



**AGENDA**  
**COMMON COUNCIL**

**Tuesday, October 19, 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, 1<sup>st</sup> District  
Edward Johnson, Alderman, 1<sup>st</sup> District  
Jim Prailes, Alderman, 2<sup>nd</sup> District  
Peter Hintz, Alderman, 2<sup>nd</sup> District  
Tom Vos, Council President and Alderman, 3<sup>rd</sup> District  
Steve Rauch, Alderman, 3<sup>rd</sup> District  
Katie Simenson, Alderman, 4<sup>th</sup> District  
Jeff Fischer, Alderman, 4<sup>th</sup> 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 October 5, 2010 and the Common Council Workshop minutes for October 5, 2010. (*J. Fischer*)
6. Letters and Communications – None.
7. Reports by Aldermanic Representatives and Department Heads.  
Report on Compliance Checks by Police Chief Peter Nimmer
8. Reports 1-6: (*R. Prailes*)  
Report 1 – Library Board minutes, August 24, 2010  
Report 2 – Police & Fire Commission minutes, September 1, 2010  
Report 3 – Burlington Housing Authority minutes, September 9, 2010  
Report 4 – Plan Commission minutes, September 12, 2010  
Report 5 – Community Development Authority minutes, September 28, 2010  
Report 6 – Committee of the Whole minutes, October 5, 2010
9. Payment of Vouchers. (*E. Johnson*)
10. Licenses and Permits. (*J. Prailes*)

11. Appointments and Nominations: A-H (*P. Hintz*)

*The following are Student Representatives:*

- A. Lauren Nadolski to be appointed to the Common Council, expires May 31, 2011.
- B. David Martin to be appointed to the Common Council, expires May 31, 2011.
- C. Andrew Krismer to be appointed to the Plan Commission, expires May 31, 2011.
- D. Sarah Strong to be appointed to the Plan Commission, expires May 31, 2011.
- E. Evelyn Dillman to be appointed to the Library Board, expires May 31, 2011.
- F. Nicole Durand to be appointed to the Library Board, expires May 31, 2011.
- G. Chase Robers to be appointed to the Park Board, expires May 31, 2011.
- H. Ben Hildebrandt to be appointed to the Airport Commission, expires May 31, 2011.

12. **PUBLIC HEARINGS:**

None.

13. **RESOLUTIONS:**

- A. Resolution 4439(23) to approve a Public Works Emergency Response Mutual Aid Agreement. This item was discussed at the October 5, 2010 Committee of the Whole meeting. (*T. Vos*)
- B. Resolution 4440(24) to approve an agreement to request financial assistance due to an emergency event in connection with the Public Works Emergency Response Mutual Aid Agreement. This item was discussed at the October 5, 2010 Committee of the Whole meeting. (*S. Rauch*)
- C. Resolution 4443(27) to approve the award of the Branen Field/Sunset Park Parking Lot Improvement Project to Payne & Dolan in the amount of \$18,930. This item was discussed at tonight's Committee of the Whole meeting. (*K. Simenson*)

14. **ORDINANCES:**

None.

15. **MOTIONS:**

- A. Motion 10-698 to approve an Agriculture Lease between the City of Burlington and Katzman III Farms, LLC for a term of two years at \$4,875 per year. This item was discussed at tonight's Committee of the Whole meeting. (*J. Fischer*)

16. **ADJOURNMENT** (*R. Prailes*)

*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  
October 19, 2010**

**1. CALL TO ORDER - ROLL CALL**

Mayor Bob Miller called the meeting to order at 7:16 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Also present: City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Library Director Gayle Falk, Department of Public Works Supervisor Dick Pieters, Fire Chief Dick Lodle, 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. OCTOBER 5, 2010 COMMON COUNCIL MINUTES AND WORKSHOP MINUTES**

A motion was made by Fischer with a second by Simenson to approve both the Common Council Minutes and Workshop Minutes of October 5, 2010. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

**7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS**

Alderman Rauch questioned if there were going to be any repercussions to the property owner in regard to the recent drug raid. Atty. Bjelajac commented that both Alderman Vos as well as Alderman Rauch had been contacted by the owner of this property (Ms. Deborah Stankus). Atty. Bjelajac will be meeting with Police Chief Nimmer to discuss options in regard to that issue.

Simenson commented on the lights that were out in the Chestnut Street Parking Lot making it uncomfortable for the young people leaving the dance studio in the evening. Mr. Pieters said that he would look into it and try to get them fixed in the next couple of weeks.

Vos was concerned with the changing dates of the budget meetings and because of a planned vacation, was trying not to miss a meeting. The mayor stated that October 27 and 28<sup>th</sup> as well as November 9<sup>th</sup> were the dates. Rauch questioned the budget meeting on the 9<sup>th</sup> of November as that would be a Plan Commission meeting date. Mayor will research and get back to the common council regarding moving the date either to the 8<sup>th</sup> or 10<sup>th</sup> of November.

Johnson commended Alderman Bob Prailes and his family for their involvement in the soccer programs in Burlington.

Police Chief Nimmer distributed a report on the recent compliance check that had been done on liquor license holders in the city. Compliance checks had been done four times in the past year with several repeat violators. Vos questioned the common council's involvement in the revocation process. Atty. Bjelajac explained that the council is the hearing body in regard to due process. He further stated that

once a liquor license is granted, it may not be suspended or revoked without due process according to Wisconsin case law. Vos also questioned if any of the costs related to a revocation process are recoverable. Atty. Bjelajac stated none of the costs were recoverable and it is considered the cost of doing business.

Simenson questioned Chief Nimmer if any compliance checks have been done for cigarette sales to minors. Chief Nimmer replied there were no violators in the most recent compliance check for tobacco sales.

Another concern to Chief Nimmer was the sale of synthetic marijuana known as K-2. He stated that some of the City of Burlington businesses are selling this product.

Chief Lodle announced that Mr. Bob Roosa a thirty-five year veteran of the City of Burlington Fire Department had passed away on Saturday, October 16th. Visitation will be at Schuette-Daniels Funeral Home on Thursday with the funeral at St. John the Divine on Friday.

**8. REPORTS 1-6**

A motion was made by Bob Prailes with a second by Johnson to approve Reports 1-6. 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 \$445,433.55 Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

**10. LICENSES AND PERMITS**

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

**11. APPOINTMENTS AND NOMINATIONS**

A motion was made by Hintz with a second by Vos to approve the appointments as presented with the deletion of the appointment to the Airport Commission. With all in favor, the motion carried.

**12. PUBLIC HEARING**

None

**13. RESOLUTIONS**

**A. RESOLUTION 4439(23) "A RESOLUTION TO APPROVE A PUBLIC WORKS EMERGENCY RESPONSE MUTUAL AID AGREEMENT"**

A request for a second reading and motion to adopt was made by Vos with a second by Jim Prailes. With all in favor, the motion carried.

**B. RESOLUTION 4440(24) "A RESOLUTION TO APPROVE AN AGREEMENT TO REQUEST FINANCIAL ASSISTANCE DUE TO AN EMERGENCY EVENT IN CONNECTION WITH THE PUBLIC WORKS EMERGENCY RESPONSE MUTUAL AID AGREEMENT"**

A request for a second reading and a motion to adopt was made by Rauch with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

**C. RESOLUTION 4443(27) "A RESOLUTION TO APPROVE THE AWARD OF THE BRANEN FIELD/SUNSET PARK PARKING LOT IMPROVEMENT PROJECT TO PAYNE & DOLAN IN THE AMOUNT OF \$18,930"**

A request for a second reading and motion to adopt was made by Simenson with a second by Bob Prailes. Discussion: Simenson stated that the city must weigh the wants and the needs and spend accordingly. Because of the gravel being compacted at Branen Field/Sunset Park, she felt that it

could be wheelchair accessible. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer  
Nays: Rauch, Simenson Motion carried 6-2

**14. ORDINANCES**

None

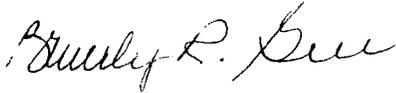
**15. MOTIONS**

**A. MOTION 10-698 "A MOTION TO APPROVE AN AGRICULTURAL LEASE BETWEEN THE CITY OF BURLINGTON AND KATZMAN III FARMS, LLC FOR A TERM OF TWO YEARS AT \$4,875 PER YEAR"**

A motion was made by Fischer with a second by Hintz to approve Motion 10-698. With all in favor the motion carried.

**16. ADJOURNMENT**

A motion to adjourn was made by Bob Prailes with a second by Vos. With all in favor, the motion carried and the meeting adjourned at 7:55 p.m.



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



<b>Common Council Agenda Item Number: 8</b>	<b>Date:</b> October 19, 2010
<b>Submitted By:</b> City Staff	<b>Subject:</b> Reports 1-6

**Details:**

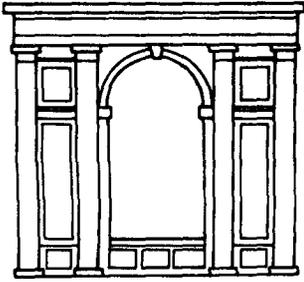
Attached please find the following reports:

- Report 1 – Library Board minutes, August 24, 2010
- Report 2 – Police & Fire Commission minutes, September 1, 2010
- Report 3 – Burlington Housing Authority minutes, September 9, 2010
- Report 4 – Plan Commission minutes, September 12, 2010
- Report 5 – Community Development Authority minutes, September 28, 2010
- Report 6 – Committee of the Whole minutes, October 5, 2010

**Options & Alternatives:**  
N/A

**Financial Remarks:**  
None.

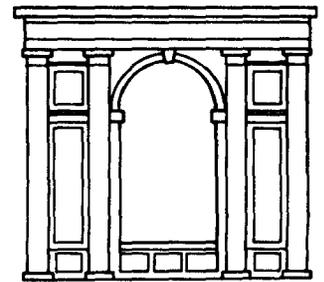
**Executive Action:**  
Staff recommends that the Council accept these reports at the October 19, 2010 Common Council meeting.



# Burlington Public Library

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

[www.burlingtonlibrary.org](http://www.burlingtonlibrary.org)



## Minutes of the Burlington Public Library Board of Trustees

The Burlington Public Library Board of Trustees met on Tuesday, August 24, 2010 in the Burlington Public Library Meeting Room. Present were Penny Torhorst, Yvonne Braunschweig, Pat Hurley, Steve Rauch, Dianne Boyle, and Mike Kelly. Excused were Kay Pockat, Pat Hoffman, and Scott Johnson. Also present were Library Director Gayle Falk, Administrative Assistant Linda Berndt, and Steve Adams from SEWRPC.

Torhorst called the meeting to order at 4:00.

Minutes of the July 20, 2010 meeting were approved. Kelly moved, and Braunschweig seconded. Motion passed.

The August 2010 General Fund Bills, Prepaids, Reimbursements and July 2010 General Fund deposits were discussed and approved. Braunschweig moved approval and Kelly seconded. Motion passed. The August 2010 Trust Fund Bills and July 2010 Trust Fund Deposits were approved. Hurley moved and Braunschweig seconded. Motion passed.

Joy Schnupp gave a demonstration on the Library's new Facebook page. We currently have 49 fans. We have a badge on our Library website to direct patrons to the Facebook Page. Joy monitors the site every day. We have had 66 active users in the last 2 ½ weeks. Joy sees the page as an excellent way to spread the word about events and activities at the library.

Joy Schnupp also gave a report on how the Summer Reading Program went.

The theme was Make a Splash. She had 373 children sign up for the program. Participants read a total of 1099 hours. Twenty five volunteers put in 348 hours assisting with the program.

Schools, daycares and home school groups visited 24 times. The Kickoff party put on by the Friends had 167 parents and kids in attendance.

This year, Lakeshores only provided three storywagon programs. There were about 78 people that attended each program bringing the total up to 234 for all three programs.

The Monday WannaWatchAMovie showings attracted 89 children.

Joy formed a Readers' Theater group this year that gave three performances, drawing a total of 58 viewers.

Catch a Wave lunchtime programs drew 406 participants with a total of 6 programs.

Plymouth Day Care attends many of our programs.

Total attendance at the three and under story time was 66. Total attendance at the four and older story time was 76.

Steve Adams from SEWRPC asked to address the Board to explain that his group has a lot of information that could be useful to the Library, and that they are looking for new ways to let the communities know what they do. They have redesigned their website and invited the Board to view it. SEWRPC will be analyzing the 2010 Census information soon.

Committee Reports: There were no reports at this time. Falk would like to have the Finance and Personnel committees meet before the next Board meeting. Personnel Committee will meet at 3:30 on Tuesday, September 28<sup>th</sup> and the Finance Committee will be at 3:45 on the same date. The Board Meeting is at 4:00 on September 28<sup>th</sup>.

Federated Library Report: Braunschweig reported that the Lakeshores Library System Board met on August 21<sup>st</sup>. There was a new representative from Walworth County, Susan Metzner. The Board discussed LSTA grant ideas for Lakeshores. A group of students from Parkside's MBA program will be giving a presentation on December 14<sup>th</sup> regarding the long range plan for LLS. The Trustee Dinner is at the Cotton Exchange on October 14<sup>th</sup> and will feature a speaker on Open Meeting Laws.

#### Old Business:

The Friends group's new fundraiser project for this year will be focusing on new computers for the adult side of the Library. Falk will apply for a grant that might help pay for the software for these new computers.

The Library participated in the Chocolate Walk last Saturday. We had about 125 people that came to select a treat from us.

The Friends' Book Sale made a record total of \$5,129.00.

#### New Business:

Falk is working on the Budget preparation. She is doing the background work with the City and then she will bring it to the Board. There are a few more hours for the desk clerks and also a few page hours. She is asking for money to replace the delivery door, repaint the Pine Street trim and pillars, and install a panic button that would connect us to the Police Dept. We are asking for capital funds for replacement of carpeting, roof repair in the YA area, and a more efficient network copier/printer.

Racine County Funding: Funds anticipated from Racine County for service to county library patrons should be about what we projected.

#### Director's Report:

Monthly report: Falk said that once again we provided State Fair cream puffs for the staff. She asked the Board if they wanted to use the leftover staff appreciation money of \$39.63 and \$32.37 booksale money to pay for the cream puffs. Hurley moved and Braunschweig seconded the motion to pay for the cream puffs. Motion passed.

The last electrical storm caused damage at the Library. The Police Dept. also got hit which caused our phones to go out for a half day. The storm also damaged our TV, Wii console and one computer. There was a service call on our air conditioner which came to \$346.00. Bills for the phone repair, air conditioning repair, and equipment destroyed have been submitted to insurance.

#### In the News:

There were many newspaper calendar events.

Falk reported that the van delivery numbers are continuing to grow. We used to receive about 100 items a day, and now we are up to 180 to 220 a day. This is because our patrons are now more comfortable on the computer and they are placing holds on items themselves and keeping track of their own account.

Public communication to the Board: Steve Adams was introduced earlier in the meeting.

Meeting was adjourned at 4:50 PM. Braunschweig moved and Hurley seconded. Motion passed.

Our next meeting will be on Tuesday, September 28<sup>th</sup> at 4:00 PM in the Burlington Public Library meeting room.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Rauch". The signature is written in a cursive, slightly slanted style.

Steve Rauch  
Aldermanic Representative



CITY OF BURLINGTON

**POLICE – FIRE COMMISSION**

300 North Pine Street, Burlington, Wisconsin 53105  
(262) 763-3717



**MINUTES**

**City of Burlington Police and Fire Commission  
Burlington Fire Station  
165 W Washington Street  
September 1, 2010**

**Call to Order and Roll Call:**

The meeting of the Police and Fire Commission was called to order at 6:35 p.m. by President Hotvedt. Present were Commissioners Joe Busch, Barb Kopack-Hill and Jon Schultz. Excused was Commissioner Ron Patla. Chief Nimmer and Chief Lodle were present.

**Public Comments:**

None.

**Approval of Minutes:**

A Motion was made by Commissioner Kopack-Hill, seconded by Commissioner Busch, to approve the August 4, 2010 minutes. Motion carries unanimously.

**Police and Fire Commission Business:**

Commissioner Busch motioned to adjourn to close session at 6:40 p.m., seconded by Commissioner Schultz pursuant to section 19.85(1)(c) to interview two potential candidates for the vacant sergeant positions. Motion carried.

Commissioner Busch motioned to reconvene to open session at 7:18 p.m., seconded by Commissioner Kopack-Hill. Motion carried.

A Motion was made by Commissioner Kopack-Hill to approve patrol officers Brian Zmudzinski and Amy Rendall for the two vacant sergeant positions, seconded by Commissioner Schultz. Motion carries unanimously.

Discussion and possible action on the review and potential ratification of the Rules and Regulations for the Police and Fire Commission of Burlington, Wisconsin. (Tabled from June 2, 2010 Meeting)

**Fire Chief's Report and Fire Department Business:**

Chief Lodle reported a successful MABIS Training in Glenview, IL.

**Police Chief's Report and Police Business:**

New Business: None

**Adjournment:**

Motion to adjourn made by Commissioner Busch at 7:40 p.m., seconded by Commissioner Kopack-Hill. Motion carries unanimously.

Joseph F. Busch  
Secretary

**City of Burlington Housing Authority  
Riverview Manor**

**September 9, 2010**

**The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, September 9<sup>th</sup>. 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 Stuble, LeRoy Stoehr and Resident Manager, Dorothy Henning. Commissioner Kelly Iselin was excused.**

**Minutes from the August 19<sup>th</sup>. meeting was dispersed to board members and a motion was made by Stuble, seconded by Stoehr to approve the minutes as read, carried unanimously.**

**FINANCIAL REPORT:**

<b>Reserve Account balances as of July 31, 2010</b>	
<b>First Banking Center</b>	<b>\$ 34,866.67</b>
<b>M&amp;I Bank</b>	<b>\$ <u>15,116.47</u></b>
<b>TOTAL</b>	<b>\$ 49,983.14</b>

**OCCUPANCY REPORT:**

**Manager Henning reported 21 on the waiting list for one bedroom unit and 2 for two bedroom units.**

**BUILDING AND MAINTENANCE:**

- The bid from Nienhaus Plumbing for replacement of the water heater had been previously accepted but due to his unforeseen work schedule and time element to install, he withdrew his bid and the board accepted the next lowest bid for this replacement.**
- Warm-In LLC would provide total cost figure for air conditioning covers in resident units and if total cost amount had not changed from proposal, the order would be processed per board approval.**

**COMMUNICATIONS:**

- **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.**
- **Discussion concerning resident smoking in unit after receiving “5 Day Quit or Cure notice”. After consulting with attorney, will proceed with eviction process.**
- **Letters will be sent or delivered to all residents at Riverview Manor regarding future requirement for renters insurance.**

**NEW BUSINESS:**

**UNFINISHED BUSINESS:**

**ADJOURNMENT:**

**There being no further business, motion to adjourn was made by Heck, seconded by Stoehr and carried unanimously. Meeting adjourned 7:30 P.M. The next monthly meeting is tentatively set for October 13<sup>th</sup>.**

  
\_\_\_\_\_  
Ralph Heck, Secretary



**Minutes**

**City of Burlington Plan Commission**

**Police Dept. Courtroom**

**September 14, 2010, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 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, Zoning Administrator Patrick Scherrer and City Planner Patrick Meehan.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved and Alderman Vos seconded to approve the minutes of August 10, 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 Burlington Area School District for property located at 380 McCanna Parkway to install an electronic message board on the HERO Center sign.**

- Mayor Miller opened the public hearing at 6:34 p.m.
- There were no comments. Alderman Vos moved and Commissioner Lynch seconded to close the Public Hearing at 6:34 p.m. All were in favor and the motion carried.

**B. A Public Hearing to hear public comments regarding a Conditional Use Application from Tractor Supply Company for property located at 1801 Milwaukee Avenue for the placement of a retail propane dispenser tank.**

- Mayor Miller opened the public hearing at 6:35 p.m.
- Hans Mueller representing AmeriGas was on hand to answer questions and gave a brief overview of the project.
- There were no comments. Alderman Vos moved and Commissioner Reesman seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

**C. A Public Hearing to hear public comments regarding a Conditional Use Application from Thomas Mendicino for property located at 817 N. Pine Street to use the property as an automotive repair shop.**

- Mayor Miller opened the public hearing at 6:37 p.m.
- There were no comments. Commissioner Lynch moved and Commissioner Eisenhardt seconded to close the Public Hearing at 6:38 p.m. All were in favor and the motion carried.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **A. Consideration to approve a Site Plan Application and Conditional Use Application from Burlington Area School District for property located at 380 McCanna Parkway to install an electronic message board on the HERO Center sign.**

- Mayor Miller opened this issue for discussion.
- Patrick Meehan stated in his memorandum he recommends that illumination from the sign shall not exceed 1.0 footcandle at any point along the boundary line and for the sign to have only one color. Alderman Prailes questioned why Mr. Meehan recommends only one color to be used and Mr. Meehan stated multi-colors can be distracting and harder to read.
- Commissioner Lynch stated he is concerned this may set a precedence for other applicants in I-1 Districts and is concerned for areas where residential districts abut institutional districts. Mayor Miller stated the ordinance reflects his concerns as electronic signs are now a conditional use in the I-1 District allowing the Plan Commission to review each request on a case by case basis.
- There were no further comments.

Commissioner Reesman moved and Alderman Vos seconded to approve the Conditional Use and Site Plan Application for 380 McCanna Parkway, subject to Patrick Meehan's August 30, 2010 memorandum to the Plan Commission:

- Electronic signs that display messages in addition to or other than the time or temperature must be freestanding or monument signs meeting the requirements of this chapter. The display message area shall be a maximum of 25% of the entire sign area.
- The display on an electronic sign shall meet the following requirements:
  - The sign shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
  - Illumination from the sign shall not exceed 1.0 footcandle as measured at any point along the property boundary line. The maximum brightness level for the electronic sign shall not be obtrusive (as determined by the Zoning Administrator) to the surrounding and abutting properties or the neighborhood, and at no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

- The display of the sign shall not change more rapidly than once every five seconds.
- The display of the sign shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; and the display of the sign shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
- No message shall require more than 10 seconds to be displayed in its entirety.
- Scrolling or traveling of a display onto the sign shall be from one direction only, provided that once the entire message is displayed, each message remains in a static state for at least 1.5 seconds. There shall be two seconds of still image or blank screen following every scrolling or traveling display.
- The sign display shall have a dark background with only the message or foreground lit in a white, red, orange, yellow, amber or light tone or shade of said colors. A maximum of one (1) such color for sign illumination shall be allowed.

*All in favor and the motion carried.*

**B. Consideration to approve a Site Plan Application and Conditional Use Application from Tractor Supply Company for property located at 1801 Milwaukee Avenue.**

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the propane tank will be in a fenced area. Hans Mueller . replied it will be in a locked fenced area that is accessible only when the business is open.
- There were no further comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to approve a Conditional Use and Site Plan Application for 1801 Milwaukee Avenue, subject to Patrick Meehan's August 30, 2010 memorandum to the Plan Commission as follows:

- Pursuant to the requirements of Section 315-26(D)(34)(c)(6) of the City Zoning Ordinance, all outdoor display of merchandise areas shall be required to be paved with pavement of either asphalt or concrete. The applicant proposes a gravel surface. Therefore, the Site Plan drawing will need to be revised and resubmitted to the City to indicate pavement of either asphalt or concrete and said pavement of either asphalt or concrete shall be installed at the subject property. The submission of a revised Site Plan shall be prior to the issuance of a Conditional Use Permit.

*All in favor and the motion carried.*

**C. Consideration to approve a Site Plan Application and Conditional Use Application from Thomas Mendicino for property located at 817 N. Pine Street.**

- Mayor Miller opened this issue for discussion.
- Alderman Prailes questioned what the building was used for prior to this request. Pat Scherrer stated there was an automotive detail shop that received a Conditional Use Permit in 2008.
- Pat Scherrer requested the commission set a deadline for completion of the conditional use compliance requirements as the requirements from the 2008 Conditional Use Permit (CUP) were never fulfilled. He explained the tenant with the automobile detail shop moved out shortly after receiving Plan Commission approval.
- Mayor Miller stated the outdoor storage of vehicles needs to be closely monitored due to the type of business going in.
- Commissioner Eisenhardt questioned if there is existing on-site parking. Mr. Scherrer stated there are some existing parking stalls and a handicap stall needs to be added.
- Alderman Vos questioned if there is a clear delineation of the neighboring property line as there is a parking lot adjacent the proposed parking stalls, and if it will need to be screened. Both Mr. Scherrer and Mr. Meehan responded that the property line is clear, screening is not necessary due to both properties having the same zoning and that there should not be any issues in regards to confusion of where people should park.
- Commissioner Lynch recommended the commission approve a sixty (60) day deadline for completion of requirements with the CUP.
- There were no further comments.

Commissioner Lynch moved and Commissioner Henney seconded to approve a Conditional Use and Site Plan Application for 817 N. Pine Street with a 60-day deadline to complete necessary requirements as stated in Kapur & Associates' September 7, 2010 and Patrick Meehan's August 31, 2010 memorandums to the Plan Commission as follows:

- Based upon the requirements of Section 315-48(H) and Table 4 of the City Zoning Ordinance, one (1) off-street parking space to serve persons with disabilities needs to be actually marked on the pavement. It is recommended that the 10-foot x 10-foot outdoor storage/garbage area be reconfigured and the proposed off-street parking space to serve persons with disabilities be moved further to the northwest in order to allow space No. 3 to adequately function and a revised Site Plan submitted to the City.
- The applicant shall meet all of the requirements of Section 315-26(M) of the City Zoning Ordinance regarding outdoor storage.
- All trash dumpsters shall meet the various requirements of Section 315-26(O) of the City Zoning Ordinance.
- Pursuant to the requirements of Section 315-137(C)(25) of the City Zoning Ordinance, if any new outdoor lighting is proposed, outdoor lighting data would need to be submitted to the

City which indicates the location, type, and illumination level (in footcandles) of all proposed new outdoor lighting.

- If such signs are installed, the requirements of Section 315-64(D) shall be met and:
  - Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of any new freestanding sign for a parcel such as the subject property in the B-1 District is 150 square feet.
  - Pursuant to the requirements of Section 315-71(D) of the City Zoning Ordinance, the maximum total sign area for all wall, fascia, awning/canopy, marquee, and graphic signs for a parcel such as the subject property in the B-1 District is 1.40 square feet proportionally per 1 linear foot of exterior storefront wall width that fronts on a public street; however, no sign for any 1 exterior store front which fronts upon any public street or no sign for any 1 tenant which fronts upon any public street shall exceed 200 square feet in area.
  - Pursuant to the requirements of Section 315-71(E) of the City Zoning Ordinance, the maximum height of a new freestanding sign for a parcel such as the subject property in the B-1 District is 15 feet.
- The existing asphalt has cracks and depressions and may need repair. A paving plan needs to be submitted that includes paving construction limits. The paving plan should clearly delineate existing and proposed grades and drainage patterns.
- Storage of any vehicles outdoors which are either awaiting repairs or have completed repairs, shall be limited to three (3) and shall not be parked within any of the four (4) required off-street parking spaces.

*All in favor and the motion carried.*

*At this time, 6:50 p.m., Alderman Vos stepped out of the meeting and joined the audience.*

**D. Consideration to approve a Site Plan Application from T & M Rental, LLC for property located at 150 Longmeadow Drive to construct a cold storage addition to the existing building.**

- Mayor Miller opened this issue for discussion.
- There were no comments.

Commissioner Henney moved and Commissioner Lynch seconded to approve the Site Plan Application for 150 Longmeadow Drive, subject to Kapur & Associates' August 31, 2010 and Patrick Meehan's August 31, 2010 memorandums to the Plan Commission

- An existing accessory shed which infringes upon the subject property from 13.2 feet to 14.6 feet either be relocated or removed prior to the sale of either properties.
- A total of ten (10) off-street parking spaces need to be provided for the existing and proposed uses. The total number of nine (9) functional Site Plan-designated off-street parking spaces does not meet this requirement. Adequate space is provided in the rear

(north side) of the proposed building addition for a minimum of one (1) off-street parking space. Use of this assumes the removal of the existing wood storage frame with no foundation now located on the north side of the proposed addition. It is recommended that provisions be made to allow the parking of one (1) vehicle on the north side of the building addition as may be needed.

- If any outdoor lighting is contemplated to serve the off-street parking lot, outdoor lighting data is required which indicates location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site meeting the requirements of Sections 315-31(H) of the City Zoning Ordinance. It is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-31(H) and 315-137(C)(25) of the City Zoning Ordinance.
- The landscaping plan that was provided appears to be a proposed plan from 2008. It does not appear to accurately depict the existing landscape, specifically at the rear of the property which shows no green space located at the rear of the property and there is a storage shed and stone lined drainage swale in an easement. Also it appears some of the plantings may be absent from the existing site. A revised Landscape Plan shall be submitted to City Staff for review.

*All in favor and the motion carried.*

*At this time, 6:52 p.m., Alderman Vos reentered the meeting.*

**E. Consideration to approve an extension to a Conditional Use Permit (CUP) for one year for FCF Metal Salvage located at 680 Maryland Avenue.**

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the extension request was for one year or three years before the next Plan Commission review. Pat Scherrer recommended the time period to be indefinitely where review would occur by staff on an as needed basis. He further explained that he has never had a problem with this business being compliant and never received a complaint about FCF Metal Salvage. Alderman Vos agreed with Mr. Scherrer and further stated he feels this should be done with more CUP properties that require Plan Commission review and keep it more on a staff level.

- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to recommend approval of a Conditional Use Permit indefinitely for FCF Metal Salvage at 680 Maryland Avenue.

*All in favor and the motion carried.*

**F. Consideration to approve an extension to a Conditional Use Permit (CUP) for one year for J.W. Peters located at 500 W. Market Street.**

- Mayor Miller opened this issue for discussion.
- There were no comments.

Commissioner Lynch moved and Commissioner Henney seconded to recommend approval of a Conditional Use Permit extension for one year for 500 W. Market Street.

*All in favor and the motion carried.*

**ADJOURNMENT**

Alderman Vos moved and Commissioner Henney seconded to adjourn the meeting at 6:58 p.m. All were in favor and the motion carried.

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator



**Administration Department**

300 N. Pine Street, Burlington, WI, 53105

(262) 342-1161 – (262) 763-3474 fax

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**COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES**

**September 28, 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, Mayor Bob Miller, Jack Eckola, Jim Spiegelhoff, Jim Peterson and Judie Lemieux, Absent: Alderman Jeff Fischer. Also in attendance: City Administrator Kevin Lahner.

**3. APPROVAL OF MINUTES FROM September 7, 2010**

A motion was made by Spiegelhoff to approve the minutes from the September 7, 2010 CDA Meeting. Peterson seconded the motion and with all in favor, the motion carried.

**4. PERSONS DESIRING TO BE HEARD**

None

**5. REVIEW AND CONSIDERATION OF RESOLUTION 101 TO APPROVE AMENDMENT NUMBER TWO TO A FINANCING AGREEMENT BETWEEN THE CDA AND THE FRANCISCAN FRIARS ASSUMPTION BVM PROVINCE, INC. WITH RESPECT TO THE \$3,475,000 SENIOR HOUSING REVENUE BOND, SERIES 1999.**

City Administrator Kevin Lahner reminded the authority of a previous amendment to the financing agreement that was done in April, 2010. He further stated this is an agreement that was in place with the Town of Burlington prior to annexation of the property and has no bearing on City finances or bond ratings. It is similar to an Industrial Development Revenue Bond where CDA approval is needed whenever a financing change is desired by the owner.

A motion was made by Lemieux to approve Resolution 101 with a second by Eckola. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff, Peterson and Lemieux. Nays: None. Motion carried 6-0.

**6. ADJOURN INTO CLOSED SESSION**

A motion was made by Miller and seconded by Peterson to 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". Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff, Peterson and Lemieux. Nays: None. With all in favor, the closed session began at 5:34 p.m.

**7. RECONVENE INTO OPEN SESSION**

A motion was made by Peterson, seconded by Spiegelhoff to reconvene into open session. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff, Peterson and Lemieux. Nays: None. With all in favor the open session began at 5:57 p.m.

**8. PROPOSED ACTION FROM CLOSED SESSION**

- A. A motion to deny the Notice of Claim and Bid Protest from Metro Parking, LLC was made by Eckola, with a second by Peterson. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff, Peterson and Lemieux. Nays: None. Motion carried 6-0.
  
- B. A motion to reaffirm the Award of Bid to Riley Construction and reject all alternates was made by Lemieux, with a second by Eckola. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff, Peterson and Lemieux. Nays: None. Motion carried 6-0.

**7. ADJOURNMENT**

A motion was made by Peterson to adjourn the meeting. Spiegelhoff seconded the motion and with all in favor the meeting adjourned at 6:01 p.m.



Recording Secretary,  
Megan E. Johnson  
Assistant to the City Administrator



## Committee of the Whole Minutes

Robert Miller, Mayor

Beverly R. Gill, City Clerk

October 5, 2010

### 1. CALL TO ORDER/ROLL CALL

Mayor Bob Miller called the meeting to order at 6:40 p.m. starting with roll call. Aldermen present: Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Katie Simenson and Steve Rauch. Aldermen Jeff Fischer and Robert Prailes were excused.

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, Fire Chief Dick Lodle, Building Inspector/Zoning Administrator Patrick Scherrer and City Engineer Tom Foht.

### 2. CITIZENS COMMENTS AND QUESTIONS

- Steve Spitzer, 397 Robins Run, stated he has been in contact with the Post Office regarding having the mailbox on Dodge Street moved to a different location. He suggested to the Council that State Street, between Pine and Dodge Streets, be turned into a one-way street with traffic directed eastbound and locate the mailbox along State for easy drop off. He further stated the Post Master has expressed their support with this suggestion as stated in a letter dated October 4, 2010, submitted to the Council members. Mayor Miller stated the Official Traffic Map would need to be amended via ordinance to make this kind of change. Vos inquired if angled parking could be put into place on the south side of State Street. Mayor Miller directed the Public Works Department to look into this to determine if it is feasible.
- Loren Smith, 148 Chandler Blvd., current Burlington Post Master, stated the Post Office supports the idea of a one-way street and has verified there would not be a problem with moving the mailboxes in this scenario. He expressed concern with the angled parking idea as 18-wheeled trucks need to get down State Street for mail pick up and delivery.

### 3. MINUTES FROM SEPTEMBER 21, 2010

A motion was made by Simenson with a second by Vos to approve the September 21, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

### 4. RESOLUTION 4438(22) “To consider approving an amendment to the Project Plan and Boundaries of Tax Incremental District (TID) Number 3 in the City of Burlington”

- Mayor Miller introduced Resolution 4438(22) to the council for discussion and gave a brief summary of the purpose for the amendment. He further stated that the Joint Review

Board, consisting of Racine County, Gateway, Burlington Area School District and City members, as well as the CDA have met regarding this amendment. Vos questioned if this amendment will affect the Environmental Remediation TID 1 (ER-TID 1). Lahner responded that this amendment is necessary in order to achieve the ER-TID 1 as the amendment removes five properties from TID 3 to be placed in ER-TID 1. Simenson inquired about the exact boundaries of the TID 3 amendment and ER-TID 1. She further questioned if the City is hoping development will occur in ER-TID 1 to pay it off. Lahner responded that the new hotel and downtown retail/office building will be in ER-TID 1.

- There were no further comments. This resolution is scheduled for the October 5, 2010 Common Council meeting.

**5. RESOLUTION 4439(23) “To consider approving a Public Works Emergency Response Mutual Aid Agreement”**

- Mayor Miller introduced Resolution 4439(23) to the council for discussion. Hintz questioned how the Village of Rochester could be included in the agreement as they utilize Public Works services from Racine County. Connie Wilson replied that Rochester has recently hired a DPW Director and they also have personnel for emergency situations.
- There were no further comments. This resolution is scheduled for the October 19, 2010 Common Council meeting.

**6. RESOLUTION 4440(24) “To consider an agreement to request financial assistance due to an emergency event in connection with the Public Works Emergency Response Mutual Aid Agreement”**

- Mayor Miller introduced Resolution 4440(24) to the council for discussion. Rauch questioned if a State of Emergency would need to be declared to request financial assistance. Miller stated yes. Lahner stated that from his experience with issues in dealing with FEMA that having the proper paperwork done prior to an emergency situation is the key in promptly receiving funding. This resolution is a part of that paperwork.
- There were no further comments. This resolution is scheduled for the October 19, 2010 Common Council meeting.

**7. RESOLUTION 4441(25) “To consider approving a Driveway Easement Agreement between the City of Burlington and William Tamulis for property at 165 S. Main Street”**

- Mayor Miller introduced Resolution 4441(25) for discussion. Simenson questioned why the driveway would need to come off of Main Street and not Edgewood Drive which is closer to the garage. Lahner stated Edgewood is an unimproved roadway that does not have asphalt. Attorney John Hotvedt, representing Mr. Tamulis, stated the driveway will be placed far enough away from the utilities that are along Edgewood so that City crews could easily access them.

- There were no further comments. This resolution scheduled for the October 5, 2010 Common Council meeting.

8. **MOTION 10-697** “To consider an Airport Hangar Lease with MJJ Holdings, LLC located at 709 Airport Drive in the annual amount of \$469.20”

- Mayor Miller introduced Motion 10-697 for discussion. There were no comments. This motion is scheduled for the October 5, 2010 Common Council meeting.

9. **ADJOURNMENT**

A motion was made by Vos with a second by Simenson to adjourn the meeting. With all in favor, the meeting adjourned at 7:07 p.m.



Recording Secretary

Megan E. Johnson

Assistant to the City Administrator



## CITY OF BURLINGTON

### Finance Department

300 N. Pine Street, Burlington, WI 53105  
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<b>Common Council Agenda Item Number: 9</b>	<b>Date:</b> October 19, 2010
<b>Submitted By:</b> Steve DeQuaker, Treasurer	<b>Subject:</b> Prepays and Vouchers

#### Details:

Attached please find the Prepays and Vouchers list for bills accrued through October 19, 2010:

Total Prepays:	\$127,646.87
Total Vouchers:	\$316,621.97
Reimbursements:	\$1,164.71
Grand Total:	<u><u>\$445,433.55</u></u>

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

#### Financial Remarks: 5 Largest Disbursements on Prepays and Vouchers

- 1) Scherrer Direct, LLC – Integrated Dept of Public Works \$112,868.57
- 2) Rural Masonry Inc – Masonry work for Integrated Dept of Public Works \$79,200.00
- 3) Veolia Environmental Service – Trash & Recycle for City of Burlington \$39,235.68
- 4) We Energies – Electric Service for DFP – Sewer Treat Plt/Energy Analysis \$20,070.84
- 5) We Energies – Electric Service for Street Lights \$17,942.33

#### Executive Action:

Staff recommends that the Common Council accept these Prepays and Vouchers in the amount of \$445,433.55 at the October 19, 2010 Council meeting.



# CITY OF BURLINGTON

**City Clerk**

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<b>Common Council Agenda Item Number: 10</b>	<b>Date:</b> October 19, 2010
<b>Submitted By:</b> Beverly R. Gill, City Clerk	<b>Subject:</b> Licenses

**Details:**

The alcohol license list for applications accrued through October 19, 2010 are as follows:

**Licenses Recommended for Approval**

**OPERATOR'S LICENSES**

Aguirre, Jose L.  
Anderson, Kristine M.  
Chuipek, Colleen M.  
Church, Nicole B.  
Dorrington, Casey D.  
Hickey, Jackie M.  
Kroening, Lorraine M.  
Mucci, Anita L.  
Myszyka, Elizabeth Ann  
Schulz, James E.  
Veronico, Monica M.  
Williams, Sondra A.

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 October 19, 2010 Council meeting.



<b>Common Council Agenda Item Number: 11</b>	<b>Date:</b> October 19, 2010
<b>Submitted By:</b> Mayor Miller	<b>Subject:</b> Appointment of Student Representatives

**Details:**

<b>Student Name</b>	<b>Board/Committee</b>	<b>School</b>
Lauren Nadolski	Common Council	BHS
David Martin	Common Council	BHS
Andrew Krismer	Plan Commission	BHS
Sarah Strong	Plan Commission	BHS
Evelyn Dillman	Library Board	BHS
Nicole Durand	Library Board	CCHS
Chase Robers	Park Board	BHS
Ben Hildebrandt	Airport Commission	CCHS

**Options & Alternatives:**

The Council may elect to deny this request and ask the Mayor to seek different students for these boards.

**Financial Remarks:**

None.

**Executive Action:**

Staff recommends that the Council accept these appointments at the October 19, 2010 Common Council meeting.