



AGENDA COMMON COUNCIL

Tuesday, December 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

Student Representatives

David Martin, Burlington High School
Lauren Nadolski, Burlington High School

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 December 7, 2010. *(E. Johnson)*
6. Letters and Communications: None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-4: *(P. Hintz)*
 - Report 1 – Community Development Authority minutes, October 4, 2010
 - Report 2 – Plan Commission minutes, November 9, 2010
 - Report 3 – Burlington Housing Authority minutes, November 18, 2010
 - Report 4 – Committee of the Whole minutes, December 7, 2010
9. Payment of Vouchers. *(T. Vos)*
10. Licenses and Permits. *(S. Rauch)*
11. Appointments and Nominations: None

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear public comment regarding an ordinance to annex property located at 34701 Chestnut Street and amend the Official Zoning Map by zoning the parcel Rs-2, Single Family Residence District. *(K. Simenson)*

13. **RESOLUTIONS:**

- A. Resolution 4450(34) to approve Change Order Number Four with Wanasek Corporation for the 2010 Sidewalk Improvement Program. This item was discussed at the December 7, 2010 Committee of the Whole meeting. *(J. Fischer)*

14. **ORDINANCES:**

None.

15. **MOTIONS:**

- A. Motion 10-699 to consider approving the booking and payment of 50% to Bartolotta Fireworks Company, Inc. for the fireworks display on July 4, 2011. Due to the timeliness of the issue, it is being placed on tonight's Common Council meeting. *(R. Prailes)*

16. **ADJOURN INTO CLOSED SESSION**

1. Wis. Stats 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. *(E. Johnson)*

- To discuss the Non-Respresented Employee salaries.

17. **RECONVENE INTO OPEN SESSION** *(J. Prailes)*

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** *(P. Hintz)*

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
December 21, 2010**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:58 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson High School Students: Lauren Nadolski, David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Library Director Gayle Falk, Fire Chief Dick Lodle, Department of Public Works Supervisor Dick Pieters and 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. DECEMBER 7, 2010 COMMON COUNCIL MINUTES

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

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch questioned the overtime budget for snowplowing. Lahner thought it might be only slightly higher than anticipated.

Lahner reported that there had been a delay in receiving the doorframes for the new Department of Public Works Building but the anticipated move-in date was still January 9, 2011.

Vos questioned where the city was in regard to the salt supply for streets. Lahner explained that the city contracts with Racine County and delivery costs are based on that contract.

Simenson asked if the Department of Public Works will be moving the remaining salt on Milwaukee Avenue to the new site. Pieters explained that they will be moving it or they would have to leave a piece of equipment at that site for loading purposes.

8. REPORTS 1-4

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

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve pre-paids, vouchers and reimbursements in the amount of \$1,786,052.51. 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 Rauch with a second by Johnson 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 COMMENTS REGARDING AN ORDINANCE TO ANNEX PROPERTY DESCRIBED AS 34701 CHESTNUT STREET AND TO AMEND THE OFFICIAL ZONING MAP BY ZONING THE PARCEL RS-2, SINGLE FAMILY RESIDENTIAL DISTRICT"

The mayor opened the public hearing at 7:05 p.m. There were no public comments. A motion was made by Simenson with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:07 p.m.

13. RESOLUTIONS

A. RESOLUTION 4450(34) " A RESOLUTION TO APPROVE CHANGE ORDER NUMBER FOUR WITH WANASEK CORPORATION FOR THE 2010 SIDEWALK IMPROVEMENT PROGRAM"

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

14. ORDINANCES

None

15. MOTIONS

A. MOTION 10-699 TO CONSIDER APPROVING THE BOOKING AND PAYMENT OF FIFTY PER-CENT TO BARTOLOTTA FIREWORKS COMPANY, INC. FOR THE FIREWORKS DISPLAY ON JULY 4, 2011.

A motion to approve was made by Bob Prailes with a second by Johnson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer. Nays: Simenson. Motion carried 7-1

16. ADJOURN INTO CLOSED SESSION PER WIS. STATS. 19.85(1)(c) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY"

A motion to adjourn into closed session was made by Johnson with a second by Jim Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None With all in favor, the motion carried and closed session began at 7:10 p.m.

17. RECONVENE INTO OPEN SESSION

A motion was made by Jim Prailes with a second by Bob Prailes to return to open session. With all in favor, the open session began at 7:55 p.m.

18. DECISION FROM CLOSED SESSION

None

19. ADJOURNMENT

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

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



CITY OF BURLINGTON

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

Common Council Agenda Item Number: 8	Date: December 21, 2010
Submitted By: City Staff	Subject: Reports 1-4

Details:

Attached please find the following reports:

- Report 1 – Community Development Authority minutes, October 4, 2010
- Report 2 – Plan Commission minutes, November 9, 2010
- Report 3 – Burlington Housing Authority minutes, November 18, 2010
- Report 4 – Committee of the Whole minutes, December 7, 2010

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the December 21, 2010 Common Council meeting.



**COMMUNITY DEVELOPMENT AUTHORITY
MINUTES**

**October 4, 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, and Jim Peterson. Excused: Judie Lemieux, Absent: Alderman Jeff Fischer. Also in attendance: City Administrator Kevin Lahner, City Attorney John Bjelajac, Dave Wagner of Ehler & Associates and Tina Chitwood of RCEDC.

3. APPROVAL OF MINUTES FROM September 28, 2010

A motion was made by Spiegelhoff to approve the minutes from the September 28, 2010 CDA Meeting. Peterson seconded the motion and with all in favor, the motion carried.

4. PERSONS DESIRING TO BE HEARD

None

5. PUBLIC HEARING REGARDING THE PROPOSED PROJECT PLAN AMENDMENT OF BOUNDARIES AND PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 3

A motion was made by Spiegelhoff to open the Public Hearing with a second by Peterson. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff and Peterson. Nays: None. Motion carried 5-0. The Public Hearing opened at 5:33 p.m.

There were no comments.

A motion was made by Miller to close the Public Hearing with a second by Peterson. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff and Peterson. Nays: None. Motion carried 5-0. The Public Hearing closed at 5:34 p.m.

6. CONSIDERATION OF RESOLUTION 102 "DESIGNATING PROPOSED AMENDED BOUNDARIES AND APPROVING A PROJECT PLAN AMENDMENT FOR TAX INCREMENTAL DISTRICT NO. 3, CITY OF BURLINGTON, WISCONSIN"

Kevin Lahner stated this resolution is to amend the TID 3 Project Plan in order to remove five properties along E. Chestnut and Washington Streets to be added to ER-TID No. 1. He further stated that the amendment would not affect the proposed closure date for TID 3 of 2018.

A motion was made by Miller to approve Resolution 102 with a second by Peterson. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff and Peterson. Nays: None. Motion carried 5-0.

7. CONSIDERATION OF RESOLUTION 103 "APPROVING THE ACCEPTANCE OF AN OPTION TO PURCHASE REAL ESTATE FOR THE DOWNTOWN REDEVELOPMENT PROJECT FROM LESLIE SCHERRER DEVELOPMENT, LLC"

Attorney Bjelajac stated he has reviewed and approves the Option to Purchase. He explained the Option to Purchase will allow Leslie Scherrer Development, LLC the option to purchase city property along E. Chestnut Street for \$1 until April, 2012 to develop a retail/office building. He further explained the Option to Purchase has language to allow the CDA to purchase the property back if development does not occur by the 2012 deadline. Lahner stated this agreement will allow the developer rights to the property to ease development while giving the CDA more recourse actions if development does not occur.

Lahner stated the language in the resolution was incorrect where it states an "Offer to Purchase" and should state an "Option to Purchase".

Mayor Miller requested clarification of Option C, Utilities, in Addendum A of the resolution. Lahner responded the utilities are already in place on the site with no additional costs due to the city.

There were no further comments.

A motion was made by Peterson to amend the language in Resolution 103 to state an "Option to Purchase" with a second by Spiegelhoff. With all in favor the motion carried.

A motion was made by Eckola to approve Resolution 103 with a second by Spiegelhoff. Roll Call Ayes: Scherrer, Miller, Eckola, Spiegelhoff and Peterson. Nays: None. Motion carried 5-0.

8. ADJOURNMENT

A motion was made by Miller to adjourn the meeting. Eckola seconded the motion and with all in favor the meeting adjourned at 5:42 p.m.



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



Minutes

City of Burlington Plan Commission

Police Dept. Courtroom

November 9, 2010, 6:30 p.m.

Mayor Miller introduced the Student Representatives, Andrew Krismer and Sarah Strong, to the members and gave them an overview of their duties as part of the commission. Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:33 p.m. Roll call: Alderman Robert Prailes, Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Student Representatives Andrew Krismer and Sarah Strong were present. Alderman Tom Vos was excused. Town of Burlington Representative Phil Peterson was absent. Also present were Zoning Administrator Patrick Scherrer and City Planner Patrick Meehan.

APPROVAL OF MINUTES

Commissioner Lynch moved and Alderman Prailes seconded to approve the minutes of October 12, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

Commissioner Eisenhardt moved and Commissioner Lynch seconded to accept correspondence from Commissioner Henney regarding his letter of resignation from the Plan Commission from the meeting. All were in favor and the motion carried.

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use Application from Charles Hinds for property located at 160 E. Chestnut Street to allow an internet-based medical transcription service business and ancillary residential caretaker's quarters.

- Mayor Miller opened the Public Hearing at 6:35 p.m.
- Ann Cahill, 308 Conkey Street, stated she owns a business downtown and is concerned with the proposed living quarters on the first floor.
- Catherine Cartell, 173 E. Chestnut Street, stated her and her husband have spent a great deal of time rehabilitating their building, especially the second floor apartments and is also concerned with the first floor living quarters. She further stated she is worried the area will not be used for the medical transcription business and that the business owners are trying to make the downtown more high end.
- Charles Hinds, owner, stated he feels he has done a great job remodeling the building and also wants to see the downtown flourish. He further stated the area will be used for the business but

understands the concerns of the neighbors. He equally wants neither a high end area nor tenants that would affect the appearance of the building or area.

- There were no further comments. Commissioner Lynch moved and Commissioner Reesman seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application from Charles Hinds to allow an internet-based medical transcription service business and ancillary residential caretaker's quarters at 160 E. Chestnut Street.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes stated he is concerned that with this property being located in the Business District that this type of use will not help bring in clientele to the area. He further stated he feels this use is not a good idea.
- Commissioner Lynch asked Patrick Scherrer to explain his memorandum and concerns to the commission. Mr. Scherrer responded that he feels an internet-based business would be difficult to prove that it is occurring only in a portion of the building. He further stated enforcement to determine the percentage of business use and residential use on the same floor would be nearly impossible. He agreed with Alderman Prailes that this type of use would not help bring traffic to the downtown area as intended.
- Commissioner Lynch stated he is aware that there are other businesses downtown that are service-only and does not see a problem with that however; he is concerned with the residential use on the first floor. He stated he is concerned with the building looking closed off and feels the lines of business use and residential use within the square footage of the building would get blurred.
- Patrick Meehan agreed with Pat Scherrer's concerns of enforcement of the code and reminded the commission that only 50% of the first floor could be used for living quarters.
- Commissioner Eisenhardt questioned the owner as to what a typical business day would be like. Charles Hinds responded that he was unsure as it was not his business. He further stated he felt he was being discriminated against as there were other buildings downtown that have first floor tenants; he mentioned one building that was recently demolished. He further stated he feels he has made the building look better and has kept the area clean and is in need of a caretaker for the property as he is disabled. Alderman Prailes stated the building that was demolished was not used as first floor living quarters.
- Alderman Prailes stated he doesn't feel this type of use is what the downtown is meant for.

- Commissioner Eisenhardt stated the difference with this proposal is the first floor residential use in the downtown and the business type is not the problem. He further stated that home businesses have a tendency to 'creep' across the lines of where the business should be and where the residence should be. It would be difficult to enforce.
- Patrick Scherrer mentioned that this is not the first proposal like this. Recently, a property owner on Jefferson Street had to vacate the tenants on the first floor due to the downtown zoning district, as it is not allowed.
- There were no further comments.

Alderman Prailes moved and Commissioner Reesman seconded to deny the Conditional Use application. *All in favor and the motion carried.*

B. Consideration to approve a Site Plan Application from Sandra Miller of Creature Comforts for property located at 115 S. Teut Road to construct a building addition,

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned what the addition would be used for. Sandra Miller, owner, stated it would be part of the veterinary clinic. She further stated the clinic will be in the existing building and the doggie day care will go in a new building in the future as Phase 2 of the project.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the Site Plan Application for 115 S. Teut Road, subject to Kapur & Associates' November 1, 2010 and Patrick Meehan's October 29, 2010 memorandums to the Plan Commission as follows:

- The proposed Site Plan does not meet this requirement since the "Site Plan: A1.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10] indicates that seven (7) off-street parking spaces are to be a "Gravel Pad." This off-street parking lot area needs to be paved with pavement of either asphalt or concrete and all affected Site Plan related documents need to be revised and resubmitted to City staff for review.
- Concrete curb and gutter needs to be graphically indicated and noted for all Phase 1 off-street parking areas and all affected Site Plan related documents need to be revised and resubmitted to City staff for review.
- Based upon the provision of 13 off-street parking spaces for the proposed uses, a minimum of one (1) canopy tree needs to be placed within the interior of the off-street parking areas of the proposed parking area for Phase 1. A revised Landscape Plan needs to be submitted by the applicant for City staff review.
- The proposed monument sign, as depicted in the "Site Plan: A1.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10], is proposed to be located within the triangular vision clearance space. This will need to 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.

- 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.
- Since outdoor lighting is proposed by the applicant on "Elevations Sheet: A3.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10], all of the requirements below for a Lighting Plan need to be submitted to the City and met:
 - A catalog page, cut sheet, or photograph of the luminaire including the 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.
- Pursuant to the requirements of Section 315-64(D) of the City Zoning Ordinance, on site directional signs cannot exceed three square feet in area. If such signs are installed, the requirements of Section 315-64(D) shall be met.
- Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, 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 applicant's proposed wall, fascia, awning/canopy, marquee, and graphic signage facing the southwest (on the building's west elevation which states "Grooming Tenant Signage") is not permitted to be placed upon this building elevation since this building elevation does not front upon a public street (per the requirements of Section 315-71D of the City Zoning Ordinance for the B-1 District. Therefore, the drawing "Elevations Sheet: A3.00" as prepared by S. L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10] needs to be revised accordingly and resubmitted to the City staff for review. This type of signage, however, may be placed upon the north building elevation which fronts upon S. Teut Road. The freestanding signage dimensions shall not exceed the maximum allowable dimensions set forth in the City Zoning Ordinance.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Reesman seconded to adjourn the meeting at 6:53 p.m.
All were in favor and the motion carried.

A handwritten signature in black ink, appearing to read "Megan E. Johnson". The signature is fluid and cursive, with the first name "Megan" being more prominent than the last name "Johnson".

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

**City of Burlington Housing Authority
Riverview Manor**

November 18, 2010

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, November 18th. 2010 at Riverview Manor at 6:30 P.M. The meeting was called to order by Chairman Lapp.

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

Minutes from the October 13th. meeting was dispersed to board members and a motion was made by Stoehr, seconded by Iselin to approve the minutes as read, carried unanimously.

FINANCIAL REPORT:

Reserve Account balances as of October 31, 2010

First Banking Center	\$ 31,502.64
M&I Bank	<u>\$ 15,121.52</u>
TOTAL	\$ 46,624.16

OCCUPANCY REPORT:

Manager Henning reported 22 on the waiting list for one bedroom unit and 4 for two bedroom units.

BUILDING AND MAINTENANCE:

- 14 A/C covers for Phase II resident units do not fit and Manager Henning will contact Warm-In LLC owners to request a possible exchange for covers to fit the air conditioners for these units.**
- Greg Benz is working with Rural Development regarding the Capital Needs Assessment.**
- Manager Henning and Chairman Lapp reported on the Wi-Carh meeting they attended on November 4th. at Wisconsin Dells.**

COMMUNICATIONS:

- **Copies of the monthly bills and operating statement were received by board members and reviewed.**
- **The possibility of setting up a web site and face book advertising in the future was discussed by Manager Henning and board members. Manager Henning will do further research.**
- **Manager Henning will contact the Adecco Company to check on temporary help to assist in setting up a new software program.**

NEW BUSINESS:

- **A motion was made by Stoehr, seconded by Stublely and approved to obtain the program to search credit and background checks on incoming new residents.**
- **AT & T computer back-up program for a monthly charge of \$6.00 was approved on a motion by Heck, seconded by Stoehr.**

UNFINISHED BUSINESS:

ADJOURNMENT:

There being no further business, motion to adjourn was made by Heck, seconded by Stoehr and carried unanimously. Meeting adjourned 7:40 P.M. The next monthly meeting is tentatively set for December 8th.



Ralph Heck, Secretary

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 7, 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, Peter Hintz, Jim Prailes, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Ed Johnson
Alderman Vos arrived at 6:35 p.m.

High School Students Present: Lauren Nadolski Absent: David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Department of Public Works Director Connie Wilson, Building Inspector Patrick Scherrer, Tom Foht of Kapur Engineering and Utility Rate Consultant Mr. John Mayer

Ed Johnson

2. CITIZENS COMMENTS AND QUESTIONS

Mr. Mark Zelenski of 225 East Market Street (apartment building), commented that there appears to be too many people occupying some of the apartments. He was also concerned with cars being parked in the fire lanes and with additional parking lanes that were spray-painted in to erroneously reflect additional parking.

3. MINUTES FROM NOVEMBER 16, 2010

A motion was made by Fischer with a second by Hintz to approve the November 16, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

4. DISCUSSION REGARDING CONVERTING EAST STATE STREET FROM PINE STREET TO DODGE STREET TO ONE-WAY AND TO RELOCATE THE DODGE STREET POST OFFICE DROP BOXES

Mayor Miller introduced the topic for discussion.

Foht discussed the possibility of using Chandler Avenue for a drop site, but that location was not without problems. Foht would be more in favor of placing the mailboxes on the post office property. He stated that he had not spoken to the postmaster but would like to schedule a meeting with him and Lahner.

Simenson did not understand why the city was so opposed to creating a one-way street in that area.

Mr. Andy Endl, 232 South Perkins Boulevard suggested the short block on Washington by the parking structure as another possible location.

It was the recommendation of council to invite the postmaster to attend the first council meeting in January for further discussion.

5. OVER VIEW AND DISCUSION OF THE PROPOSED RADIUM TREATMENT FACILITIES FOR WELL NO. 9 AND WELL NO. 10

Mayor Miller introduced the topic for discussion.

Vos questioned the reasoning for two buildings on Well Site No. 9. Mayer explained that the water needed to be treated before it left the site which the reason for the second building.

Simenson inquired why there were two the different colors used on the buildings at Well Site No. 10. Mayer stated that his objective was to create a building that would blend into the subdivision.

6. RESOLUTION 4447(31) "A RESOLUTION TO CONSIDER APPROVING A SALE AND REDDEVELOPMENT AGREEMENT WITH CRAIG FAUST FOR 824 MILWAUKEE AVENUE"

Mayor Miller introduced Resolution 4447(31) to the council for discussion.

Rauch questioned if there would be a cap on the cost of the removal of contaminated soil. Atty. Bjelajac reminded council members that the city will always be the "responsible party" for the remediation of this property.

Vos wondered what portion of the 13.2 acre site would be considered developable. He remembered a very large portion of that area being the city dump. Lahner replied that the land would be divided into three parcels. The front portion consisting of four acres would be developed and the back portion donated to ChocolateFest with the third portion located across the street held for future development.

Simenson commented that the city should pursue any grants to help with the remediation cost.

Fischer asked if the city had any expectation of the cost of the remediation. Lahner replied that in his opinion it could be done for a hundred thousand dollars or less. Fischer also questioned if the city couldn't legally cap the remediation cost to the amount of the sale amount of the property.

Simenson questioned who would receive the money from the cell tower rent. Lahner said the city would continue to receive the money. Simenson also questioned the ChocolateFest payment of twelve thousand dollars which is made annually to the city and the fact the contract would still be in effect for several years. She felt that ChocolateFest should reimburse the city for the outstanding years and she wanted more information on the parcel known as Lot #3 which is where the transfer station is now located.

Simenson questioned the use of Fidelity Title for closing the land agreement when we have a city attorney on staff. Atty. Bjelajac stated that it would be more economical to have the title company handle the transaction.

Simenson also brought up the fact that former Mayor Claude Lois who is now associated with Bear Realty was involved with marketing the DPW building before he left office. She felt he had an unfair advantage over other local realtors as well as benefitting from other downtown redevelopment projects. She said that one thing that she has heard repeatedly is that citizens do not like the methods that have been used in the past.

At this time Atty. Bjelajac stated that he did not feel the agreement offered protection for the city, but wording could be added to protect the city.

Simenson discussed another option of just razing the building and seeing what develops at a later date.

Fischer was concerned with the number of financial unknowns for the city and was not comfortable with that situation.

Andy Endl, 232 South Perkins Boulevard commented that it was like giving a blank check to go along with this agreement.

Because any development would have to be brought before the Plan Commission, Lahner stated that the city would have some control over what would be constructed and the placement of any buildings. Lahner felt that this was a very good deal for the city.

The mayor stated that they could renegotiate the deal as many of the aldermen were not comfortable with the unknown financial burden to the city.

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

7. RESOLUTION 4449(33) "A RESOLUTION TO CONSIDER APPROVING THE 2011 ANNUAL BUDGET"

Mayor Miller introduced Resolution 4449(33) to the council for discussion.

Simenson stated that she could not vote in favor of this deficit budget.

Fischer questioned the comparables of contracting with an outside company vs. city employees doing street sweeping. He further questioned if benefits had been taken into consideration. Lahner stated that the benefits had not been part of the formula.

Vos stated that the city has to take into consideration equipment replacement as well in contracting to an outside company.

This resolution moves to this evening's council meeting.

8. RESOLUTION 4450(34) "A RESOLUTION TO CONSIDER APPROVING CHANGE ORDER NUMBER FOUR WITH WANASEK CORPORATION FOR THE 2010 SIDEWALK IMPROVEMENT PROGRAM"

The mayor introduced Resolution 4450(34). There were no comments.

This resolution will be addressed at the December 21st Common Council Meeting.

9. ORDINANCE 1915(18) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A 35 MPH SPEED LIMIT ON SOUTH PINE STREET FROM DUNFORD DRIVE TO THE BYPASS"

Nadolski questioned if this change was for safety reasons. The mayor replied that the city needed to officially adopt this ordinance so the speed limit can be enforced.

This ordinance will be addressed at this evening's council meeting.

10. ORDINANCE 1916(19) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A 45 MPH SPEED LIMIT ON MILWAUKEE AVENUE FROM TEUT ROAD TO CTH W"

Fischer questioned if this was related to a safety issue. The mayor stated it was more of a consistency issue.

This ordinance will be addressed at this evening's council meeting.

11. ADJOURN

A motion was made by Bob Prailles with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:57 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: December 21, 2010
Submitted By: Steve DeQuaker, Treasurer	Subject: Prepaids and Vouchers

Details:

Attached please find the Prepaids and Vouchers list for bills accrued through December 21, 2010:

Total Prepaids:	\$777,103.63
Total Vouchers:	\$1,006,412.38
Reimbursements:	\$2,536.50
Grand Total:	<u><u>\$1,786,052.51</u></u>

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

Financial Remarks: 5 Largest Disbursements on Prepaids and Vouchers

- 1) Riley Construction Company, Inc – Burlington Parking Structure Application #2A \$635,375.81
- 2) Scherrer Const. Co., Inc. – Integrated Dept of Public Works Facility Application Number 7 \$609,025.00
- 3) Scherrer Direct LLC – Integrated Department of Public Works Invoice 10-736-12 \$90,392.65
- 4) Scherrer Direct LLC – Integrated Department of Public Works Invoice 10-736-10 \$86,237.88
- 5) Wanasek Corp – 2010 Utility & Sidewalk Improvement Program Payment No. 4 (Final Payment) \$50,075.87

Executive Action:

Staff recommends that the Common Council accept these Prepaids and Vouchers in the amount of \$1,786,052.51 at the December 21, 2010 Council meeting.



City Clerk

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
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Common Council Agenda Item Number: 10	Date: December 21, 2010
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

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

Licenses Recommended for Approval

OPERATOR'S LICENSES

- Bailey, Jenna D.
- Blakely, Nicole C.
- Braun, Rebecca L.
- Buss, Kathryn L.
- Drew, Brooke N.
- Hansen, Amanda M.
- Jarvis, Laura E.
- McDonald Melissa K.
- Schneider, Rebecca L.
- Stack, Theresa R.

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 December 21, 2010 Council meeting.



Common Council Item Number: 12A	Date: December 21, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: A Public Hearing to hear comments from the public regarding an annexation request from the Marles A. Kempken Trust for property located at 34701 Chestnut Street.

Details:

Cindy Kempken, Executor for the Marles Kempken Trust has submitted a petition for direct annexation for the southern portion of property located at 34701 Chestnut Street. This parcel is adjacent the parcel that was recently annexed by the same applicant and houses the Kempken residence. The property petitioned for annexation will consist of 45,521 sq. ft. (1.07 acres) and connect with STH 11. The applicant is requesting annexation because the septic system failed at the residence and they desire to hook on to the city's sewer system.

The passage of this ordinance is the final step in the annexation process. The Plan Commission reviewed the annexation request at their December 14, 2010 meeting and recommend Council approval.

Options & Alternatives:

For public comment only.

Financial Remarks:

N/A

Executive Action:

This item is for public discussion at the December 21, 2010 Common Council meeting.

The Common Council in and for the City of Burlington

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

To Whom It May Concern:

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

Owner: Marles A. Kempken Trust
Address: 34701 Chestnut Street (new address will be 717 W. Chestnut)

Legal Description:

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

Begin at the south $\frac{1}{4}$ corner of said Section 30; thence north $01^{\circ}15'17''$ west 124.18 feet; thence north $88^{\circ}46'40''$ east 214.51 feet; thence south $00^{\circ}56'53''$ east 124.19 feet to a point on the south line of said southeast $\frac{1}{4}$ section; thence south $88^{\circ}46'40''$ west along said south line 213.92 feet to the place of beginning. Containing 45,521 square feet of land more or less (1.07 acres).

Current population of such territory is 0 persons; and,

Zoning: Rs-2, Single-Family Residence District

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

**TUESDAY, DECEMBER 21, 2010 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

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

An ordinance for the annexation and zoning shall be considered by the Plan Commission on December 14, 2010 and by the City Council on January 4, 2011.

CITY OF BURLINGTON

Dated this 23rd day of November, 2010.

Kevin M. Lahner, City Administrator