



AGENDA COMMON COUNCIL

Tuesday, September 21, 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 September 7, 2010. *(J. Fischer)*
6. Letters and Communications – None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-5: *(R. Prailes)*
 - Report 1 – Board of Public Works minutes, February 25, 2010
 - Report 2 – Community Development Authority minutes, July 6, 2010
 - Report 3 – Library Board minutes, July 20, 2010
 - Report 4 – Plan Commission minutes, August 19, 2010
 - Report 5 – Committee of the Whole minutes, September 7, 2010
9. Payment of Vouchers. *(E. Johnson)*
10. Licenses and Permits. *(J. Prailes)*
11. Appointments and Nominations: None.

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear public comment regarding a request to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located on the southern portion of 34701 W. Chestnut Street from Residential-Unsewered to Medium-Density Residential. *(P. Hintz)*
- B. A Public Hearing to hear public comment regarding a request to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 115 S. Teut Road from Governmental and Institutional to Commercial. *(T. Vos)*

13. **RESOLUTIONS:**

- A. Resolution 4432(16) to consider approving a one-year contract with Countryside Humane Society for animal control services in the amount of \$6,053.25. This item was discussed at the September 7, 2010 Committee of the Whole meeting. *(S. Rauch)*
- B. Resolution 4433(17) to consider declaring official intent to reimburse water system capital improvement expenditures with proceeds from a State of Wisconsin Safe Drinking Water Loan. This item was discussed at the September 7, 2010 Committee of the Whole meeting. *(K. Simenson)*
- C. Resolution 4434(18) to consider appointing an authorized representative to file applications for the Safe Drinking Water Loan. This item was discussed at the September 7, 2010 Committee of the Whole meeting. *(J. Fischer)*
- D. Resolution 4435(19) to consider amending the 2010 Annual Budget of the City of Burlington. This item was discussed at the September 7, 2010 Committee of the Whole meeting. *(R. Prailes)*

14. **ORDINANCES:**

- A. Ordinance 1909(12) to consider approving an annexation request from the Marles A. Kempken Trust and applying permanent zoning to property located at on the southern portion of 34701 W. Chestnut Street. This item was discussed at the September 7, 2010 Committee of the Whole meeting. *(E. Johnson)*

15. **MOTIONS:**

- A. Motion 10-696 to consider approving the 2010 Halloween Trick or Treat hours for Sunday, October 31 from 2 p.m. to 5 p.m. This item was discussed at tonight's Committee of the Whole meeting. *(J. Prailes)*

16. **ADJOURN INTO CLOSED SESSION** (T. Vos)

1. **Wis. Stats 19.85(1)(g)**, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
 - Regarding a bid protest filed in regards to the Downtown Parking Structure.

17. **RECONVENE INTO OPEN SESSION** (S. Rauch)

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (K. Simenson)

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.

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
September 21, 2010**

1. CALL TO ORDER - ROLL CALL

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

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Library Director Gayle Falk, Utility Director Connie Wilson, Department of Public Works Supervisor Dick Pieters, and Building Inspector Patrick Scherrer

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

Ms. Connie Herrick from the Chamber of Commerce discussed the upcoming Christmas Parade. The parade will be held on Friday, December 3, 2010 beginning at 6:30 p.m.

5. COUNCIL MINUTES FROM SEPTEMBER 7, 2010

A motion was made by Rauch with a second by Vos to approve the Council Minutes of September 7, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Johnson reported on information received from the U. S. Census Bureau that the City of Burlington had a seventy-one percent response rate to the questionnaire with the State of Wisconsin an overall eighty-one per-cent. Johnson presented a plaque to the mayor from the Census Bureau. The mayor thanked Alderman Johnson and Alderman Bob Prailes for their involvement in this project.

Lahner announced that Mr. Bob Peterson an employee of the Department of Public Works had recently completed his 40th consecutive year with the city. Lahner commended him for being a dedicated city employee.

Rauch requested an explanation of the rebate portion of the Developer's Agreement. Lahner explained that there is a ten-year limit or two-million dollars total rebate to be paid based on the incremental value.

Simenson questioned when new business will be brought to this shopping area. Vos commented that both the Kohl's store and the new M&I Bank should both be considered new development.

Vos questioned whether the DPW project was on track? Lahner affirmed that all construction is on schedule. Vos was also concerned with the marketing of the old water department building. The mayor thought the water department building would not be so easy to market.

8. REPORTS 1-5

A motion was made by Bob Prailes with a second by Hintz to approve Reports 1-5. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Johnson with a second by Hintz to approve pre-paids, vouchers and reimbursements in the amount of \$973,521.96. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Simenson Nays: None Motion carried 7-0

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

(A) "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED ON THE SOUTHERN PORTION OF 34701 W. CHESTNUT STREET FROM RESIDENTIAL-UNSEWERED TO MEDIUM-DENSITY RESIDENTIAL"

The mayor opened the public hearing at 7:10 p.m.

Alicia and Jason Plein, 433 Highridge Road presented a petition to the common council signed by thirty-three area residents who were objecting to the annexation. The Pleins discussed the lowering of their property values as a concern they had, as they had been told by a realtor that there was value in being the last home in the city.

Dawn and Craig Soeth, 432 Highridge Road were also concerned with their property value as well as a possibility of a thru street to Highway 11. They wanted the council members to vote in favor of the people they represented.

Vos explained there was no right-of way through that area and the topography was not conducive to a street being placed in that location as it had been studied many years ago.

Vos stated that as part of the Master Plan for that area, the whole portion of West Chestnut Street could be annexed into the city.

Hintz questioned if a grinder would have to be installed for that property so it could utilize the city's sanitary sewer. Wilson replied that a grinder would be necessary and it would be installed at the property owner's expense.

A motion was made by Hintz with a second by Jim Prailes to close the public hearing. With all in favor, the public hearing closed at 7:29 p.m.

(B) "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 115 S. TEUT ROAD FROM GOVERNMENTAL AND INSTITUTIONAL TO COMMERCIAL"

Mayor Miller opened the public Hearing at 7:29 p.m. There were no public comments. A motion was made by Vos with a second by Hintz to close the public hearing. With all in favor, the public hearing closed at 7:30 p.m.

13. RESOLUTIONS

A. RESOLUTION 4432(16) "A RESOLUTION TO APPROVE A ONE-YEAR CONTRACT WITH COUNTRYSIDE HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$6,053.25"

A request for a second reading and motion to adopt was made by Rauch with a second by Simenson. Discussion: Bob Prailes questioned why there was a reduction in the contract cost. Lahner explained that it was based on usage. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Simenson Nays: None Motion Carried 7-0

B. RESOLUTION 4433(17) "A RESOLUTION TO DECLARE OFFICIAL INTENT TO REIMBURSE WATER SYSTEM CAPITAL IMPROVEMENT EXPENDITURES WITH PROCEEDS FROM A STATE OF WISCONSIN SAFE DRINKING WATER LOAN"

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

C. RESOLUTION 4434(18) "A RESOLUTION TO APPOINT AN AUTHORIZED REPRESENTATIVE TO FILE APPLICATIONS FOR THE SAFE DRINKING WATER LOAN"

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

D. RESOLUTION 4435(19) "A RESOLUTION TO AMEND THE 2010 ANNUAL BUDGET OF THE CITY OF BURLINGTON.

A request for a second reading and motion to adopt was made by Bob Prailes with a second by Johnson. Discussion: Simenson encouraged her fellow council members not to vote for this resolution as she felt it was setting a bad precedent. She did not think an amended budget would provide an accurate reflection for future budgeting purposes. Johnson questioned whether these changes would be reflected in the paperwork for the 2011 Budget. Lahner explained that the Budget to Actual Report is what the council members need to look at for comparison. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch Nays: Simenson. Motion carried 6-1

14. ORDINANCES

A. ORDINANCE 1909(12) "AN ORDINANCE TO APPROVE AN ANNEXATION REQUEST FROM THE MARLES A. KEMPKEN TRUST AND APPLYING PERMANENT ZONING TO PROPERTY LOCATED ON THE SOUTHERN PORTION OF 34701 W. CHESTNUT STREET"

A motion to adopt was made by Johnson with a second by Jim Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos. Nays: Rauch, Simenson Motion carried 5-2

15. MOTIONS

A. MOTION 10-696 "A MOTION TO APPROVE THE 2010 HALLOWEEN TRICK OR TREAT HOURS FOR SUNDAY, OCTOBER 31 FROM 2 P.M. TO 5 P.M." A motion was made by Jim Prailes with a second by Hintz to approve Motion 10-696. With all in favor the motion was approved.

16. ADJOURN INTO CLOSED SESSION PER WISCONSIN STATUTES 19.85(1))(G), CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS NOT LIKELY TO BECOME INVOLVED.

A motion to go into closed session was made by Vos with a second by J. Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Simenson Nays: None With all in favor, the closed session began at 7:46 p.m.

17. RECONVENE INTO OPEN SESSION

A motion was made by J. Prailes with a second by Rauch to return to open session. With all in favor, the open session began at 8:26 p.m.

There were no decisions from closed session.

18. ADJOURNMENT

A motion was made by Simenson with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 8:27 p.m.

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



CITY OF BURLINGTON

Administration Department
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www.burlington-wi.gov

Common Council Agenda Item Number: 8	Date: September 21, 2010
Submitted By: City Staff	Subject: Reports 1-5

Details:

Attached please find the following reports:

- Report 1 – Board of Public Works minutes, February 25, 2010
- Report 2 – Community Development Authority minutes, July 2, 2010
- Report 3 – Library Board minutes, July 20, 2010
- Report 4 – Plan Commission minutes, August 19, 2010
- Report 5 – Committee of the Whole minutes, September 7, 2010

Options & Alternatives:
N/A

Financial Remarks:
None.

Executive Action:
Staff recommends that the Council accept these reports at the September 21, 2010 Common Council meeting.

Board of Public Works
 2010 Street and Sidewalk Improvement Program
 Thursday, February 25, 2010
 Council Chambers
 3:00 p.m.

The Board of Public Works was called to order by Mayor Robert Miller at 3:00 p.m. with the following members in attendance: Attorney John Bjelajac, Alderman Katie Simenson

Staff Members: Utility Manager Ms. Connie Wilson, Engineering Technician Ms. Judy Gerulat, Mr. Mike Timmers and Mr. Tom Foht of Kapur Engineering

A motion was made by Simenson to accept the March 19, 2010 Minutes. Attorney Bjelajac seconded the motion and with all in favor the motion carried.

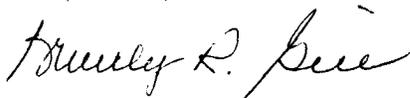
The following bids were opened:

	Wanasek	Reesman's Excavating and Grading	Willkomm Excavating and Grading	Oakes and Sons
Total Base Bid:	\$413,026.00	\$512,681.40	\$516,425.95	\$556,237.25
Receipt of Addendum	Yes	Yes	Yes	Yes
Bid Guaranty	Bid Bond	Bid Bond	Bid Bond	Bid Bond

A motion was made by Simenson to accept the bids for the 2010 Street and Sidewalk Program and refer them to engineering staff for recommendation. This recommendation will be provided to council at the March 2, 2010 meeting. Attorney Bjelajac seconded the motion and all were in favor.

Simenson made a motion to adjourn the meeting. Attorney Bjelajac seconded the motion and with all in favor the Board of Public Works adjourned at 3:10 p.m.

Respectfully submitted,



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

COMMUNITY DEVELOPMENT AUTHORITY

July 6, 2010

5:30 p.m.

Council Chambers

224 East Jefferson Street

1. CALL TO ORDER

Chairman Bil Scherrer called the meeting to order at 5:30 p.m.

2. ROLL CALL

The following commissioners were in attendance: Bil Scherrer, Jack Eckola, Jim Spiegelhoff, Jim Peterson, Judie Lemieux, Mayor Bob Miller, Alderman Jeff Fischer

Also in attendance were the following aldermen: Tom Vos, Ed Johnson, Katie Simenson, Peter Hintz, Bob Prailes; City Attorney John Bjelajac, Treasurer Steve DeQuaker, RCEDC Representative Tina Chitwood, Mr. Tom Stelling of Stelling and Associates Architects, Ms. Leslie Scherrer and Mr. Peter Scherrer of the Peter Scherrer Group

3. APPROVAL OF MINUTES FROM APRIL 27, 2010

A motion was made by Lemieux to approve the minutes from the April 27, 2010 Special CDA meeting. Fischer seconded the motion and with all in favor, the motion carried.

4. PERSONS DESIRING TO BE HEARD

None

5. UPDATE ON THE DOWNTOWN PARKING STRUCTURE

Peter and Leslie Scherrer from the Peter Scherrer Group gave an update on the downtown parking structure. Peter Scherrer reported that a number of factors have changed since this project was first proposed. It was their goal to offer a solution that met the community needs with consideration given to budget constraints.

Ms. Scherrer explained that because it was no longer financially feasible to construct the parking structure as originally planned, the Scherrer Group wanted to present to the city what would be feasible.

The Scherrer Group had determined that if the parking structure would be built with a total of 200 stalls that would be sufficient to provide for all the needs of the city while taking into consideration the new hotel and future retail and office areas. Ms. Scherrer commented that the hotel would have thirty stalls designated for their use, but that no other stalls would be committed to any businesses or offices. Lahner stated that the calculations that the Scherrer Group used were based upon zoning code calculations.

Eckola questioned the projected loss of forty parking spots and if the majority of that loss would be tied to the possible construction of a county-city building on the current municipal lot. Lahner stated there are thirty-five stalls in that particular lot which make up the majority of the loss of parking spots.

Rauch questioned if diagonal parking was being considered for Dodge Street? Vos stated that he thought angle parking should be factored in.

Peter Scherrer said that the two hundred stall parking structure has an estimated cost of between 2.1 and 2.4 million with the budgeted amount being two million. It was his

suggestion to complete the plans for the two-hundred stalls and take it out to bid. In the bid package would be an alternate plan to reduce the number of stalls to one-hundred and sixty if the bids came in considerably higher than two-million dollars.

Simenson was concerned with future cost of maintenance on the structure. Peter Scherrer said it was being designed with materials that have minimal maintenance. Simenson also questioned the warranty on the pre-cast pieces that will be purchased from the former J.W. Pieters. Peter Scherrer stated that the city would be using a purchase order for a tax exempt purchase from Pieters and that information would be included in the bid package. The company that is awarded the bid will also assume the warranty for the pre-cast materials from J.W. Pieters.

The Scherrer Group anticipated a September first start date with a completion date of January first.

6. UPDATE ON THE STATUS OF THE HISTORIC PRESERVATION COMMISSION FAÇADE GRANT PROGRAM

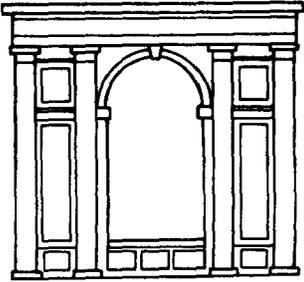
Ms. Chitwood provided an update to the CDA regarding the Façade Grant Program. It was her recommendation that the city recapitalize this program in an effort to have improvements made in the alleys bordering the redevelopment project.

7. ADJOURNMENT

A motion was made by Eckola to adjourn the meeting. Fischer seconded the motion and with all in favor, the meeting adjourned at 6:17 p.m.



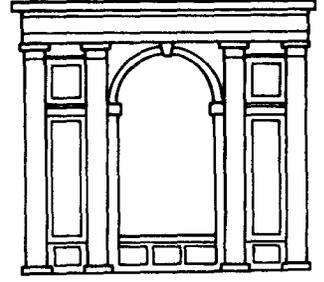
Beverly R. Gill
City Clerk
City of Burlington
Racine & Walworth County



Burlington Public Library

166 East Jefferson Street • Burlington, Wisconsin 53105
(262) 763-7623 • Fax (262) 763-1938

www.burlingtonlibrary.org



Minutes of the Burlington Public Library Board of Trustees

The Burlington Public Library Board of Trustees met on Tuesday, July 20, 2010 in the Burlington Public Library Meeting Room. Present were Penny Torhorst, Yvonne Braunschweig, Kay Pockat, Steve Rauch, Dianne Boyle, Mike Kelly, and Pat Hoffman. Excused were Pat Hurley, and Scott Johnson. Also present were Library Director Gayle Falk and Administrative Assistant Linda Berndt.

Torhorst called the meeting to order at 4:01.

Hoffman moved approval of the current slate of officers. Braunschweig seconded the motion and the motion passed.

Falk relayed to the Board who was currently on the different committees. The new appointments are as follows:

Buildings and Grounds: Chair: Hurley, Torhorst, Rauch

Personnel: Chair: Hoffman, Braunschweig, Pockat

Finance: Chair: Johnson, Kelly, Boyle

Torhorst asked about the school liason committee, Burlink. When the Schools and the Public Library shared their library system and server, we met to work out procedures and trouble shoot problems. Since both BASD and the public library are now members of a larger consortium, Burlink is not needed.

Minutes of the June 22, 2010 meeting were approved. Boyle moved, and Braunschweig seconded. Motion passed.

The July 2010 General Fund Bills, Prepaids, Reimbursements and June 2010 General Fund deposits were discussed and approved. Braunschweig moved approval and Boyle seconded. Motion passed. Falk reported that with the last big rain storm the drain on the roof above her office leaked. It caused the ceiling tile above her desk to fall. The roofers were here to repair that area. The July 2010 Trust Fund Bills, and June 2010 Trust Fund Deposits were approved. Braunschweig moved and Hoffman seconded. Motion passed. Falk pointed out trust bills for a speaker for the book club and for an additional movie license.

Committee Reports: There were no reports at this time.

Federated Library Report: Yvonne reported that she is going to a Lakeshores Library Board of Directors meeting after this meeting.

Old Business:

Friends Update: The Friends are getting ready for the booksale at the end of next week. If anyone wants to help at the booksale, please contact Linda.

New Business:

Upcoming Events:

There are many events planned for this month, which wraps up the summer program.

Budget prep: In the past Falk has had preliminary meetings with the City, from which the budget is crafted and brought to the personnel and finance committee for review, and then the Library Board for approval. The Board expressed approval of that process.

Racine County Funding: Waterford Public Library is currently serving many patrons from Racine County who live in Burlington, Racine, Rochester or Union Grove. Waterford library is not reimbursed for this service. Lakeshores Library System is currently investigating ways that other systems handle this lending. Discussion followed.

Directors Report: Falk reported that the library is taking part in a chocolate walk to benefit BASD music programs. Staff members will be baking 15 dozen cookies or brownies. All the proceeds will go to BASD music programs. Hoffman moved and Boyle seconded the motion to approve \$100.00 trust funds for the reimbursement of the making of these cookies. If the actual cost of making the cookies is higher, the Board will consider additional funding next month. Motion passed.

In the News:

There were many newspaper calendar events.

Public communication to the Board: None at this time.

Meeting was adjourned at 4:30 PM. Braunschweig moved and Kelly seconded. Motion passed.

Our next meeting will be on Tuesday, August 24th at 4:00 PM in the Burlington Public Library meeting room.

Respectfully submitted,



Steve Rauch,
Aldermanic Representative



**Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
August 10, 2010, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:34 p.m. followed by roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Bob Henney were present. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner and City Planner Patrick Meehan.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Alderman Vos seconded to approve the minutes of July 13, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use Application from Sandra Miller of Creature Comforts for property located at 115 S. Teut Road to use as a veterinary clinic and pet day care facility.

- Mayor Miller opened the public hearing at 6:35 p.m.
- There were no comments. Alderman Vos moved and Commissioner Lynch seconded to close the Public Hearing at 6:36 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

8. New Business:

A. Consideration to approve a Site Plan Application, Conditional Use Application and a Multi-Jurisdictional Comprehensive Plan Amendment from Sandra Miller of Creature Comforts for property located at 115 S. Teut Road to use as a veterinary clinic and pet day care facility.

- Mayor Miller opened this issue for discussion.

- Commissioner Eisenhardt questioned Patrick Meehan why he was recommending denial of the outdoor fenced play area. Mr. Meehan stated this type of use is not allowed in the B-1 District as a permitted or conditional use.
- Commissioner Eisenhardt questioned if the play area can be constructed inside and to clarify “enclosed” space. Mr. Meehan stated the code states it can be in an enclosed building.
- Alderman Vos stated he went past the site and noticed there is a large buffer of mature trees along the property with a wetland area to the southeast which seemed to be sufficient for buffering noise. Mr. Meehan responded that residential development has been planned with the Stonegate Subdivision to the southwest that needs to be taken into consideration.
- Alderman Vos questioned what options the applicants would have. Mr. Meehan stated they could apply for a variance or a text amendment to the code. Alderman Vos questioned if a variance were granted, could it be rescinded if there was a problem. Mr. Meehan stated no, a variance would go with the property.
- Sandra Miller, applicant, stated to the commission that the veterinary clinic would not have an outdoor play area, only the doggie day car facility and questioned if the non-compliance applies since the day care is not a service business. Mr. Meehan stated that the day care is an accessory business to the veterinary clinic and the non-compliance would still apply.
- Mayor Miller stated to the commission that the fenced outdoor play area is the only issue in the proposal where all items are recommended for approval.
- Sandra Miller stated that the outdoor area should not be a problem with noise issues as dogs typically only bark out of boredom and anxiety. She further stated that an outdoor area would allow noise to disperse better than inside a building where it could be amplified.
- Alderman Vos asked Mr. Meehan what he has seen other communities do with these types of businesses. Mr. Meehan stated typically there is a provision in the community’s code to keep the dogs inside.
- Alderman Vos questioned if a text amendment could be drafted to allow for an outdoor area providing the site has a minimum acreage amount. Mr. Meehan stated the code can be modified to state the parcel must be over an acre with approval and proper legal guidelines.
- Administrator Lahner questioned how long the dogs would be outside. Sandra Miller stated a check-in time would be from 7 to 9 a.m., outdoor play time from 9 a.m. to noon, nap time from noon to 2 p.m., outdoor play from 2 to 4 p.m. and check out from 4 to 6 p.m. Ms. Miller further stated the outdoor play would be weather pending and feels it is a critical part of the business.
- Pat Meehan questioned how many dogs would be on site at a time. Ms. Miller stated a maximum of twenty dogs with two caregivers on staff. Mr. Meehan further questioned if a staff member would be outside with the dogs and Ms. Miller stated yes.
- Administrator Lahner explained to Ms. Miller that there are plans for residential properties to be located close to the subject property, how this business could affect them and that the code is in place to maintain consistencies throughout the city. Ms. Miller responded that the fence area would be buffered by mature trees and a garage as it was strategically planned for noise reduction.

- Commissioner Lynch questioned what would be a better option, to draft a text amendment or have the applicant apply for a variance. Administrator Lahner stated a variance would be preferable as it would identify the business' unique situation and possible hardship. He further stated a text amendment could raise issues in the future with other potential applicants wanting to open the same type of business in a different part of the city.
- Commissioner Lynch questioned if the Plan Commission can recommend approval of a variance to the Zoning Board of Appeals. Mayor Miller stated yes.
- Mayor Miller questioned if the conditional use up for recommendation applies to the entire operation or just the outdoor play area. Mr. Meehan stated it would be for the entire operation without the outdoor area. He further stated that if a variance is granted and the outdoor area becomes a problem the conditional use could be reevaluated to require elimination of the area.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve the Site Plan Application, Conditional Use Permit and recommend approval of a Rezone and Multi-Jurisdictional Comprehensive Plan Amendment for 115 S. Teut Road, less a Conditional Use for any outdoor play area, subject to Kapur and Associates' August 3, 2010 and Patrick Meehan's July 26, 2010 memorandums to the Plan Commission as follows:

- It is recommended that the applicant be encouraged to place the 2,050 +/- square foot pet play area within an enclosed building and that all affected Site Plan related documents be revised and resubmitted to the City staff for review for compliance with this requirement.
- The proposed 20-foot wide driveway shall be increased to a minimum of 24 feet in width and all affected Site Plan related documents need to be revised and resubmitted to the City staff for review.
- The proposed off-street parking spaces shall be increased to a minimum of 20 feet in length and all affected Site Plan related documents need to be revised and resubmitted to the City staff for review.
- The proposed off-street parking single rows and aisles shall be increased to a minimum of 45 feet width (for all three parking areas proposed) and all affected Site Plan related documents need to be revised and resubmitted to the City staff for review.
- The concrete curb and gutter shall be graphically indicated and noted for all three off-street parking areas and all affected Site Plan related documents need to be revised and resubmitted to the City staff for review for compliance with this requirement.
- A Landscape Plan meeting all of the requirements of Section 315-137(C)((18) and 315-138 of the City Zoning Ordinance needs to be submitted by the applicant for City staff review.
- A minimum of two (2) canopy trees need to be placed within the interior of the off-street parking areas of the proposed development. This requirement shall be met on the revised Landscape Plan submitted by the applicant for City staff review.

- The minimum number of plant materials needs to be indicated on a Landscape Plan for the northeast, southeast and southwest sides of the lot. Sections 315-48(D)(6)(b) and 315-52(H)(12) of the City Zoning Ordinance require that all landscape plant materials planted as either parking lot landscaping or as required bufferyards meet or exceed the minimum plant material size standards set forth in Section 315-48(D)(6)(b) of the City Zoning Ordinance at time of installation.
- Any existing landscape plant materials which are of the proper type located on the subject property within the required 35-foot wide bufferyard area or on the abutting property within 15 feet of the common property line may be substituted for the required minimum number of plants. Any existing substituted plants need to be documented on the proposed Landscape Plan and graphically indicated where they are located indicating the size and type of each plant.
- The proposed monument sign, as depicted in the "Site Plan" dated 6/10/10, is proposed to be located within the triangular vision clearance space which shall be changed by the applicant and a revised Site Plan and Landscape Plan (as well as all other affected plans) submitted to the City staff for review.
- The applicant has not indicated if outdoor storage is proposed. If outdoor storage is not proposed, then the applicant needs to indicate on the face of the Site Plan "NO OUTDOOR STORAGE IS APPLIED FOR" accordingly and a revised Site Plan submitted. However, if this should change in the future, the applicant shall meet all of the requirements of Section 315-26(M) of the City Zoning Ordinance regarding outdoor storage.
- If any outdoor lighting is proposed by the applicant, all of the above requirements for a Lighting Plan shall be submitted to the City including a catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cut-off angles; a photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire; a plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels. Exterior lighting in the B-1 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two (2) footcandles (as measured at the property line) and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire.
- On site directional signs cannot exceed three square feet in area. However, no such signage is indicated in the application (except the sign used for handicap parking). If such signs are installed, the requirements of Section 315-64(D) shall be met.

- The maximum total sign area of freestanding signs for a parcel such as the subject property in the B-1 District is 150 square feet. Freestanding signs will need to meet this requirement. The height of the proposed freestanding sign has not been indicated on the submitted drawings and shall be submitted to City staff for review. The freestanding signage dimensions shall not exceed the maximum allowable dimensions set forth in the City Zoning Ordinance.
- The handicap parking stall should be clearly identified with a combination of signage and/or pavement markings

All in favor and the motion carried. This item will move forward to the August 17, 2010 Committee of the Whole meeting.

B. Consideration to approve a Site Plan Application from Stelling and Associates, Inc. for the Downtown Parking Structure located on Dodge and Washington Streets.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned the status of the angled parking discussion on Dodge Street. Mayor Miller stated Dodge Street will become a local road in which the City can amend the traffic map to change the parking to angled.
- Alderman Prailes questioned if bid proposal had come in for the structure. Administrator Lahner stated the bids are due August 31 with a bid opening then.
- Patrick Meehan questioned what type of material is to be used on the façade of the structure. Tom Stelling, architect for the project, stated the material for the structure is precast concrete with decorative painted panels. He further stated the structure will be gray with hints of color throughout, pending pricing.
- Alderman Vos questioned if the stormwater issues on Dodge Street will be addressed as it has flooded there for years due to back flow of the river. Mr. Stelling stated the site is being elevated above the 100 year floodplain and internal control mechanisms will be in place to facilitate better draining.
- Alderman Vos questioned if the current stormwater system will be able to handle the additional development along Dodge Street or other potential growth that could occur there. Administrator Lahner stated the drainage would be improved as more greenspace is being added with the development projects. He further stated that raising the roadbed would be the best solution, however the Department of Transportation, who is currently repaving the road, would not approve of such work. The City would need to fund the work if it became necessary to do.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve the Site Plan Application for the Downtown Parking Structure, subject to Patrick Meehan's July 30, 2010 memorandum to the Plan Commission as follows:

- That the legal vacation of that segment of E. Washington Street (indicated as "vacated" on the face of the City's conditionally approved Certified Survey Map) be accomplished by the City prior to the recordation of the proposed Certified Survey Map with the Racine County Register of Deeds. And, that said Certified Survey Map which combines the lots of the subject property be recorded with the Racine County Register of Deeds prior to the issuance of a Building Permit for the proposed parking structure.
- Removal of the eastern edge of the subject property from the 100-year recurrence interval floodplain and, thereby, the FFO Floodfringe Overlay District zoning classification. If, however, the eastern portion of the subject property remains located within the FFO District and the above described "Letter of Map Revision" is not granted, commercial structures/uses (such as a parking structure and or retail/service uses) are also conditional uses (under the provisions of Section 315-40(B)(2) of the City Zoning Ordinance) and shall meet the requirements of Sections 315-40(C) and 315-130 of the City Zoning Ordinance.
- The City Engineer will need to determine if all of the floodplain-related requirements have been met by the proposed Site Plan for the subject property submitted by the applicant relating to either a "Letter of Map Revision" or FFO Floodfringe Overlay District zoning classification (whichever is applicable to the subject property).
- Copies of any approvals granted by the Wisconsin Department of Natural Resources and/or the Federal Emergency Management Agency (FEMA) relative to filling and/or modifying the existing 100-year recurrence interval floodplain shall be provided to the City as such approvals are obtained (as applicable, as determined by the City Engineer).
- A change to the text of the City Zoning Ordinance will be necessary in order to allow municipally-owned parking structures as a "Permitted Use" within the B-2 District.
- The proposed "Site Plan and Profile" for the proposed surface parking lot does not indicate that the surface, off-street, parking lot is to be paved, therefore a note needs to be added to the "Site Plan and Profile" drawing and said drawing resubmitted to the City for City staff review.
- Pursuant to the requirements of Section 315-48(F) of the Zoning Ordinance, concrete curb and gutter meeting City specifications will need to be provided all proposed surface, off-street, parking areas.
- The proposed "Site Plan and Profile" for the proposed surface parking lot does not indicate concrete curb and gutter for the surface, off-street, parking lot, therefore a note needs to be added to the "Site Plan and Profile" drawing and said drawing resubmitted to the City for City staff review.
- Section 315-48(D)(5) of the City Zoning Ordinance requires that in parking lots serving 10 vehicles or more, landscape areas shall total not less than 5 percent of the surfaced off-street parking area (inclusive of both parking stalls and associated drives) and that perimeter landscaped areas adjacent to the off street parking lot shall not be included in the aforementioned required 5 percent. In addition, Section 315-48(D)(5) also requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) off-

street parking spaces (or fraction thereof) within the interior of the off-street parking area." These two requirements will need to be met by the forthcoming Landscape Plan to be prepared by the City of Burlington. It is recommended that this Landscape Plan, when it is completed, be reviewed by City staff.

- A catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cut-off angles. If any outdoor lighting is proposed, this data needs to be submitted by on a Lighting Plan by the applicant.
- A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire. If any outdoor lighting is proposed, this data needs to be submitted by the applicant.
- A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels. If any outdoor lighting is proposed, this data needs to be submitted by the applicant.
- Exterior lighting in the B-2 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two footcandles (as measured at the property line), and the maximum permitted luminaire height shall be 20 feet as measured from surrounding grade to the bottom of the luminaire. If any outdoor lighting is proposed, this data needs to be submitted by the applicant.
- The proposed water mains (if any), fire hydrants, and proposed connections (if any) need to be indicated on the Site Plan and a revised Site Plan submitted to the City staff for review graphically indicting those features.
- A Landscape Plan is required to be submitted by the applicant, meeting the requirements set forth in Section 315-138 of the City Zoning Ordinance.

All in favor and the motion carried.

C. Consideration to recommend to the Common Council approval of Ordinance 1906(9) authorizing a Text Amendment to Section 315-70F to allow electronic signs in the I-1, Institutional District as a Conditional Use to the Common Council.

- Mayor Miller opened this issue for discussion.
- Mayor Miller informed the Plan Commission that the Common Council had requested to have electronic signs in the I-1 District as a conditional use to be reviewed by the Plan Commission. He further stated that in adding such language to the ordinance, the Gateway HERO Center, which prompted this text amendment request, would need to apply for a conditional use permit

for the sign they are proposing. As the grand opening for the Hero Center is approaching, he wanted discussion among the commission as to what to allow Gateway to install at this moment.

- Commissioner Lynch stated he is concerned with an electronic sign as proposed by Gateway in the location they are requesting and the safety of the drivers from the high school with a flashing advertisement sign. He further stated he doesn't feel it is necessary to change the code due to one sign that may cause a safety hazard on McCanna Parkway.
- Commissioner Eisenhardt questioned if the lights in the electronic sign could be an amber color instead of red to soften the visual impact. Administrator Lahner stated it is a possibility but it has not been talked about yet. Patrick Meehan stated that a conditional use permit could address that type of issue.
- Commissioner Lynch questioned who the advertising would be for as McCanna is not a through street. Alderman Prailes stated that a flashing advertisement would attract the high school students. Commissioner Lynch stated again that he feels a flashing sign would be a hazard with high school drivers. Alderman Prailes stated drivers along STH 36 could have the same safety hazards with the electronic signs.
- Gary Olson, representing the Burlington Area School District, stated the school district has planned to put a sign in that location for several years, however the funding was not available until recently. He further stated the electronic message board is mainly to convey messages regarding current events and will not flash but scroll. He agreed that the traffic pattern on McCanna is inefficient, however studies have been conducted stating the worst traffic pattern is at the end of the school day, not the start of the day.
- Mayor Miller questioned if the sign for Gateway has been purchased already. Lawrence Paruszkiewicz, Facilities Director for Gateway, stated the frame has been purchased and building permits have been taken out for it already. The electronic portion of the sign has not been purchased or applied for at this time but can be added to the sign later.
- There were no further comments.

Alderman Vos moved and Commissioner Reesman seconded to recommend approval of Ordinance 1906(9).

All in favor and the motion carried. This item will move forward to the August 17, 2010 Common Council meeting for consideration.

D. Consideration to recommend to the Common Council approval of Ordinance 1907(10) authorizing a Text Amendment to Section 315-27B to allow parking structures and garages as a Permitted Use in the B-2 District.

- Mayor Miller opened this issue for discussion.
- Patrick Meehan recommended adding the language, "municipal-owned parking lots" in addition to the parking structure and garages language of the ordinance as parking lots being part of a business are non-conforming in the B-2 District.

- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Henney seconded to recommend approval of Ordinance 1907(10).

All in favor and the motion carried. This item will move forward to the August 17, 2010 Committee of the Whole meeting.

D. Consideration to recommend to the Common Council approval of Resolution 4430(14) vacating a portion of Washington Street lying westerly of Dodge Street with reversion of title of such land to the City of Burlington.

- Mayor Miller opened this issue for discussion.
- Commissioner Eisenhardt questioned if traffic will be able to get through from Pine Street to Dodge Street. Tom Stelling stating there will be a throughway for cars and small vans to get through. The height clearance will not allow for large trucks or semi-trailers to pass through as the structure will only be approximately 8 feet 2 inches high.
- Alderman Vos questioned if there will be a warning device installed prior to reaching the structure to alert drivers of the height restrictions. Tom Stelling stated there would.
- There were no further comments.

Commissioner Lynch moved and Commissioner Henney seconded to recommend approval of Ordinance 1907(10) with the additional wording of “municipal-owned parking lots” in the ordinance.

All in favor and the motion carried. This item will move forward to the August 17, 2010 Committee of the Whole meeting.

E. Consideration to recommend to the Common Council Multi-Jurisdictional Comprehensive Plan Amendment and an annexation request with permanent zoning from the Marles A. Kempken Estate for property located as the southern portion of 34701 W. Chestnut Street.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned the purpose of the applicant requesting to be annexed into the city. Tammy McCarthy, on behalf of the Kempken Estate, stated they would like to create a conforming lot that will have access to municipal water and sewer.
- There were no further comments.

Alderman Vos moved and Commissioner Lynch seconded to recommend approval of an annexation request with permanent zoning and a Multi-Jurisdictional Comprehensive Plan Amendment, subject to Patrick Meehan’s July 27, 2010 memorandum to the Plan Commission as follows:

- The approval of the proposed annexation of the subject property into the City of Burlington.

- The Comprehensive Plan Amendment procedures be followed by the City staff, Plan Commission, and Common Council prior to the granting of a Comprehensive Plan amendment or the rezoning of the subject property.
- The Plan Commission finds and hereby adopts a Resolution reporting said findings, and recommends that the Common Council also find that the proposed comprehensive plan amendment is consistent with the goals, objectives, and policies of the plan; the proposed comprehensive plan amendment will not lead to any detrimental environmental effects; the proposed comprehensive plan amendment is compatible with surrounding residential land uses as well as those residential land uses abutting the subject property on the west and south; the proposed Comprehensive plan amendment would 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 amendment; the proposed comprehensive plan amendment will enhance economic development within the City and County; the proposed comprehensive plan amendment is in substantial agreement with the recommendations of the regional land use plan since the regional plan calls for a "Medium Density Urban Area (residential and other urban land—2.3 to 6.9 dwelling units per net residential acre)" in the area.
- The Common Council amend by ordinance, the Comprehensive Plan, as it pertains to the subject property, from the current "Residential-Unsewered (1.5 to 4.99 acres per dwelling unit)" land use classification to the "Medium Density Residential (6,200 square feet or more per dwelling unit)" land use classification as required under the provisions of both Section 66.1001(4) of the Wisconsin Statutes and Chapter XV titled "Implementation Element" of the recent, City-adopted, SEWRPC Community Assistance Planning Report No. 301 titled A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035."
- A public hearing for the proposed rezoning is to be held pursuant to the provisions of Section 315-121 of the City Zoning Ordinance; and that the subject property be rezoned by the Common Council to the Rs-2 Single Family Residential District.

All in favor and the motion carried. This item will move forward to the September 7, 2010 Committee of the Whole meeting.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 7:38 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the Administrator

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
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 Lode, Building Inspector Patrick Scherrer, Ms. Tina Chitwood of RCEDC, Mr. David Wagner, of Ehlers, Mr. Tom Foht of Kapur Engineering

2. CITIZENS COMMENTS AND QUESTIONS

None

3. MINUTES FROM AUGUST 17, 2010

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

4. PRESENTATION AND DISCUSSION BY THE RACINE COUNTY ECONOMIC DEVELOPMENT CORPORATION (RCEDC) REGARDING THE 2010 ECONOMIC DEVELOPMENT PLAN REVISIONS AND UPDATE.

Ms. Tina Chitwood of RCEDC presented an update of the existing Burlington Economic Development Plan that was initially prepared in 2006. This update is required by the terms of the contract.

Fischer questioned the program of meeting weekly with an area business and if the concentration would be the Burlington Manufacturing and Office Park. He also questioned who would be doing the contact work.

Ms. Chitwood replied that in the beginning, the BMOP would be the first area targeted but all manufacturing would be visited. She also stated that RCEDC was in the process of hiring both a business retention and expansion manager as well as a data analyst. As soon as those positions are filled, the program will begin.

Fischer stated that while attending ChocolateFest he was made aware of a business that is in the city. He felt that the city addresses the recruiting aspect of new businesses but not the retention of those who are already here. He felt that with this new program, it seemed to address that concern. He would also like to see more frequent reporting be made available to council members.

Lahner explained that RCEDC would be using the new Synchronist software program to track the results and compare them to national trends.

ChocolateFest was also an area of concern for RCEDC as it needs to be on sound financial footing.

5. PRESENTATION AND DISCUSSION REGARDING THE SEMI-ANNUAL STATUS REPORT FOR THE 2010 ECONOMIC AND COMMUNITY DEVELOPMENT SERVICE CONTRACT WITH RCEDC.

Ms. Chitwood provided paperwork highlighting the activities so far this year. She discussed the successfully completed \$1.5 million dollar loan for St. Gobain with loan forgiveness based upon job retention; the potential for investment in equipment was also a possibility.

RCEDC was also involved in the \$1.5 million dollar loan to the Hampton Inn and other activities

pending. They were also involved with the Historic Preservation Commission, Community Development Authority, Farmer's Market Grant, Chamber of Commerce Grant and with bringing their annual meeting for the first time to the Veteran's Terrace. RCEDC had also been involved with Western Racine county Human Resources Roundtables and planned a tri-county healthcare job Fair that had been held at Burlington High School.

Vos questioned those inquiries that are no longer considered active if we know the reasons for their lack of interest. Chitwood replied that an initial contact is generally concerned with financing and some businesses either did not need the financing, procured financing on their own or chose not to continue their search.

6. RESOLUTION 4432(16) TO CONSIDER APPROVING A ONE-YEAR CONTRACT WITH COUNTRYSIDE HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$6,053.25.

Mayor Miller introduced Resolution 4432(16) to the council for discussion. The proposal for 2011-2012 had decreased by forty-seven percent from the prior contract. Simenson questioned the reason for the decrease. The mayor explained there had been a decrease in city usage and perhaps other municipalities had contracted with Countryside which would have reduced the cost.

Vos questioned whether the holding area for the animals would be relocated to the new building. Lahner said that the location would not be changed at this time, but if the DPW were to sell, then the relocation would have to take place.

This resolution is scheduled for the September 21, 2010 Common Council meeting.

7. RESOLUTION 4433(17) TO CONSIDER DECLARING OFFICIAL INTENT TO REIMBURSE WATER SYSTEM CAPITAL IMPROVEMENT EXPENDITURES WITH PROCEEDS FROM A STATE OF WISCONSIN SAFE DRINKING WATER LOAN.

Mayor Miller introduced Resolution 4433(17) to the council for discussion. Lahner provided the explanation that the city has to declare their intent to reimburse the water system for certain expenses (engineering and architectural) that occurred prior to the borrowing with this being the first step in that process.

Vos questioned how these expenses would be paid for up front and was concerned that there was enough money in the reserve fund to do this. Lahner assured him that there was enough in the fund to pay for the anticipated expenses.

Simenson questioned if the cost of \$2.4 million was still a current number. Lahner explained that this estimate was what was talked about at the last workshop. The \$500,000 that was initially discussed was only for equipment.

Vos asked if the \$2.4 million was for two wells and Lahner stated that was correct. Vos was also concerned with any future mandates by the DNR regarding additional improvements and maybe the city would be smart to have one borrowing and one rate increase to get ahead of any of these same issues in the future. Because it was unpredictable when a well would be deemed non-compliant, Lahner did not feel that it would be much of an advantage to do the borrowing at this time.

This resolution is scheduled for the September 21, 2010 Common Council meeting.

8. RESOLUTION 4434(18) TO CONSIDER APPOINTING AN AUTHORIZED REPRESENTATIVE TO FILE APPLICATIONS FOR THE SAFE DRINKING WATER LOAN.

Mayor Miller introduced Resolution 4434(18) to the council for discussion. Lahner explained that this was the second step toward the Safe Drinking Water Loan with Utility Director Ms. Connie Wilson being appointed to act as the city's representative and file all necessary applications.

This resolution is scheduled for the September 21, 2010 council meeting.

9. RESOLUTION 4435(19) TO CONSIDER AMENDING THE 2010 ANNUAL BUDGET OF THE CITY OF BURLINGTON.

Mayor Miller introduced Resolution 4435(19) to the council for discussion. Treasurer Steve DeQuaker answered questions regarding this resolution.

Fischer questioned what the threshold was for deciding that a change should be made to the budget? Lahner replied that a budget to actual report is generated monthly with a quarterly report provided to council. The department heads were requested to take a look at the monthly report and determine if it was accurately reflected or if it needed to be adjusted closer to the actual numbers.

Simenson added that she thought last year's budget workshop was the worst she ever attended because the process did not go line by line and it was difficult to match up numbers and very hard to follow. It was too generalized and not specific enough.

Fischer stated that from a process standpoint it was a good exercise to review and understand where we think the budget will end up, but it might add complexity to the budget process next year.

Lahner preferred the line by line item presentation as it reflects real costs on an annual basis and it encourages spending parameters. He did not feel that it would add complexity to the process.

Vos was comfortable with this process but the deficit in the water department revenue was disturbing to him.

This resolution is scheduled for the September 21, 2010 council meeting.

10. RESOLUTION 4436(20) TO CONSIDER THE PROPOSAL TO REMEDIATE ENVIRONMENTAL POLLUTION AND CREATE ENVIRONMENTAL TAX INCREMENT DISTRICT NUMBER ONE IN THE CITY OF BURLINGTON.

Mayor Miller introduced Resolution 4436(20) to the council for discussion. The mayor explained that this would cover both the parking structure and the hotel. There was no discussion.

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

11. ORDINANCE 1909(12) TO CONSIDER APPROVING AN ANNEXATION REQUEST FROM THE MARLES A. KEMPKEN TRUST AND APPLYING PERMANENT ZONING TO PROPERTY LOCATED AT THE SOUTHERN PORTION OF 34701 W. CHESTNUT STREET.

Mayor Miller introduced Ordinance 1909(12) to the council for discussion. Craig and Dawn Soeth, 432 Highridge and Jason and Alicia Plein, 433 Highridge spoke against the annexation of this parcel because it was a natural preserve and they were not in favor of another home being built on that location. They also were concerned with the drainage on the property.

Vos as a member of the Planning Commission stated that no one had addressed their meeting regarding any objection to this ordinance. Both the Soeths and Pleins insisted that they had not been notified of any other meeting where they could have attended.

This ordinance is scheduled for the September 21, 2010 council meeting.

12. MOTION 10-691 TO CONSIDER APPROVING AN AIRPORT HANGAR LEASE WITH MJJ HOLDINGS, LLC LOCATED AT 705 AIRPORT DRIVE IN THE ANNUAL AMOUNT OF \$517.50.

Mayor Miller introduced Motion 10-691 to the council for discussion. There was no further discussion.

This motion is scheduled for this evening's council meeting.

13. MOTION 10-692 TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 152 E. CHESTNUT STREET.

Mayor Miller introduced Motion 10-692 to the council for discussion. There was no further discussion.

This motion is scheduled for this evening's council meeting

14. MOTION 10-693 TO CONSIDER APPROVING A SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 173 E. CHESTNUT STREET.

Mayor Miller introduced Motion 10-693 to the council for discussion. There was no further discussion.

This motion is scheduled for this evening's council meeting.

15. MOTION 10-694 TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 240 E. CHESTNUT STREET.

Mayor Miller introduced Motion 10-694 to the council for discussion. There was no further discussion.

This motion is scheduled for this evening's council meeting.

16. MOTION 10-695 TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 609 N. PINE STREET.

Mayor Miller introduced Motion 10-695 to the council for discussion. There was no further discussion.

This motion is scheduled for this evening's council meeting.

17. ADJOURNMENT

A motion was made by Johnson with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 7:51 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 21, 2010
Submitted By: Steve DeQuaker, Treasurer	Subject: Prepays and Vouchers

Details:

Attached please find the Prepays and Vouchers list for bills accrued through September 21, 2010:

Total Prepays:	\$335,886.37
Total Vouchers:	\$636,915.09
Reimbursements:	\$720.50
Grand Total:	<u><u>\$973,521.96</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 \$307,153.00
- 2) PBJC Burlington Too, LLC – First TIF/TID payment for Kohls/Pick N Save development \$183,293.64
- 3) The Wanasek Corp. – Payment No. 3 for the 2010 Utility & Sidewalk Improvement Program \$142,269.97
- 4) Veolia Environmental Services – City of Burlington monthly trash & recycle pick up \$39,180.67
- 5) Sierra Petroleum Co – Purchase of AV Gas 100LL for the Burlington Airport \$26,490.03

Executive Action:

Staff recommends that the Common Council accept these Prepays and Vouchers in the amount of \$973,521.96 at the September 21, 2010 Council meeting.



CITY OF BURLINGTON

City Clerk

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

Common Council Agenda Item Number: 10	Date: September 21, 2010
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

The alcohol license list for applications accrued through September 21, 2010 are as follows:

Licenses Recommended for Approval

OPERATOR'S LICENSES

Casiano, Rascual
Ciboski, Jonathon M.
Favell, Sarah M.
Flores, Heidi L.
Follis Gail M.
Katarow, Linda F.
Mehring, Steven A.
Orndorf, Kathleen K.
Robers, Steven E.
Schilli, David S.
Weidert, Chris

TEMPORARY CLASS "B"

St. Charles Catholic Church
440 Kendall St.
Event date: Sept. 26, 2010

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

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 21, 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 Item Number: 12A	Date: September 21, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: A request from Sandra Miller to amend the Multi-Jurisdictional Comprehensive Plan for 115 S. Teut Road.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a request for 115 S. Teut Road to amend the Multi-Jurisdictional Comprehensive Plan from Governmental & Institutional to Commercial.

This item was recommended for approval by the Plan Commission at their August 10 meeting.

Options & Alternatives:

For public comment only.

Financial Remarks:

None.

Executive Action:

This item is for a Public Hearing at the September 21, 2010 Common Council meeting.

NOTICE OF PUBLIC HEARING FOR AMENDING THE ZONING MAP

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that a Public Hearing will be held by the Common Council of the City of Burlington on **Tuesday, September 21, 2010 at 6:30 p.m.** Council Chambers or shortly thereafter at the Police Department, 224 East Jefferson Street, Burlington, Wisconsin to hear public comments regarding a request for an amendment to the Multi-Jurisdictional Comprehensive Plan for Racine County 2035 by ordinance in accordance with the requirements of Section 66.1001 of the Wisconsin Statutes as it pertains to:

Owner: Sandra Miller, Creature Comforts
Applicant: Sandra Miller, Creature Comforts
Applicant Address: 6025 S. Pine Street
Location of Request: 115 S. Teut Road
Existing Land Use Zoning: Governmental and Institutional
Proposed Land Use Zoning: Commercial
Proposed Use: To use existing structure as a pet day care facility.
Tax I.D. Number: 206-03-19-22-011-000
Legal Description:

PART OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 19 EAST, OF THE FOURTH MERIDIAN, TOWNSHIP OF BURLINGTON, COUNTY OF RACINE, STATE OF WISCONSIN, MORE PARTICULARLY AS FOLLOWS: BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 22, THENCE SOUTH 88°24'11" WEST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 22, 1134.25 FEET TO THE CENTER LINE OF LOOMIS ROAD; THENCE SOUTH 55°32'03" WEST, ALONG SAID CENTER LINE 358.64 FEET; THENCE SOUTH 52°48'19" WEST ALONG SAID CENTER LINE, 231.99 FEET TO THE PLACE OF BEGINNING OF PARCEL OF LAND HEREIN DESCRIBED: THENCE CONTINUE SOUTH 52°48'19" WEST ALONG SAID CENTER LINE, 200.00 FEET; THENCE SOUTH 34°27'57" EAST, 400.00 FEET; THENCE NORTH 52°48'19" EAST PARALLEL WITH THE CENTER LINE OF LOOMIS ROAD, 200.00 FEET; THENCE NORTH 34°27'57" WEST 400.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.834 ACRES OF LAND, SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE NORTHWESTERLY 33 FEET FOR HIGHWAY PURPOSES. CONTAINS 1.6282 ACRES OF LAND EXCLUSIVE OF HIGHWAY

Copies of the Multi-Jurisdictional Comprehensive Plan for Racine County will be available for review at City Hall at 300 N. Pine Street, the Public Library at 166 E. Jefferson, or on-line at <http://racine.uwex.edu/cnred/SmartGrowth.html>

Dated the 10th day of August, 2010.

Beverly R. Gill
City Clerk
City of Burlington

Published in the Burlington Standard Press
August 12, 2010

Meeting to vote on this
 is next Tues. Sept. 28 6:30
 8 people make the decision!

City
 Council
 Police
 Station

Dear Neighbors,

Below is a petition to prevent the property at the north end of Highridge Rd from being annexed into the City of Burlington.

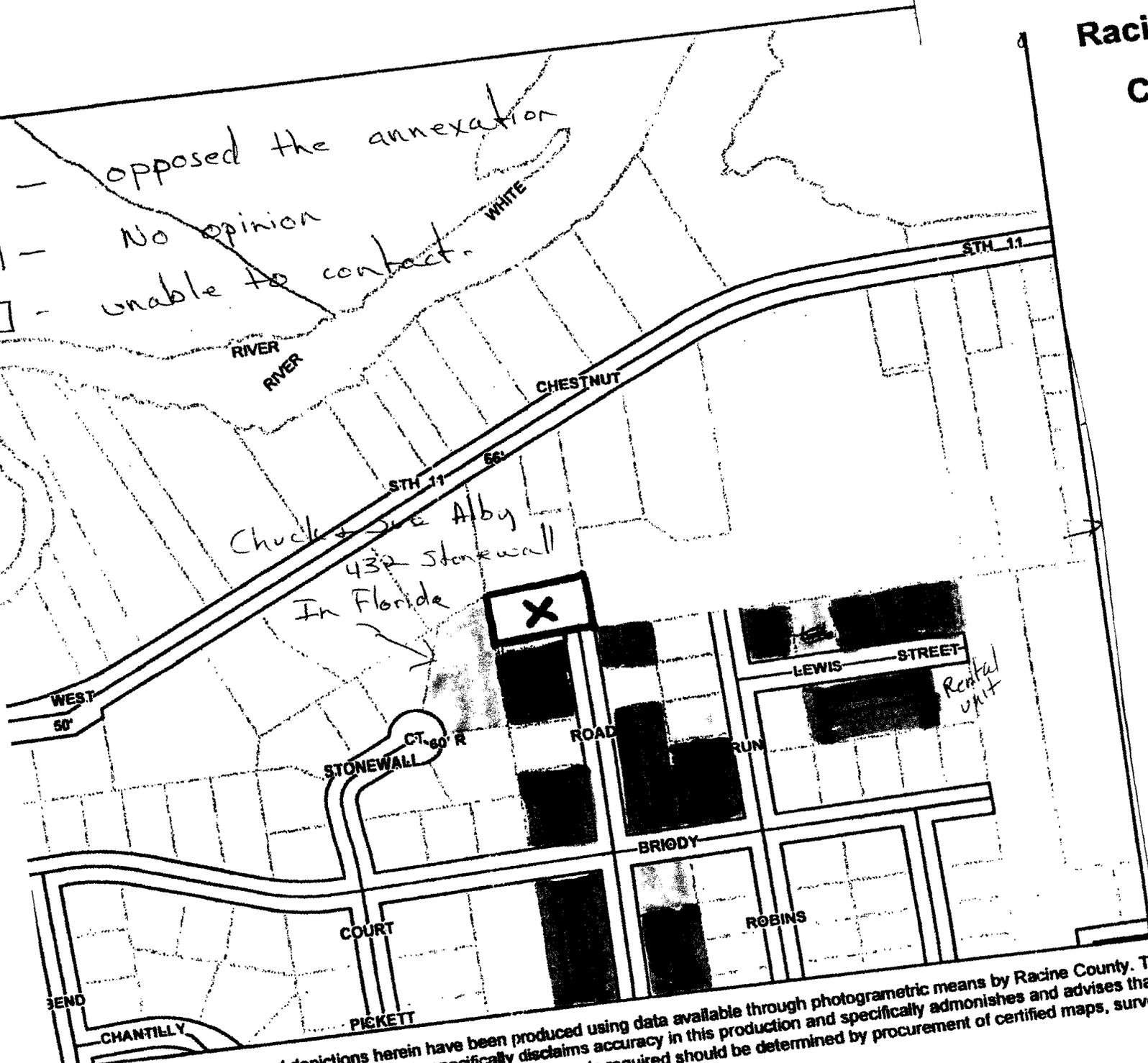
Name	Address	Phone (optional)
1) Joan Smith	432 Highridge	763-6866
2) Craig Smith	" "	210-0701
3) <i>[Signature]</i>	433 Highridge Rd	767-9057
4) Paul M 424 408 High		763-6901
5) Carmen McKenny	408 Highridge	763-6901
6) Michelle Pederson	397 Highridge Rd.	761-1377
7) Tom Pederson	397 Highridge Rd.	767-1377
8) Eleanor Ruy	389 Highridge Rd.	763-4582
9) Karen Carlson	381 Highridge Rd	763-3091
10) Clayton Carlson	381 Highridge Rd	763-3091
11) Carrie Heek	388 Highridge Rd.	763-6623
12) Mike Heek	388 Highridge Rd	763-6623
13) Bob Langley	401 Highridge Rd	763-5039
14) Melvin Langley	401 Highridge Rd	763-5039
15) Jim Willard	409 Highridge Rd	763-5167
16) Sara Rogan	416 Highridge Rd.	767-5810
17) Patrick Rogan	" "	" "
18) Nancy Bowman	425 Highridge	763-4232
19) <i>[Signature]</i>	" "	" "
20) Alicia Allen	433 Highridge Rd.	761-9257
21) Susan Jensen	400 HIGHRIDGE RD	763-3194

- 22) Scott Horowitz 400 Nishridde Rd. 262-763-3194
- 23) Steve Schilt 401 Robins Run 262-763-5271
- 24) Cathy Schilt 401 Robins Run 262-763-5271
- 25) Yvonne Kemper 609 Lewis St. 262-763-2794
- 26) Nancy Hill 630 Lewis St 262 206 3334
- 27) AARON DEBRAVE 616 LEWIS ST 262 210-0855
- 28) Bob Roeding 600 Lewis St 262-534-3131
- 29) Tom King 609 Lewis St 262-763-2771
- 30) Beeffer 617 Lewis St 262 997-0911
- 31) Pat K Kelly 380 Nishridge 262 763-4262
- 32) Nancy Kooze 409 Robins Run 262-763-7065
- 33) Rudy K... 625 Lewis St 262-763-3485

- 34)
- 35)
- 36)
- 37)
- 38)
- 39)
- 40)
- 41)
- 42)
- 43)
- 44)
- 45)

Racine County CORAGIS Project

- opposed the annexation
- No opinion
- unable to contact.



Printed 7/30/2010

Disclaimer: The information and depictions herein have been produced using data available through photogrammetric means by Racine County. The information and depictions herein are for informational purposes and Racine County specifically disclaims accuracy in this production and specifically admonishes and advises that any and all depiction, measurements, stances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.



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 Item Number: 12B	Date: September 21, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: A request from the Kempken Trust to amend the Multi-Jurisdictional Comprehensive Plan for 449 Highridge Road.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a request for 449 Highridge Road to amend the Multi-Jurisdictional Comprehensive Plan from Town of Burlington Residential Unsewered to City of Burlington Medium-Density Residential.

This item was recommended for approval by the Plan Commission at their August 10 meeting.

Options & Alternatives:

For public comment only.

Financial Remarks:

None.

Executive Action:

This item is for a Public Hearing at the September 21, 2010 Common Council meeting.

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE MULTI-JURISDICTIONAL
COMPREHENSIVE PLAN**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that a Public Hearing will be held by the Common Council of the City of Burlington on **Tuesday, September 21, 2010 at 6:30 p.m.** Council Chambers or shortly thereafter at the Police Department, 224 East Jefferson Street, Burlington, Wisconsin to hear public comments regarding a request for an amendment to the Multi-Jurisdictional Comprehensive Plan for Racine County 2035 by ordinance in accordance with the requirements of Section 66.1001 of the Wisconsin Statutes as it pertains to:

Owner:	Marles A. Kempken Trust
Applicant:	Cindy Kempken, Executor
Applicant Address:	N5078 Townline Road, Elkhorn, WI
Location of Request:	The southern portion of 34701 W. Chestnut Street
Existing Land Use Zoning:	Residential-Unsewered (1.5 to 4.99 Acres per Dwelling)
Proposed Land Use Zoning:	Medium Density Residential (6,200 sq. ft. to 18,999 sq. ft. per dwelling)
Proposed Use:	To use parcel for single-family residential purposes
Tax I.D. Number:	206-03-19-30-018-000
Legal Description:	

BEGIN AT THE SOUTH ¼ CORNER OF SAID SECTION 30; THENCE NORTH 01°56'17" WEST 124.18 FEET; THENCE NORTH 88°46'40" EAST 214.51 FEET; THENCE SOUTH 00°56'53" EAST 124.19 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST ¼ SECTION; THENCE SOUTH 88°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.

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Dated the 10th day of August, 2010.

Beverly R. Gill
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