Director Gayle Falk, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Ms. Tina Chitwood of RCEDC, Mr. David Wagner, of Ehlers, Mr. Tom Foht of Kapur Engineering

2. PLEDGE OF ALLEGIANCE

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

3. CITIZEN'S COMMENTS

None

4. CHAMBER OF COMMERCE REPORT

None

5. COUNCIL MINUTES FROM AUGUST 17, 2010

A motion was made by Jim Prailes with a second by Vos to approve the Council Minutes of August 17, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Simenson reported on the September 11th open house to be held by Lincoln Lutheran at their new facility on Chestnut Street; medicine collection on Saturday, October 16th at 156 East State Street and a free program sponsored by TRIAD-West for seniors called "Who's Knocking at Your Door" to be held at Veteran's Terrace on Tuesday, October 5th.

Rauch questioned the circumstances surrounding the State Street parking issue where it was recommended for approval and then ended up being voted down. Lahner explained that he was made aware by staff of the fact that the "No Parking" on State and Schemmer had been established by an ordinance.

Vos added that as a former owner of property in the area that he was very aware of the amount of traffic during certain times of the day. Schemmer Street becomes a bypass for St. Mary's and other businesses and if vehicles are allowed to park on State Street it can become very difficult to exit from Schemmer Street.

8. REPORTS 1-4

A motion was made by Hintz with a second by Johnson to approve Reports 1-4. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve pre-paids, vouchers and reimbursements in the amount of \$772,384.23. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

10. LICENSES AND PERMITS

A motion was made by Rauch with a second by Jim Prailes to approve the licenses as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Simenson with a second by Vos to accept the appointments as presented. With all in favor, the motion carried.

12. PUBLIC HEARING

(A) "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A RESOLUTION TO VACATE A SMALL PORTION OF WASHINGTON STREET LYING BETWEEN DODGE STREET AND PINE STREET WITH REVERSION OF TITLE TO SUCH LAND TO THE CITY OF BURLINGTON AND TO AMEND THE OFFICIAL MAP OF THE CITY OF BURLINGTON SHOW THE SAME"

The mayor opened the public hearing at 8:10 p.m. There were no public comments. A motion was made by Fischer with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 8:11 p.m.

(B) "A PUBLIC HEARING TO HEAR PUBLIC COMMENTS REGARDING AN ORDINANCE TO ANNEX PROPERTY DESCRIBED AS THE SOUTHERN PORTION OF 34701 WEST CHESTNUT STREET AND TO AMEND THE OFFICIAL ZONING MAP BY ZONING THE PARCEL RS-2, SINGLE FAMILY RESIDENTIAL DISTRICT"

Mayor Miller opened the public Hearing at 8:11 p.m. Jason and Alicia Plein, 433 Highland and Craig and Dawn Soeth, 432 Highland commented against the annexation. They were concerned with the loss of a natural corridor for wildlife, lowering of their property values, drainage issues and a fear of future annexations. They were in favor of keeping it in the Town of Burlington. Ms. Tammy McCarthy, daughter of Marles Kempken (property owner) commented that before they built their homes on Highridge, the same argument could have been used against their building plans. A motion was made by Vos with a second by Simenson to close the public hearing. With all in favor, the public hearing closed at 8:17 p.m.

13. RESOLUTIONS

A. RESOLUTION 4430(14) "A RESOLUTION TO VACATE A PORTION OF WASHINGTON STREEY LYING WESTERLY OF DODGE STREET WITH REVERSION OF TITLE OF SUCH LAND TO THE CITY OF BURLINGTON"

A request for a second reading and motion to adopt was made by Johnson with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion Carried 7-0

B. RESOLUTION 4431(15) "A RESOLUTION TO APPROVE A LETTER OF ENGAGEMENT WITH JOHN MAYER TO PREPARE A WATER REVIEW FOR SUBMISSION TO THE PUBLIC SERVICE COMMISSION"

A request for a second reading and a motion to adopt was made by Jim Prailes with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

C. RESOLUTION 4436(20) "A RESOLUTION TO APPROVE THE PROPOSAL TO REMEDIATE ENVIRONMENTAL POLLUTION AND CREATE ENVIRONMENTAL TAX INCREMENT DISTRICT NUMBER ONE IN THE CITY OF BURLINGTON"

A request for a second reading and motion to adopt was made by Hintz with a second by Jim Prailes. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

14. ORDINANCES

A. ORDINANCE 1907(10) " AN ORDINANCE TO APPROVE A TEXT AMENDMENT TO SECTION 315-27B TO ALLOW MUNICIPAL OWNED PARKING STRUCTURES, GARAGES AND PARKING LOTS AS A PERMITTED USE IN THE B-2 DISTRICT"

A motion to adopt was made by Vos with a second by Jim Prailes. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

B. ORDINANCE 1908(11) "AN ORDINANCE TO APPROVE A REZONE REQUEST FOR 115 SOUTH TEUT ROAD TO REZONE THE PROPERTY FROM I-1 INSTITUTIONAL DISTRICT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT"

A motion to adopt was made by Rauch with a second by Jim Prailes. Discussion: Mr. Jon Anderson, 2157 Stonegate attended the meeting representing The Glen at Stonegate Homeowner's Association. He spoke against the rezone request citing the association's concern that the future development of Phase Three at Stonegate would be adversely affected by the closeness of the proposed pet day care. He also felt that the neighborhood should have received notification of this proposed change but had not. Mr. Rod Blake, 2149 Stonegate stated that he was not in favor of this rezone.

Lahner clarified the notification process as those property owners only within 300 feet of the proposed rezone are notified.

Vos questioned Mr. Anderson if there was opposition to the whole veterinary clinic or only to the pet day care? Mr. Anderson stated that it was only the day care portion. Vos commented that the Planning Commission only approved the veterinary clinic but not the day care portion. The day care portion would have to be addressed by the Board of Zoning Appeals.

Rauch commented on the doggy day care on South Pine Street that was approved. Mr. Patrick Scherrer stated that the property had already been zoned M-1.

Dr. Sandra Miller, 841 Ridgemont, owner of the veterinarian clinic and proposed doggy day care addressed the barking issue. She stated that dogs only bark for two reasons which are boredom or anxiety. Dogs left at home would create more noise than if they were left in a day care setting. She stated that many of her clients are looking forward to this aspect of her business.

Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

15. MOTIONS

A. MOTION 10-690 " A MOTION TO APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON HISTORICAL SOCIETY FOR PROPERTY LOCATED AT 508 SHELDON STREET"

A motion was made by Simenson with a second by Hintz to approve Motion 10-690. With all in favor the motion was approved.

B. MOTION 10-691 " A MOTION TO APPROVE A HANGAR LEASE WITH MJJ HOLDINGS, LLC LOCATED AT 705 AIRPORT DRIVE IN THE ANNUAL AMOUNT OF \$517.70"

A motion was made by Fischer with a second by Johnson to approve Motion 10-691. With all in favor, the motion was approved.

C. MOTION 10-692 " A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 152 EAST CHESTNUT STREET"

D. MOTION 10-693 " A MOTION TO APPROVE A SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 173 EAST CHESTNUT STREET"

E. MOTION 10-694 " A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 240 EAST CHESTNUT STREET"

F. MOTION 10-695 " A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 609 NORTH PINE STREET"

A motion was made by Simenson with a second by Hintz to approve Motions 10-692,10-693,10-694, and 10-695. With all in favor, the motion was approved.

16. ADJOURNMENT

A motion was made by Hintz with a second by Bob Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 8:37 p.m.

Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties



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

Common Council Agenda Item Number: 8	Date: September 7, 2010
Submitted By: City Staff	Subject: Reports 1-4

Details:

Attached please find the following reports:

- Report 1 – Historic Preservation Commission minutes, June 24, 2010
- Report 2 – Airport Committee minutes, July 22, 2010
- Report 3 – Burlington Housing Authority minutes, July 22, 2010
- Report 4 – Committee of the Whole minutes, August 17, 2010

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the September 7, 2010 Common Council meeting.



City of Burlington

HISTORIC PRESERVATION COMMISSION MEETING MINUTES THURSDAY, JUNE 24, 2010

Call to Order

The meeting was called to order by Chairman Tom Stelling at 6:30 p.m.

Roll Call

Present: Commissioners Bob Henney, Judy Stone, Maria Veronico-Ventura, Alderman Peter Hintz, Joel Weis and Building Inspector/Zoning Administrator Patrick Scherrer.

Excused: Commissioner Jeff Erickson and Tina Chitwood of Racine County Economic Development Corporation.

Citizen Comments

There were no citizen's comments.

Approval of May 27, 2010 Minutes

Commissioner Henney motioned to approve the minutes of May 27, 2010 and Commissioner Veronico seconded the motion and with all in favor, the motion carried.

Certificate of Appropriateness for Marlene Guzman, El Chava Super Mercado, 116 W. Chestnut St.

After the distribution of a colored picture and some discussion, Chairman Stelling entertained a motion. Commissioner Weis motioned to approve the certificate of appropriateness for painting of the front of the building. (the painting of both edges of the sign band areas located above the windows on the front of the building and the painting of the bulkhead areas located below the windows also on the front of the building "Brownstone" from Mautz Paint Company's "Historic Colors of America" line of exterior paints). Hintz seconded the motion. All aye. Motion carried.

Sign Permit Application for Marlene Guzman, El Chava Super Mercado, 116 W. Chestnut St.

After some discussion, Chairman Stelling entertained a motion that the design, style, size, color and lettering of sign be put on wood until we see the plastic SINTRA PVC material

that Marlene Guzman, owner is proposing to use. Commissioner Henney motioned such and Commissioner Veronico seconded. It was agreed that a response team visit would be in order Marlene obtaining a sample of the proposed plastic material. All aye. Motion carried. Marlene was advised that the wood is not to be "OSB".

Discussion of Current Projects and Response Team Updates

Chairman Stelling stated that Tina Chitwood went out and received some responses to "open" projects that we have funds set aside for. They were John Hobbs (324-44 N. Pine St.) who has started replacing brick in rear of building and Kerkman's Split Ends, 316 N. Pine St. Kerkman's used hardy plank for flat surface but not for trim. By Monday at 8:00 a.m. a response team visit will be done to see if this is acceptable. Since we are low on funds, Tina will pursue legal counsel to get back these funds if these projects are not finished.

Pat Scherrer showed a picture of window sign that was painted at 615 N. Pine St., MPC Property Management and it met with the commissions approval and will be removed from the list.

Chairman Stelling stated that the Jasmine Tree, 109 W. Chestnut St. has not repainted their building yet, that B. W. Surveying, 412 N. Pine St. may have started replacement of brick and mortar and that Jake Skoney is still waiting for the door to come in for 119 W. Chestnut St.

Chairman Stelling told Pat Scherrer that for the Just Paws building at 148 W. Chestnut St., Mr. Bruesewitz may want to stop at Menards for some cast iron or aluminum metal for the fencing that needs to go in.

He also stated that the sign at Grater Tater, 140 W. Chestnut St., looks good and the roof railings for 148 W. Chestnut St. to be painted red.

Review of Grant Funding Status

No discussion. Ms. Tina Chitwood was not present.

Discussion of potential projects to be included in the Wisconsin Historical Society Certified Local Government sub-grant application

Chairman Stelling stated that Joe DeRose from the Wisconsin Historical Society came down to city and drove about. As a commission we want to be able to apply for a federal grant that will allow us to hire a specialist to determine additional significant historic properties. Chairman Stelling further stated that there is \$25,000 - \$40,000 in homeowners credit available. Tina Chitwood will be getting estimates of the costs involved.

Discussion concerning potential/future projects and notices of violations in the Historic Preservation Overlay District

The Dance Studio at 344 N. Pine St. has a vinyl sign across the top of it. Pat Scherrer will look into this. The property at 173 E. Chestnut St. is finished and a tenant will move in soon.

Discussion of policies, procedures and the vision for the future of the Historic Preservation Commission

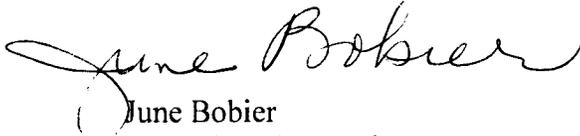
There are no pending items for a future meeting. Funds can be released for the sign for the Bruesewitz building at 140 W. Chestnut St.

There was a consensus amongst the members that the Meehan and Co. reviews were helpful.

Adjournment

A motion was made by Henney with a second by Stone to adjourn the meeting. With all in favor, the meeting adjourned at 7:02 p.m.

Respectfully submitted,



June Bobier
Administrative Assistant
City of Burlington

CITY OF BURLINGTON
AIRPORT COMMITTEE

Date: July 22, 2010

Meeting was called to order at 6:00 pm by Chairman, Jerry DeLay
Present: Jerry DeLay, Arlene Runkel, John Hotvedt, Kevin Remer
Excused: Gary Meisner, David Uhen

Motion was made by Runkel, seconded by Hotvedt, to approve the May 2010 meeting as written and June 2010 adjournment notice . Motion carried.

Open Floor Audience comments: None

Airport Six Month Operation Budget to Actual presented and accepted as presented.
6 year Plan was approved as presented.
Runkel updated info on BUU Fly-In, August 29, 2010.

Airport Manager's Report: Meisner will be scheduling the new beacon installation.

There being no further business, motion was made by Hotvedt, seconded by Runkel, to adjourn the meeting. Motion carried.

Meeting was adjourned at 6:20 pm.

Respectfully submitted,



Arlene Runkel
Secretary

**City of Burlington Housing Authority
Riverview Manor**

July 22, 2010

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, July 22nd. 2010 at Riverview Manor at 6:30 P.M. The meeting was called to order by Chairman Lapp.

COMMISSIONERS PRESENT: Chairman Lapp, Secretary Heck, Commissioners Charles Stublely, Kelly Iselin, LeRoy Stoehr and Resident Manager, Dorothy Henning.

Minutes from the June 20th. meeting was dispersed to board members and a motion was made by Stublely to approve the minutes as read, seconded by Heck and carried unanimously.

FINANCIAL REPORT:

Reserve Account balances as of July 31, 2010

First Banking Center	\$ 30,600.14
M&I Bank	\$ <u>15,111.34</u>
TOTAL	\$ 45,711.48

OCCUPANCY REPORT:

Manager Henning reported 19 on the waiting list for one bedroom unit and 1 for 2 bedroom unit.

BUILDING AND MAINTENANCE:

- Bids for water heater have been received and low bid was from Nienhaus Plumbing. Board members had questions regarding bid and are waiting further information before final decision.**
- Requesting written proposal from H.J. Faust, Inc. for maintenance contract for 2010-2011.**

COMMUNICATIONS:

- Riverview Manor Manager, Dorothy Henning has received notification from Rural Development that the 2010-2011 budget has been approved.**

- **The 5 day “quit or cure” notice will be delivered to one of the residents at Riverview Manor for a smoking violation inside the facility. Legal action will follow in 14 days if the problem is not resolved.**
- **Copies of the monthly bills and payments were received and reviewed. Manager Henning gave board members copies of the operating statement from the accounting software along with copies of the ledger sheets.**
- **Board members discussed requiring renters insurance from residents at Riverview Manor, Manager Henning is researching this situation and is waiting for information.**

NEW BUSINESS:

- **Manager Henning is pursuing a new bookkeeping program that will be compatible for the reports and audit that the new CPA will be performing for Riverview Manor along with reports that Rural Development requires.**

UNFINISHED BUSINESS:

ADJOURNMENT:

There being no further business, motion to adjourn was made by Stoehr, seconded by Stublely and carried unanimously. Meeting adjourned 7:45 P.M. The next monthly meeting will be held on August 12th.



Ralph Heck, Secretary

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
August 17, 2010

1. CALL TO ORDER/ROLL CALL

Council President Tom Vos called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Jeff Fischer, Katie Simenson Excused: Mayor Miller, Aldermen Ed Johnson and Steve Rauch

Also present: City Attorney John Bjelajac, Assistant to the Administrator Megan Johnson, Utility Director Connie Wilson, Department of Public Works Supervisor Dick Pieters, Treasurer Steve DeQuaker, Library Director Gayle Falk, Lt. Mark Anderson

Council President Tom Vos announced that he would be retaining his right to vote during this meeting.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. MINUTES FROM AUGUST 3, 2010

A motion was made by Hintz with a second by Bob Prailes to approve the August 3, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

4. RESOLUTION 4431(15) "A RESOLUTION TO CONSIDER APPROVING A LETTER OF ENGAGEMENT WITH JOHN MAYER TO PREPARE A WATER REVIEW FOR SUBMISSION TO THE PUBLIC SERVICE COMMISSION"

Council President Tom Vos introduced Resolution 4431(15). Utility Director Connie Wilson provided information on the proposed resolution. Wilson explained that no borrowed money was used in the 2.3 million dollar construction of Well #11 but, this had also depleted the utility fund.

Wilson has proposed that a letter of engagement be sent to Mr. John Mayer, Utility Rate Consultant to begin the process of a full review of the present water rates. Wilson estimated a timeline of three months which would include the study, a public hearing and then approval from the Public Service Commission. Simenson questioned that if a rate study had been done as recently as 2005, why it was being done again. Wilson explained that for a full water rate increase a study must be done as vs. a simplified rate case which does not require a study. As part of the cost of the study, Mr. Mayer would be willing to attend one council meeting to answer any questions.

Vos stated that in retrospect, the city should not have paid cash for the new well in 2008. He also questioned whether it was possible to reverse that decision and spread the cost to future years.

Fischer added that the revenues from water have decreased since 2006 when council decided not to borrow the funds.

Simenson added that she voted against the Integrated Department of Public Works Building because she didn't think the money should be spent and now there is an increase in water rates proposed which will be an additional cost to the residents.

This resolution will move forward to the September 7, 2010 Common Council meeting.

5. ORDINANCE 1907(10) "AN ORDINANCE TO CONSIDER APPROVING A TEXT AMENDMENT TO SECTION 315-27B TO ALLOW MUNICIPAL OWNED PARKING STRUCTURES, GARAGES AND PARKING LOTS AS A PERMITTED USE IN THE B-2 DISTRICT"

Council President Vos introduced Ordinance 1907(10) to council for discussion. It had been pointed out by City Planner Mr. Patrick Meehan that parking structures, garages and parking lots are not allowed as a "permitted use" in the B-2, Central Business District. With the adoption of this ordinance municipal owned parking structures, garages and lots would be allowed.

This ordinance is scheduled for the September 7, 2010 Common Council meeting.

6. **ORDINANCE 1908(11) "AN ORDINANCE TO CONSIDER APPROVING A REZONE REQUEST FOR 115 SOUTH TEUT ROAD TO REZONE THE PROPERTY FROM I-1, INSTITUTIONAL DISTRICT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT"**

Council President Vos introduced Ordinance 1908(11) to the council for discussion. There was no further discussion.

This ordinance is scheduled for the September 7, 2010 council meeting.

7. **MOTION 10-690 "A MOTION TO APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON HISTORICAL SOCIETY FOR PROPERTY LOCATED AT 508 SHELDON STREET"**

Council President Vos introduced Motion 10-690 to council for discussion. Alderman Jim Prailes questioned whether there would be any access issues to this property. Vos stated that a neighboring property owned by NEL had given permission for the Burlington Historical Society to use their property for access.

This motion is scheduled for the September 7, 2010 council meeting.

8. **ADJOURNMENT**

A motion was made by Simenson with a second by Hintz to adjourn the meeting. With all in favor, the meeting adjourned at 6:47 p.m.



Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties



CITY OF BURLINGTON

Finance Department
300 N. Pine Street, Burlington, WI 53105
Phone: (262) 342-1170 Fax: (262) 342-1178
www.burlington-wi.gov

Common Council Agenda Item Number: 9	Date: September 7, 2010
Submitted By: Steve DeQuaker, Treasurer	Subject: Prepays and Vouchers

Details:

Attached please find the Prepays and Vouchers list for bills accrued through September 7, 2010:

Total Prepays:	\$529,040.26
Total Vouchers:	\$242,641.62
Reimbursements:	\$702.35
Grand Total:	<u><u>\$772,384.23</u></u>

Options & Alternatives: Approve expenditures as presented or alter purchasing procedures.

Financial Remarks: 5 Largest Disbursements on Prepays and Vouchers

- 1) Scherrer Construction – Integrated Department of Public Works Facility \$295,043.00
- 2) Scherrer Direct, LLC – Integrated Department of Public Works \$99,811.52
- 3) C.D. Smith Construction – Phase 1 Construction to date at the Wastewater Treatment Plant. This is Payment #17 \$94,278.00
- 4) Sierra Petroleum Co -- Purchase of AV Gas 100LL for the Burlington Airport \$26,979.68
- 5) LF Green Development, LLC – Downtown Redevelopment Project Grant Reimbursable \$22,958.03

Executive Action:

Staff recommends that the Common Council accept these Prepays and Vouchers in the amount of \$772,384.23 at the September 7, 2010 Council meeting.



Common Council Agenda Item Number: 10	Date: September 7, 2010
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

The alcohol license list for applications accrued through September 7, 2010 are as follows:

Licenses Recommended for Approval

Cerami, Richard A.
DePatis, Amanda N.
Diekow, Kimberly A.
Jacobs, Deborah A.
Kroening, Lorraine M.
Nevitt-Austin, Lisa A.
Phillips, Joseph J.
Rathbone, Peyote L.

The Police Department has performed a background check on these applicants and recommends approval for the applicants to receive an Operator's License.

Options & Alternatives:

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business licenses fees are calculated on a case by case basis depending on the type of license applied for.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the September 7, 2010 Council meeting.



CITY OF BURLINGTON

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

Common Council Agenda Item Number: 11	Date: September 7, 2010
Submitted By: Mayor Miller	Subject: Appointment A

Details:

To appoint the following individuals to the city's current list of 2010-2011 Election Workers.

- Scott Molitor
- Pat Lapp
- Bill Milatz
- Jordan Debbink
- Tom Preusker

Options & Alternatives:

The Council may elect to deny this request and ask the City Clerk to seek different individuals for this board.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these appointments at the September 7, 2010 Common Council meeting.



CITY OF BURLINGTON

Administration Department
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Common Council Item Number: 12A	Date: September 7, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: Public Hearing for Resolution 4430(14) to consider vacating a portion of Washington Street west of Dodge Street.

Details:

As part of the Downtown Redevelopment project, the portion of Washington Street just west of Dodge to the edge of the public parking lot is to be vacated and subsequently combined with the land to be used for the parking structure. The introduction of this resolution will begin the vacation process.

State statute requires there be a forty day period between the introduction of the resolution to vacate and the Public Hearing. During this time period the Plan Commission will review the request and provide their recommendation to the Council.

As the city currently owns property on either side of this portion of Washington Street, notice will not need to be served to abutting property owners per common practice.

Options & Alternatives:

For public comment only.

Financial Remarks:

N/A

Executive Action:

This item is for public discussion at the September 7, 2010 Common Council meeting.

**CITY OF BURLINGTON
NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN by the Common Council of the City of Burlington, Racine County, Wisconsin, that a public hearing and action on a Resolution providing for the discontinuance of a portion of roadway and dedicated right-of-way will be held by the Common Council in the Council Chambers at the Police Department, 224 East Jefferson Street, Burlington, Wisconsin during the meeting of the Common Council on **September 7, 2010** beginning at 6:30 P.M. or shortly thereafter.

Said Resolution is to vacate and discontinue a certain section of Washington Street lying west of Dodge Street as follows:

That part of Washington Street adjoining Block 27 and the Public Square of the Original Plat of Burlington and being located in the Northeast 1/4 of Section 32, Township 3 North, Range 19 East, City of Burlington, State of Wisconsin, described as follows:

Commencing at the southeast corner of said Block 27; thence South 26°24'46" East along the Southwesterly right of way line of Dodge Street, 66.00 feet to the northeast corner of said Public Square and the Southeast right of way line of East Washington Street; thence South 63°29'32" West along said line, 141.91 feet; thence North 26°05'00" West 66.00 feet to the northwesterly right of way line of East Washington Street; thence North 63°29'32" East along said line, 141.53 feet to the point of beginning. Said parcel contains 0.21 acres more or less.

Title to such land shall remain with the City; and to amend the Official Map of the City of Burlington accordingly.

NOTICE IS FURTHER GIVEN that at said hearing opportunity will be given to any person or persons, whether or not represented by agent or attorney, to be heard either for or against the requested street discontinuance, title reversion and map amendment; and

FURTHER that owners of frontage on the portion of the street to be discontinued or within 2,650 feet of the ends of the portion to be discontinued have the right to file written objection to the proposed discontinuance pursuant to Wis. Stat. s. 66.1003.

Dated at Burlington, Wisconsin, this 17th day of August, 2010.

BY ORDER OF THE COMMON COUNCIL

Beverly Gill, Clerk

Posted 8/17/2010

Published as a Class III Notice in the Burlington Standard Press on August 19, August 26 and September 2, 2010



CITY OF BURLINGTON

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Common Council Item Number: 12B	Date: September 7, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1909(12) to consider an annexation request from the Marles A. Kempken Trust for property located at 34701 Chestnut Street. .

Details:

Cindy Kempken, Executor for the Marles Kempken Trust has submitted a petition for direct annexation for the southern portion of property located at 34701 Chestnut Street. The parcel has been split by way of a Certified Survey Map which was approved by the Town of Burlington at their August 26 meeting. The portion of property petitioned for annexation will consist of 26,602 sq. ft. (.61 acres) and connect with Highridge Road just south of STH 11. The passage of this ordinance is the final step in the annexation process. The Plan Commission reviewed the annexation request at their August 10 meeting and recommend Council approval.

Options & Alternatives:

For public comment only.

Financial Remarks:

N/A

Executive Action:

This item is for public discussion at the September 7, 2010 Common Council meeting.

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING
FOR ANNEXING PROPERTY TO THE CITY OF BURLINGTON, AMENDING
THE OFFICIAL MAP OF THE CITY AND ZONING THE
ANNEXED PROPERTY**

To Whom It May Concern:

Notice is hereby given that the Common Council of the City of Burlington proposes to annex property to the City of Burlington pursuant to its power under Wis. Stat. s. 66.0223 to annex property it owns, to amend the official map of the City of Burlington, and to zone the property annexed, as follows:

Owner: City of Burlington

Legal Description:

Part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 3 North, Range 19 East of the Fourth Principal Meridian, in the Township of Burlington, County of Racine, State of Wisconsin and being more particularly described as follows:

Begin at the south $\frac{1}{4}$ corner of said Section 30; thence north $01^{\circ}56'17''$ west 124.18 feet; thence north $88^{\circ}46'40''$ east 214.51 feet; thence south $00^{\circ}56'53''$ east 124.19 feet to a point on the south line of said southeast $\frac{1}{4}$ section; thence south $88^{\circ}46'40''$ west along said south line 213.92 feet to the place of beginning. Containing 26,602 square feet of land more or less.

Zoning: Rs-2, Single-Family Residence District

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the City Council Chambers at the Police Department, 224 East Jefferson Street in the City of Burlington, on:

**TUESDAY, SEPTEMBER 7, 2010 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

to hear any persons objecting to, or in support of, the above mentioned matter.

An ordinance for the annexation and zoning shall be considered by the City Council of the City of Burlington at the September 21, 2010 meeting.

CITY OF BURLINGTON

Dated this 17th day of August, 2010.

Kevin M. Lahner, City Administrator

Published in the *Burlington Standard Press*
August 19 & 26, 2010



CITY OF BURLINGTON

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Common Council Item Number: 15A	Date: September 7, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: Motion 10-690 to consider a Lease Agreement with the Burlington Historical Society to use property at 508 Sheldon Street.

Details:

The Burlington Historical Society would like to construct a small storage shed on City property located at 508 Sheldon Street behind the Whitman School structure. This property houses water utility buildings and has been known as Schmalling Park. As such, the Historical Society met with the Park Board for consideration to use park land for their shed. The Park Board granted them permission provided a lease was drawn up and final plans for the building were brought before the Park Board when complete. The storage shed will be approximately 30 feet by 40 feet with a historical façade, no windows and electric for lighting.

The lease agreement between the City and the Historical Society has been reviewed and approved by the City Attorney. The lease calls for an indefinite time period, however any changes in use of the land or sale of the land by the City could terminate the lease with a 120 day notice to the Historical Society. The rental fee for the use of the land is equal to \$1 per year commencing in 2011.

Options & Alternatives:

The Council may deny this lease agreement where the Historical Society would need to locate another area to construct a storage shed.

Financial Remarks:

Rent to the City as stated in this lease agreement is \$1 per year until the lease is terminated.

Executive Action:

This item was discussed at the August 17, 2010 Committee of the Whole meeting and is placed on the September 7, 2010 Common Council meeting for consideration.

LEASE AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE
BURLINGTON HISTORICAL SOCIETY FOR PROPERTY LOCATED IN
SCHMALING PARK

This agreement is entered into on this _____ day of _____, 2010, by and between City of Burlington, a Wisconsin municipal corporation located at 300 North Pine Street, Burlington, WI 53105, (hereinafter referred to as "Lessor"), and Burlington Historical Society, a Wisconsin Corporation located at 232 North Perkins Boulevard, Burlington, WI 53105, (hereinafter referred to as "Lessee").

The parties agree as follows:

Premises: Lessor hereby leases to Lessee a plot or area of Real Estate more completely described as shown on attached "Plot Plan" which is located within a parcel of real estate presently owned by said Lessor known as Schmaling Park being a City Park located South of Beloit St. and East of Sheldon St. in the City of Burlington, WI.

Purpose: This lease is entered into to allow said lessee to erect a storage type building upon said parcel. The size and type of said building is more particularly described as attached (Building Description).

Term: The term of this lease shall continue indefinitely unless and until one party gives a written notice to the other party terminating this lease, such written notice to be given at least One Hundred Twenty (120) Days prior to the date of termination stated in the said notice.

Rent: Lessee shall pay to Lessor as rent for the Premises during the term of the lease a sum not to exceed One Dollar (\$1.00) per year, commencing with the year of execution of said agreement.

Use and Obligations: Premises shall be used and occupied for all legal purposes, in accordance with all applicable zoning laws and ordinances. Lessee, at Lessee's expense shall maintain the premises in good order, condition and repair. Any and all costs of repair, maintenance, insurance or other costs will be sole responsibility of said Lessee.

It is anticipated that construction of said proposed storage type building will commence on or about September 1, 2010.

In witness whereof, each party to this agreement has caused it to be executed at Burlington, Wisconsin on the date stated herein.

LESSOR:

City of Burlington

By: _____

LESSEE:

Burlington Historical Society, Inc.

By: _____
