



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

Wednesday, February 18, 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 Roll Call
- 2 Pledge of Allegiance to the Flag.
- 3 Citizen Comments.
- 4 Chamber of Commerce Representative.
- 5 Approval of minutes for February 3, 2009 (*K. Simenson*)
- 6 Letters and Communications None
- 7 Reports by Aldermanic Representatives and Department Heads.
- 8 Reports: 1 – 3 (*J Fischer*)
 - Report 1 – Plan Commission minutes, January 13, 2009
 - Report 2 – Plan Commission minutes, January 27, 2009
 - Report 3 – Committee of the Whole minutes, February 3, 2009
- 9 Payment of Vouchers. (*R. Prailes*)
- 10 License and Permits. (*E. Johnson*)

11 **APPOINTMENTS AND NOMINATIONS**

None.

12. **PUBLIC HEARINGS**

None.

13 **RESOLUTIONS**

- A. Resolution 4301(71) to approve the purchase of a new Police Department Parking Control vehicle for the total of \$20,773 plus set-up, title and license fees. This item was discussed at the February 3, 2009 Committee of the Whole meeting. (*J Prailes*)
- B. Resolution 4302(72) to approve an initial resolution declaring intent to exercise special assessment powers under §66 0703 for reconstruction of sidewalks on streets associated with the 2009 Street Improvement Program and various locations in the city where complaints have been received. This item was discussed at the February 3, 2009 Committee of the Whole meeting. (*P Hintz*)
- C Resolution 4303(73) to approve the acceptance of a Public Utility Infrastructure for the Meadows at Pine Brook Condominiums. This item was discussed at the February 3, 2009 Committee of the Whole meeting. (*T Vos*)

14 **ORDINANCES**

None.

15 **MOTIONS**

None.

16 **OTHER MATTERS AS AUTHORIZED BY LAW**

17 **ADJOURNMENT** (*S. Rauch*)

Draft

**City of Burlington
Official Proceedings
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
Police Department Courtroom
February 18, 2009**

1. Call to Order-Roll Call

Mayor Miller called the meeting to order at 6:37 p.m. starting with roll call. Present were: Aldermen Robert Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer and Katie Simenson, High School Students: Xin Lei Wang Excused: Bonit Gill

Staff present: Staff present: Department of Public Works Utility Division Connie Wilson, Library Director Gayle Falk, Attorney Tom Kircher, Treasurer Bridget Lois, Police Chief Scot Eisenhower 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 COMMENTS

None

4. CHAMBER OF COMMERCE REPRESENTATIVE

Mr. Craig Faust of the Chamber of Commerce spoke about upcoming events. He encouraged those with email to receive the updates from the Chamber of Commerce through this method. He commended the Police Department for the emails that are immediately sent out alerting businesses to crime in the area.

5. APPROVAL OF MINUTES

A motion was made by Simenson and seconded by Hintz to approve the minutes of February 3, 2009. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch announced that our local library has been rated number one in Western Racine County. Rauch reported the decorative balusters have now been replaced on the library roof.

Lois stated that tax collection is now complete with \$12,647,000 collected out of the \$18,000,000 that had been levied. The three banks involved with tax collection were responsible for approximately ten percent of the total collected. Real Estate Delinquencies were up only \$188,000 which she felt was not that significant. Lois reminded the council that we are lucky in that the City of Burlington does not bear the burden of the delinquencies as Racine County pays the whole amount owed to the city. Rauch questioned what the banks get out of the tax collection process? It was stated that the banks receive nothing other than the possible increased business that comes through their doors and the bank is offering a convenience to their customers.

Chief Eisenhower announced there had been a burglary at Consumers Co-op on Dodge Street the previous evening and a counterfeit twenty-dollar bill had recently been passed at the local Kwik Trip. Chief Eisenhower discussed the red van that has been parked on West State Street as the individual has been moving it back and forth from

- C. **Resolution 4303(73)** "A resolution to approve the acceptance of a Public Utility Infrastructure for the Meadows at Pine Brook Condominiums" Vos requested a second reading of Resolution 4303(73) and then motioned to adopt. Jim Prailes seconded the motion. Discussion: Simenson questioned what would happen if there is a problem once the city approves? Foht explained that this resolution was for approving the underground utility infrastructure and there would be a one-year warranty from the time of acceptance forward. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0.

14. ORDINANCES ADOPTED

None

15. MOTIONS ADOPTED:

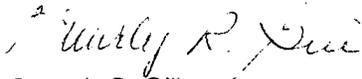
None

16. OTHER MATTERS

Rauch noted that the city administrator was not in attendance at the meeting and questioned why he was not present. Mayor Miller stated that he had an excused absence.

17. ADJOURN

A motion was made by Rauch, seconded by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 6:52 p.m.



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



City of Burlington

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Meeting Date: February 18, 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, January 13, 2009

Report 2 – Plan Commission minutes, January 27, 2009

Report 3 – Committee of the Whole minutes, February 3, 2009

Executive Action:

Staff recommends that the Council accept these three reports at the February 18, 2009 Common Council meeting.

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
January 13, 2009, 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: Aldermen Tom Vos and Steve Rauch; Commissioners John Lynch, Darrel Eisenhardt, Bob Henney and Catholic Central High School Representative Lauren Celano were present. Commissioner Bob Schulte 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, Building Inspector/Zoning Administrator Patrick Scherrer and Alderman Katie Simenson.

APPROVAL OF MINUTES

Alderman Vos moved and Commissioner Lynch seconded to approve the minutes of December 9, 2008. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

None.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Site Plan Application from Graphic House, Inc. on behalf of Pick & Save for property located at 1008 Milwaukee Avenue to install exterior signage.

- Mayor Miller opened this issue for discussion.
- Administrator Lahner explained to the commission that there are two issues with the proposal from Graphic House; one, Pick & Save does not have permission to put signage on the monument sign reserved for retail space not yet built, and two, the signage proposed for the building is over the 200 square foot limit.
- Mike Johnson, Graphic House Inc., approached the commission stating that they are not proposing to put signage on the monument and would like to request a deviation from the 200 square foot limit. He stated he feels with the setback of the building, a larger size sign is warranted and feels the aesthetics of the sign are appropriate.
- Administrator Lahner explained that a deviation from the square footage requirement requires the complete sign package for this phase of the Planned Unit Development to be reviewed by the city staff. He further recommending tabling this item until the sign package is ready, as well as having Roundy's give an explanation as to why a deviation is needed.
- Lauren Celano asked the commission if a request such as this has been done before. Mayor Miller explained that there are a few businesses that have requested signs larger than the square foot limitations, which consequently had been denied.

- Patrick Scherrer stated that he works with several sign companies and feels the municipal code is liberal with the sign restrictions. He further stated that most companies come in with plans smaller than the limitations.
- There were no further comments.

Alderman Vos moved and Commissioner Henney seconded to table a Site Plan Application for property located at 1008 Milwaukee Avenue. All in favor and the motion carried.

B. Consideration to recommend approval of Ordinance No.1876(18) to amend 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 to the Common Council.

- Mayor Miller opened this issue for discussion.
- Alderman Rauch questioned what would happen if the text amendment is approved. Patrick Scherrer responded stating that the current Pick & Save sign on Milwaukee Avenue would lose its conforming status and would need to be lowered to a 15 foot height once a panel is changed on the sign.
- Alderman Rauch questioned the reasoning behind the text amendment. Patrick Scherrer explained that the Pick & Save sign is one of the two tallest signs in the city and with the store moving to a new location, the opportunity to address the sign height is now.
- Alderman Vos and Commissioner Lynch both agreed that the signage along Milwaukee Avenue is important for businesses and visitors.
- There were now further comments.

Commissioner Lynch moved and Alderman Vos seconded to recommend approval of Ordinance 1876(18) to the Common Council.

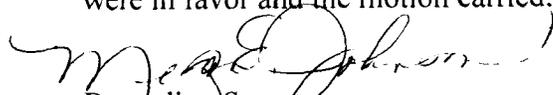
All in favor and the motion carried.

OTHER MATTERS

- Commissioner Henney questioned the status of the Jeff Way automotive dealership project in the old TSC building. Patrick Scherrer stated he has had no word yet as to the status, however Mr. Way has stated he will comply with all requirements.

ADJOURNMENT

Alderman Vos moved and Commissioner Lynch seconded to adjourn the meeting at 7:07 p.m. All were in favor and the motion carried.


Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

Minutes
City of Burlington Special Plan Commission
Police Dept. Courtroom
January 27, 2009, 5:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 5:30 p.m. followed by roll call: Aldermen Tom Vos and Steve Rauch; Commissioners John Lynch, Darrel Eisenhardt, Bob Henney and Burlington High School Representative Ashley Kennedy were present. Commissioner Bob Schulte and Catholic Central High School Representative Lauren Celano were excused. Town of Burlington Representative Phil Peterson was absent. Also present were: City Administrator Kevin Lahner, City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

CITIZEN COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Site Plan application from Medspeed, LLC for property located 317 W. Market Street to use the existing building for medical material logistics and transportation.

- Mayor Miller opened this issue for discussion.
- Patrick Meehan stated that his memorandum had a clerical error, page 4, Item b should state an Intensity Factor of Two not Three.
- Administrator Lahner informed the commission that although Meehan recommends a fence on the site, staff feels it is not needed because of the neighboring building wall, rather include trees and scrubs for bufferyard purposes. Patrick Meehan stated he feels this would be acceptable as long as the commission approves and landscaping is added to the northwest side of the property.
- Alderman Vos stated he is concerned with placing landscaping on that portion of the property as it is near a parking lot where winter snow plowing could potentially kill the plants. He also questioned if the landscaping would be required to be maintained. Patrick Scherrer stated yes, it would need to be maintained by the owners.
- Commissioner Henney questioned if the vehicles for the business would be parked in the lot overnight. Mayor Miller stated that yes, they would be parked overnight and on weekends and gone during work hours.
- Commissioner Henney questioned if this could create a conflict for parking for the adjacent building. Patrick Scherrer and Patrick Meehan both stated it could.
- Commissioner Henney questioned if vehicle maintenance will be done on the site. Wes Cranton, Vice President of Medspeed, stated it would be done off-site. Mr. Cranton further

explained that parking will be piggy-backed between the employee's personal vehicles and the work vehicles, which is common practice for the business.

- Mayor Miller questioned if there will be any storage in the building. Mr. Cranton stated it would only be for a couple of hours, nothing long term. Mayor Miller further questioned if there will be biohazardous materials stored in the building overnight. Mr. Cranton stated there would not.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve a Site Plan Application for property located at 317 W. Market Street, subject to Patrick Meehan's January 15, 2009 memorandum to the Plan Commission which states:

- Under the provisions of Section 315-48(J) of the City Zoning ordinance, Meehan & Company, Inc. recommends that the Plan Commission allow the proposed warehousing use to provide the proposed ten (10), existing, outdoor, off-street parking spaces rather than the 18 required by Section 315-481, Table 5 of the Zoning Ordinance provided that additional company-owned vehicle parking be provided in the building should an overflow parking situation occur.
- Installation of the required landscape bufferyard of an intensity factor of 2, as set forth in Table 10 of the City Zoning Ordinance.
- A Landscape Plan shall be submitted for the required bufferyard. This Landscape Plan may be indicated on the face of a revised Site Plan submitted to the City.
- 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 shall be submitted to the City.
- A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire shall be submitted to the City.
- 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 shall be submitted to the City. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- Exterior lighting in the M-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). The maximum permitted luminaire height shall be 30 feet as measured from surrounding grade to the bottom of the luminaire.
- The site size needs to be indicated on a revised Site Plan.

- That, if deemed necessary by the City's Engineer, that a grading plan or other indication of proposed topography will be submitted along with a stormwater management plan and calculations.
- The height of the existing building (in feet and stories) needs to be indicated on a revised Site Plan.

Roll Call Ayes: Vos, Rauch, Eisenhardt, Lynch and Henney. Nays: None Motion carried 5-0.

OTHER MATTERS

None.

ADJOURNMENT

Alderman Rauch moved and Commissioner Henney seconded to adjourn the meeting at 5:43 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
February 3, 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, Tom Vos, Jeff Fischer, Steve Rauch
Excused: Jim Prailes, Katie Simenson Staff present: Assistant to the Administrator Megan Johnson, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, City Administrator Kevin Lahner, Attorney Tom Kircher, Treasurer Bridget Lois, Department of Public Work Streets and Parks Division Larry Gobel, Police Chief Scot Eisenhauer. High School Students Bonit Gill, Xin Lei Wang

2. Citizen Comments

No Comments

3. Approval of Minutes

A motion was made by Hintz, seconded by Rauch, to approve the January 20, 2009 Committee of the Whole Minutes. With all in favor, the motion carried.

4. Resolution 4301(71) "A resolution to consider approving the purchase of a new Police Department Parking Control Vehicle for the total of \$20,773 plus set-up, title and license fees"

No Comments

5. Resolution 4302(72) "A resolution to consider an initial resolution declaring intent to exercise special assessment powers under §66.0703 for reconstruction of sidewalks on streets associated with the 2009 Street Improvement Program and various locations in the city where complaints have been received"

No Comments

6. Resolution 4303(73) "A resolution to consider approving Amendment Number One to the Employment Agreement for the City Administrator to extend the term for three years"

No Comments

7. Ordinance 1878(20) "An ordinance to consider approving an ordinance to repeal prior ordinances regarding the salaries of elected officials and working conditions of appointed officials and non-represented employees of the City of Burlington"

Hintz questioned if the ordinance was repealed would the one that is in effect right now still be in effect through 2009? Kircher explained that once the resolution is passed, the date of repeal would be effective on the date the resolution is adopted through January 1, 2012.

8. Resolution 4304(74) "A resolution to consider approving a resolution providing for the salaries of elected officials and working conditions of appointed officials and non-represented employees of the City of Burlington"

Lahner gave a Power-Point presentation as an explanation of Resolution 4304(74). He stated that there are some significant changes in policy. Previously, ordinances were in effect that ran for three years and the language mirrored the bargaining contracts. It was determined that the employment conditions for non-represented employees and elected officials should not be part of the City Code but rather be governed by a resolution. Lahner stated that the most significant change would be to the pay system from a current automatic increase to a

9. **Motion 09-645** "A motion to consider denying a Notice of Claim from Adrienne Prince"

Rauch questioned what the amount was they were asking for compensation? Mayor Miller thought the amount was \$1400-\$1500.

10. **Other Matters**

None

11. **Adjourn**

A motion was made by Vos, seconded by Rauch to adjourn. With all in favor, the meeting adjourned at 7:10 p.m.

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



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Meeting Date: February 18, 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 February 18, 2009

Total Prepays: \$ 105,804.65

Total Vouchers: \$ 93,341.91

Reimbursements: \$ 618.43

Grand Total: \$ 199,764.99

Executive Action:

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$199,764.99 at the February 18, 2009 Council meeting.



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Meeting Date: February 18, 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 February 18, 2009 are as follows:

Licenses Recommended for Approval

Operator's Licenses

Dorrington, Michelle A.

Gilbertson, Joyce E.

Hammiller, Josh W.

Just, Sheila M.

Change of Agent

Name: Bajramovic, Sanel

Trade Name: Pizza Hut

Address: 940 Milwaukee Avenue

Executive Action:

Staff recommends the Common Council accept the presented licenses at the February 18, 2009 Council meeting.