



City of Burlington

City Hall - 300 N. Pine Street
Burlington, Wisconsin 53105-1460
Phone: (262) 342-1161 Fax: (262) 763-3474
www.burlington-wi.gov

AGENDA COMMON COUNCIL

Tuesday, January 20, 2009

**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

High School Members

Xin Lei Wang, Burlington High School
Bonit Gill, Catholic Central High School

- 1 Call to Order - Roll Call.
2. Pledge of Allegiance to the Flag.
- 3 Citizen Comments.
- 4 Chamber of Commerce Representative.
- 5 Approval of minutes for January 6, 2009 (*J Prailes*)
- 6 Letters and Communications. None.
- 7 Reports by Aldermanic Representatives and Department Heads.
- 8 Reports. 1 – 3 (*P Hintz*)
 - Report 1 – Plan Commission minutes, December 9, 2008.
 - Report 2 – Committee of the Whole minutes, January 6, 2008
 - Report 3 – Maryland Avenue Storm Water Flood Study, January 16, 2009
- 9 Payment of Vouchers. (*T Vos*)
- 10 License and Permits. (*S. Rauch*)

11 **APPOINTMENTS AND NOMINATIONS**

None.

12. **PUBLIC HEARINGS**

- A. A Public Hearing to consider a text amendment to Section 315-71C and Table 13, and to repeal Sections 315-71E(c) and 315-72A(4)(b) of the Municipal Code in the B-1 and B-2 Zoning Districts. *(K. Simenson)*

13 **RESOLUTIONS**

- A. Resolution 4296(66) to approve an Innovation Pay Policy for city employees. This item was discussed at the January 6, 2008 Committee of the Whole meeting. *(J Fischer)*
- B Resolution 4300(70) to approve a Certified Survey Map for the City of Burlington for property located in the Burlington Industrial Park Second Addition along Brookview Avenue. This item was discussed at tonight's Committee of the Whole meeting. *(R. Prailes)*

14 **ORDINANCES**

None

15 **MOTIONS**

None

16 **OTHER MATTERS AS AUTHORIZED BY LAW**

17 **ADJOURNMENT** *(E. Johnson)*



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Meeting Date: January 20, 2009

Resolution No.

Subject: Reports 1- 3

Ordinance No.

Submitted By: Beverly R. Gill, City Clerk

Motion:

Department: City Clerk's Office

Other: Reports 1-3

Details:

Attached please find the following reports.

- Report 1 – Plan Commission minutes, December 9, 2008.
- Report 2 – Committee of the Whole minutes, January 6, 2008
- Report 3 – Maryland Avenue Storm Water Flood Study, January 16, 2009

Executive Action:

Staff recommends that the Council accept these three reports at the January 20, 2009 Common Council meeting.

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
December 9, 2008, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6 30 p.m followed by roll call Alderman Steve Rauch, Commissioners John Lynch, Darrel Eisenhardt, Bob Schulte, Bob Henney and Catholic Central High School Representative Lauren Celano were present. Aldermen Tom Vos was excused. Town of Burlington Representative Phil Peterson and Burlington High School Representative Ashley Kennedy were absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan, and Building Inspector/Zoning Administrator Patrick Scherrer

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of November 11, 2008 All were in favor and the motion carried.

Burlington High School Representative Ashley Kennedy arrived at this time at 6 32 p.m

CITIZEN COMMENTS

None

PUBLIC HEARINGS

None

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Site Plan Application from Excel Engineering on behalf of EZ Money Wisconsin, Inc. for property located at 900 Milwaukee Avenue to use the existing building as a financial lending facility.

- Mayor Miller opened this issue for discussion.
- Alderman Rauch questioned how many other businesses of this nature currently exist in Burlington Pat Scherrer stated this would be the third.
- There were no further comments.

Commissioner Schulte moved and Commissioner Lynch seconded to approve a Site Plan Application for EZ Money at 900 Milwaukee Avenue, subject to Kapur and Associates' November 24, 2008 and Patrick Meehan's November 28, 2008 memorandums to the Plan Commission as follows.

- **Lighting Plan Required** If any new lighting is proposed by the applicant for the proposed use at the subject property, Sections 315-137(25) and 315-26(P) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements shall be submitted and have, at a minimum, the following elements.

- 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. This data has been submitted by the applicant.
 - 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
- It is further recommended that all existing outdoor luminaires which are to be used for the outdoor illumination of the proposed new use, be fitted with opaque shades which create a total cut-off lighting condition for each such luminaire and that any existing luminaires which exceed 28 feet in height be lowered to a maximum of 28 feet in height.
 - 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.
 - 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.

Roll Call Ayes Steve Rauch, John Lynch and Bob Henney Sustained Darrell Eisenhardt. The majority was in favor and the motion carried.

B. Consideration to recommend approval of the City of Burlington Land Use Plan for the year 2035 to the Common Council.

- Mayor Miller opened this issue for discussion.
- Alderman Rauch questioned if there are any areas of conflict on the plan between the City and Town. Mayor Miller stated there are a couple areas which will be worked on at the monthly meetings between the City and Town. Mayor Miller further reminded the commission that the land use plan is a living document that can be amended from time to time Administrator Lahner responded that there are about four or five areas that the City would like to utilize for higher level use, whereas the Town would like to use for residential
- Mayor Miller stated that the study is about six months to a year from completion. At that time a final document and land-use plans will go before the Common Council

- Alderman Rauch questioned other than the Schaefer and Boilini parcels, what plans does the City have for expanding? Administrator Lahner responded stating that the City has been working with the Town and Village of Rochester to annex property along north STH 36 in the next five years, primarily vacant land. There is currently a boundary agreement between the City and Rochester, however plans have been put on hold until the Town and Village of Rochester consolidate
- Commissioner Lynch voiced his concern with the area along the Burlington Bypass and CTH A that is marked as residential. He stated he felt that the traffic would be too high for a residential area and would create a safety hazard. Mayor Miller stated that this is an item that could be amended at a later date
- Commissioner Lynch further questioned what the plans are for the downtown area if businesses locate near the Bypass in the future
- Mayor Miller stated that many meetings have been underway regarding the downtown and keeping it vital. He further explained that the STH 83, STH 11 and STH P areas are the immediate concern areas, as sewer and water service is ready to go

Alderman Vos moved and Commissioner Henney seconded to approve a Conditional Use Permit for the Racine County Sheriff's Department at 341 Origen Street, subject to Kapur and Associates' October 31, 2008 and Patrick Meehan's October 26, 2008 memorandums to the Plan Commission as follows

All in favor and the motion carried.

OTHER MATTERS

None.

ADJOURNMENT

Commissioner Lynch moved and Alderman Rauch seconded to adjourn the meeting at 7:04 p.m. All were in favor and the motion carried.



Recording Secretary

Megan E. Johnson

Assistant to the City Administrator

Draft

**CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
Police Department Courtroom
January 6, 2009 6.30 p m.**

1 Call to Order/Roll Call

Mayor Miller called the meeting to order at 6.30 p.m starting with roll call Present were Aldermen Robert Prailes, Peter Hintz, Ed Johnson, Jim Prailes, Tom Vos, Jeff Fischer and Katie Simenson Steve Rauch arrived at 6.36 p.m Staff present: Fire Chief Dick Lodle, Library Director Gayle Falk, Treasurer Bridget Lois, Attorney Tom Kircher, City Administrator Kevin Lahner Building Inspector Patrick Scherrer, Department of Public Works, Streets and Parks Division Larry Gobel, Police Chief Scot Eisenhauer, Utility Manager Connie Wilson, City Engineer Tom Foht Burlington High School Student Xin Lei Wang and Catholic Central High School Student Bonit Gill also were in attendance

2. Citizen Comments

No Comments

3. Approval of Minutes

A motion was made by Vos, seconded by Fischer, to approve the December 16, 2008 Committee of the Whole Minutes. With all in favor the motion carried

4. Resolution 4296(66) "A resolution to consider approving an Innovation Pay Policy for city employees"

Lahner stated that it was a simple concept that has been used successfully in other cities that he had been involved with and would like to see the idea implemented in Burlington He described the policy which would allow the city to pay employees an award of up to five percent for a money-saving or revenue generating idea with a cap of five-hundred dollars and a maximum of two awards a year The City Administrator would be solely responsible for determining if the proposed idea would be eligible for an award. Alderman Vos stated that he whole-heartedly agreed with the concept but this was the fourth time in his tenure that this had been brought forward He stated he had never heard from prior administrations whether the program was successful Lahner assured Vos that he and the public would be kept apprised of any awards given Simenson questioned whether employees are not already coming forward with ideas? Lahner stated that they do, but this would add an incentive to the process Fischer questioned if this would be brought to the bargaining units at the time of negotiation? Lahner stated that he already had a side letter signed by AFSCME and expected LAW to also sign Hintz questioned if this would be available to all employees? Lahner stated that it would be available for all employees of the city and didn't have to necessarily be an idea for their own department

5. Motion 09-643 "A motion to consider approving an Airport Hangar Lease between the City of Burlington and Kevin Remer at 1516 Mike Taxiway for a term of twenty-nine years in the amount of \$285.00 annually"

No Comments

6. Motion 09-644 "A motion to consider approving an Airport Hangar Lease between the City of Burlington and Larry A. Dawley at 1532 Mike Taxiway for a term of twenty-nine years in the amount of \$237.50 annually"

No Comments

7 Discussion "A discussion regarding the introduction of agenda items."

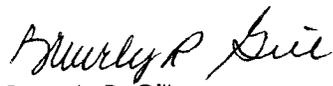
A suggestion had been made to the mayor regarding the introduction of ordinances, resolutions and motions at council meetings. The mayor stated that it would be more orderly if the introductions were on a rotating basis by the aldermen. The purpose of this change would be to smooth the meetings out, be more organized and save time. The mayor also stated that it would give all the aldermen a chance to learn the proper procedures.

8. Other Matters

No Comments

9 Adjourn

A motion was made by Bob Prailes, seconded by Hintz to adjourn. With all in favor, the meeting adjourned at 6:40 p.m.



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

To. City of Burlington **Date.** January 16, 2009
From Greg Governatori, P E.
CC· Kevin Lahner, Pat Scherrer, Larry Gobel, Tom Foht
Subject Maryland Avenue Storm Water Flood Study

Background· The City has received increasing requests to evaluate the increasing frequency of flooding conditions within the Maryland Avenue right of way. The City has requested Kapur & Associates, Inc. to complete an analysis of the drainage area to show how much runoff flows to the Maryland Avenue right of way, determine the capacity of the existing storm sewer system and provide recommendations for improvements if necessary.

The current storm sewer system located in Maryland Avenue conveys approximately 12.5± acres of runoff that flows to the system and ultimately to the Fox River through the South near Riverside Park. **Exhibit 1** shows the drainage area tributary to the storm sewer systems. The areas are broken down per individual catch basin. The area near Maryland and Congress floods routinely throughout the year as does a portion near the north subdivision line on Maryland Avenue. The area has a long history of flooding. The flooding has been reported to occur during general or regular rainfall events as well as high river stages.

Exhibit 1 also presents the drainage areas for the remaining property of Chocolatefest and the direction of flow and the approximate drainage basin for the rear yards of properties along the east side of Maryland Avenue and south of the former Wanasek buildings. Roughly 8.09 acres directly drains to the rear yards along Maryland Avenue. This area consists of all the properties along the east side of Maryland Avenue, The Wanasek Property, and a portion of the Wepco substation. Existing county topography maps and field verifications taken by Kapur and Associates show a depressional area in the rear yards of many of the lots along Maryland Avenue and Congress Street. This area collects the runoff and causes drainage problems in the area. Runoff from Chocolatefest does not enter the problematic drainage area. The runoff flow's south easterly and is conveyed by a swale along the north Wanasek property line.

Summary· There are currently two storm sewer drainage systems located on Maryland Avenue. Both systems are undersized and have multiple problems. The existing materials vary from corrugated metal pipe to reinforced concrete pipe. A summary of each system detailing its functionality and issues follows below.

- System one will be referred to as the North system on Maryland Avenue. A profile of the existing system can be found on exhibit 2 (PP-1). System one captures runoff from Milwaukee Avenue south to a point near the south side of the baseball diamond parking lots. This system captures about 5.78 acres of land. There are two sets of inlets for the system and both are on grade with a road slope of 1.5%. Two of the four inlets have back pitched pipes and there is no definable outlet from the system. Inlet 299b does have a 12" corrugated metal pipe that heads west directly toward an existing structure (newer Wanasek building). No outlet for the pipe can be located, and there is standing water in both sets of inlets and the manhole near the south side. The back pitch in the pipes reduces system capacity as does the standing water and lack of a discharge point. The existing inlets on Maryland have a Neenah R-3274 casting. Each Grate has the capacity to accept

a maximum of 2.08 cfs of runoff. The approximate inlet flow on this system is 9.06 cfs. This leaves the system with a slight inlet capacity deficiency.

- System two can be referred to as the South storm sewer system on Maryland Avenue. A profile of the system can be found on exhibit 3 (PP-2). System two captures a drainage area of 6.71 acres primarily at a low point in Maryland Avenue. A low point is located near station 12+50 just south of the Chocolate Fest grounds. There are a total of five inlets as part of the system with the low point capturing 75% of the runoff. Manhole 302 has an outlet pipe that is significantly higher than the inlet. This reduces the system capacity to convey stormwater. The system discharges directly into the Fox River, with the outlet pipe being completely submerged. The submerged outlet reduces the capacity and discharge velocity of the storm sewer system. The two inlets at the low point receive about 8.00 cfs of runoff from the 10-yr storm. The two inlets have the capacity to accept 6.2 cfs at a 4" depth of flow. At a depth of 6" they can accept 8.4 cfs. Therefore the inlets have the capacity to capture the runoff without overtopping the curb and flowing east to the rear yards. This assumes the system has the capacity to convey the runoff and they are clear of debris.

Conclusions: The goal of the following recommendations are to adequately capture and convey the stormwater runoff from the 10-yr (or 10%) rainfall occurrence. A 10-yr rainfall is assumed as having an intensity of 5.23"/hr. The sewer should be designed to adequately capture, convey and store the 10-Yr rainfall.

Due to the proximity of the location to the Fox River, the storm system will not function adequately when the river is at a flood stage. The 10-yr (10%) flood stage of the Fox River is 757.6. This elevation completely inundates the south system and floods Congress St.

- To achieve the proposed goals for the north system we recommend correcting the two sections of sewer that are back pitched. Second a definable outlet point needs to be established and new sewer needs to be installed to reach the discharge point. Two possible locations can be considered, the first would be to the east and south of the baseball diamond. The second option would be to continue the system south in Maryland Avenue. The mainline 15" pipe is installed too flat to carry the water required. The 15" mainline either needs to be increased in size or the slope modified to increase capacity.
- To achieve the proposed goals for the south system it appears the entire system will need to be replaced with additional inlets at the low point, and a larger sized pipe run throughout to avoid the routine flooding. The outlet in Riverside Park would be raised to discharge above the Normal water elevation of the Fox River.
- A Storm sewer spreadsheet has been provided to demonstrate the existing system. The sheet also provides calculations demonstrating the required sizing and slope to make the system work. (See Exhibit 4) The spreadsheet demonstrates a need for an increase in pipe size, possibly up to a 30" pipe or greater to adequately convey the 12.41 acres of runoff.

Cost Estimation. The estimated costs for the total improvements of the Maryland Avenue Storm sewer in today's dollars, including design and construction is **\$225,000.00**.

The project can be broken down into two individual segments. The north portion is part of the future Maryland Avenue Street project area. The south system is not projected as part of the future City Street Program.

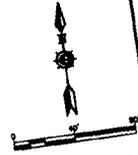
The Total cost for the South system is estimated at **\$143,000.00** for a complete reconstruction of the system, including all design and construction.

The total cost of the North system is estimated at **\$72,000.00** for a complete reconstruction including the connection to the south system.

Kapur & Associates, Inc. ~ 6025 S. Pine Street ~ Burlington, WI 53105 ~ Phone 262.767.2747 ~ Fax 262.767.2750
www.kapurengineers.com

D:\Burlington\090022_Maryland Avenue Storm\Marland Avenue Study.doc

Total Drainage Area
= 12.41 acres



Burlington Drainage Area (Typ)

0.25 Acres
0.09 Acres
Direct to Rear
Yards

757.05

757.37

756.95

755.90

755.11

757.68

757.21

Combes St

EXHIBIT 1

PROJECT NO.
DA-1

MARYLAND AVENUE STORM SEWER
CITY OF BURLINGTON, WI
RACINE COUNTY WISCONSIN
DRAINAGE AREAS

KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
BURLINGTON, WISCONSIN
262.767.2747

DESIGNED BY:	NO.	REVISIONS	DATE
DRAWN BY:	1		
CHECKED BY:			
APPROVED BY:			
DATE:			
SCALE: 1/4"=70'			



City of Burlington

City Hall - 300 N. Pine Street
Burlington, Wisconsin 53105-1460
Phone: (262) 763-7996 Fax: (262) 763-3474
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Meeting Date: January 20, 2009

Resolution No.

Subject: Vouchers and Prepaid Bill Payments

Ordinance No.

Submitted By: Bridget Lois, Treasurer

Motion:

Department: Finance Office

Other: Vouchers & Prepays

Details:

Attached please find the Voucher and Prepaid list for bills accrued through January 20, 2009

Total Prepays:	\$ 383,522.15
Total Vouchers:	\$ 109,890 14
Reimbursements:	\$ 197.30
Grand Total:	\$ 493,609.59

Executive Action:

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$493,609 59 at the January 20, 2009 Council meeting.



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Meeting Date: January 20, 2009

Resolution No.

Subject: Licenses and Permits

Ordinance No.

Submitted By: Beverly R. Gill, City Clerk

Motion:

Department: Clerk's Office

Other: Licenses

Details:

The alcohol license list for applications accrued through January 20, 2009 are as follows

Licenses Recommended for Approval

Operator's Licenses

Powell, Kathleen M.

Van Hemert, Stephanie A.

Vos, Elise M.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the January 20, 2009 Council meeting.



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Phone: (262) 763-7996 Fax: (262) 763-3474
www.burlington-wi.gov

Meeting Date: January 20, 2009

Resolution No.

Subject: Public Hearing for a Text Amendment to amend sections of the Municipal Code to regarding signs in the B-1 and B-2 Districts

Ordinance No.

Submitted By: Patrick Scherrer, Zoning Administrator

Motion:

Department: Building & Zoning Department

Other: Public Hearing

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Text Amendment to amend Sections 315-71C, 315-71E(c), 315-72A(4)(b) and Table 13 of the Zoning Ordinance. This text amendment will allow restaurants in the B-2 Central Business District that have three abutting streets to have two freestanding signs up to 200 square feet each, and to repeal the restrictions required for a shopping center to have a freestanding sign at the maximum height of 40 feet, including landscape requirements, in the B-1 Neighborhood Business District (as in the case of the current Pick & Save sign). The repeal of Section 315-71E(c) will provide an overall sign height limitation of 15 feet in all business districts and eliminate the exception to allow a 40 foot tall sign. If approved, the current Pick & Save sign will lose it's legal conforming status.

This item was discussed and recommended for approval by the Plan Commission at their January 13 meeting.

Executive Action:

This item is for a Public Hearing only

STATE OF WISCONSIN

COUNTY OF RACINE

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE CODE OF THE CITY OF BURLINGTON**

To Whom It May Concern

NOTICE is hereby given that the Common Council of the City of Burlington proposes to amend Section **315-71C, Note (f)** "Maximum Sign Area For Freestanding Signs" and **Table 13, Note (i)**, "Permitted Signs", and repeal Sections **315-71E(c)**, "Maximum Freestanding Sign Height" and **315-72A(4)(b)** "Required Landscaping at the Base of a Freestanding Sign" of the Code of the City of Burlington to amend sign restrictions and limitations in the B-1 and B-2 Zoning Districts.

Detailed amendment proposals are as follows.

- I **315-71C, Note (f)**. For restaurants in the B-2, Central Business District that abut three or more public streets, freestanding ground signs shall have a maximum total of 200 square feet in area on all sides for any one premises.
- II **Table 13, Note (i)**. Restaurants in the B-2, Central Business District that abut three or more streets are allowed two freestanding signs.

Detailed amendments to repeal sections are as follows

- I **315-71E(c)**. For shopping centers in the B-1, Neighborhood Business District a maximum sign height for road entrance freestanding signs of 40 feet is allowed
- II **315-72A(4)(b)**. For shopping centers in the B-1 Neighborhood Business District where a height of road entrance freestanding signs exceed 15 feet, a minimum of three understory trees shall be planted in the landscaping area.

THIS ORDINANCE MAY HAVE THE EFFECT OF CHANGING THE ALLOWABLE USE OF THE PROPERTIES IN ALL ZONING DISTRICTS. A MAP OF THE ZONING DISTRICTS IS ON FILE AND AVAILABLE FOR VIEWING CITY HALL

Chapter 315 of the Municipal Code of the City of Burlington shall be amended as necessary to reflect these changes, with the remainder of Chapter 315 remaining without change and in full force and effect. A copy of this ordinance is on file and available for viewing at City Hall

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

TUESDAY, JANUARY 20, 2009 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 thereof on the above mentioned matter

Dated at Burlington, Wisconsin, this 30th day of December, 2008

Beverly Gill, City Clerk

*Published in the Burlington Standard Press
January 1st and 8th, 2009*