



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, May 19, 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 May 5, 2009. (*P. Hintz*)
6. Letters and Communications: None
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports: 1 – 6: (*T. Vos*)
 - Report 1 – Community Development Authority minutes, September 2, 2008
 - Report 2 – Police & Fire Commission minutes, March 4, 2009
 - Report 3 – Community Development Authority minutes, March 31, 2009
 - Report 4 – Community Development Authority minutes, April 8, 2009
 - Report 5 – Plan Commission minutes, April 14, 2009
 - Report 6 – Committee of the Whole minutes, May 5, 2009

9. Payment of Vouchers. (*S. Rauch*)
10. License and Permits. (*K. Simenson*)
11. **APPOINTMENTS AND NOMINATIONS** (*J. Fischer*)
 - A. Appoint Peter Turke to the Park Board, term expiring 5/1/2012, to replace Heather Kane-Terhorst.
 - B. Appoint Chris Reesman to Plan Commission, term expiring 5/1/2012, to replace Robert Schulte.
12. **PUBLIC HEARINGS**
 - A. A Public Hearing to consider amending Section 315-27F, “Building Height”, in the B-2 Central Business District and Sections of Appendix “A” of Chapter 315, “Zoning”, of the City of Burlington Municipal Code to increase the maximum allowable building height to 60 feet. (*R. Prailes*)
13. **RESOLUTIONS**
 - A. Resolution 4326(2) to consider approving a petition to the Secretary of Transportation for Airport Improvement Aid to conduct a comprehensive zoning study. This item was discussed at the May 5, 2009 Committee of the Whole meeting. (*E. Johnson*)
14. **ORDINANCES**
 - A. Ordinance 1880(1) to consider amending the Municipal Code of Burlington to repeal Section 14-2, Economic Development Committee and Section 14-3, Downtown Executive Team. This item was discussed at the May 5, 2009 Committee of the Whole meeting. (*J. Prailes*)
15. **MOTIONS**
 - A. Motion 09-650 to consider accepting the annual insurance renewal for liability and worker’s compensation coverage with Zarek Insurance. This item was discussed at the May 5, 2009 Committee of the Whole meeting. (*P. Hintz*)
16. **OTHER MATTERS AS AUTHORIZED BY LAW**

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

A. **Wis. Stats 19.85(1)(e)**, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

- To consider the acquisition of property for the Downtown Redevelopment Project.

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

1. Consideration on recommendations from the City Council.

19. **ADJOURNMENT** (*K. Simenson*)

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

**City of Burlington
Official Proceedings
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
Police Department Courtroom
May 19, 2009**

1. Call to Order-Roll Call

Mayor Miller called the meeting to order at 7:28 p.m. starting with roll call. Present were: Aldermen: Robert Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Jeff Fischer, Steve Rauch, Katie Simenson and High School Students Bonit Gill and Tony Wang. Excused: Tom Vos.

Staff present: City Administrator Kevin Lahner, Department of Public Works, Utility Supervisor Connie Wilson, Fire Chief Dick Lodle, Attorney Tom Kircher, Police Chief Scot Eisenhower, Department of Public Works Streets and Parks Division Larry Gobel, Treasurer Bridget Lois, Building Inspector Patrick Scherrer, Tom Foht of Kapur Engineering and Attorney Alan Marcuvitz.

2. PLEDGE OF ALLEGIANCE

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

3. ADJOURN INTO CLOSED SESSION

A motion was made by Fischer with a second by Jim Prailes to convene into closed session per Wisconsin Statutes 19.85(1) (e) for deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer and Simenson Closed session began at 7:35 p.m.

RECONVENE INTO OPEN SESSION

A motion was made by Fischer with a second by Bob Prailes to reconvene into open session. With all in favor the motion carried and council returned to open session.

ACTION FROM CLOSED SESSION

A motion was made by Rauch to authorize Mayor Miller, City Administrator Lahner, Attorney Tom Kircher, Attorney Alan Marcuvitz to negotiate and sign the contract in line with the memo dated May 19, 2009 that had been received by council. Hintz seconded the motion. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer and Simenson Nays: None Motion carried 7-0;

4. CITIZEN'S COMMENTS

None

5. CHAMBER OF COMMERCE REPRESENTATIVE

Mr. Darrell Davis of CPI reminded council members of the "Business after Hour" to be held at Cooperative Plus headquarters, 638 South Kane Street on Thursday, May 21, 2009 at 7:00 p.m.

6. APPROVAL OF MINUTES

A motion was made by Hintz and seconded by Jim Prailes to approve the minutes of May 5, 2009. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch questioned the mowing along the right-of-way of Highway 83 by the Wastewater Treatment Plant. Gobel felt that if they would make one pass along the road as the DOT does that it should be sufficient.

Johnson requested an update on the progress of the repair at the railroad crossing on Jefferson Street. Gobel stated that at this time only the rails were being replaced and not the bump at the crossing. Gobel stated his disappointment with the repair crew working in that area that the bump was not fixed. He has requested that the railroad expedite the rest of the repairs at the Jefferson Street Crossing. Gobel then gave an update to council and mayor on the street program.

8. REPORTS 1-6

A motion by Rauch to accept Reports 1-6 with Johnson seconding the motion. All in favor, the reports were accepted as presented and the motion passed.

9. VOUCHERS

Rauch motioned to approve the payment of Pre-paids (\$159,370.37), Vouchers (\$198,491.06) and Reimbursements (\$840.54) for a total of \$358,701.97 with a second by Simenson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer, Simenson. Nays: 0. Motion carried 7-0.

10. LICENSES AND PERMITS

Simenson motioned to approve the licenses as presented. Jim Prailes seconded the motion and with all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Fischer and a second by Jim Prailes to approve the appointment of Mr. Peter Turke to the Park Board and Mr. Chris Reesman to the Plan Commission. Rauch stated his concern with the appointment of an individual to the Plan Commission whose company stands to make millions from projects in the city. Simenson stated that she had the same concern and felt it was a conflict of interest. Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Fischer Nays: Rauch and Simenson Motion carried 5-2.

12. PUBLIC HEARING

"A PUBLIC HEARING TO CONSIDER AMENDING SECTION 315-27F,"BUILDING HEIGHT", IN THE B-2 CENTRAL BUSINESS DISTRICT AND SECTIONS OF APPENDIX "A" OF CHAPTER 315, "ZONING" OF THE CITY OF BURLINGTON MUNICIPAL CODE TO INCREASE THE MAXIMUM ALLOWABLE BUILDING HEIGHT TO 60 FEET" Public Hearing was opened at 7:55 p.m. A motion was made by Bob Prailes to close the public hearing. Hintz seconded the motion and with all in favor, the public hearing closed at 7:56 p.m.

13. RESOLUTIONS ADOPTED

RESOLUTION 4326(2) "A RESOLUTION TO CONSIDER APPROVING A PETITION TO THE SECRETARY OF TRANSPORTATION FOR AIRPORT IMPROVEMENT AID TO CONDUCT A COMPREHENSIVE ZONING STUDY" A motion was made by Johnson to adopt Resolution 4326(2) with a second by Simenson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer, Simenson Nays: None Motion carried 7-0.

14. ORDINANCES ADOPTED

ORDINANCE 1880(1) "AN ORDINANCE TO CONSIDER AMENDING THE MUNICIPAL CODE OF BURLINGTON TO REPEAL SECTION 14-2, ECONOMIC DEVELOPMENT COMMITTEE AND SECTION 14-3, DOWNTOWN EXECUTIVE TEAM" Jim Prailes motioned to adopt Ordinance 1880(1) with a second by Johnson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer, Simenson Nays: None Motion carried 7-0.

15. MOTIONS ADOPTED

MOTION 09-650 "A MOTION TO CONSIDER ACCEPTING THE ANNUAL INSURANCE RENEWAL FOR LIABILITY AND WORKER'S COMPENSATION COVERAGE WITH ZAREK INSURANCE" A motion was made by Hintz to adopt Motion 09-650 with a second from Simenson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer, Simenson Nays: None Motion carried 7-0.

16. OTHER MATTERS AS AUTHORIZED BY LAW

Mayor Miller reminded the council that they would be walking in the Memorial Day Parade.

17. ADJOURNMENT

A motion was made by Fischer with a second by Bob Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 7:59 p.m.

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



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

Meeting Date: May 19, 2009

Resolution No.

Subject: Reports 1 - 6

Ordinance No.

Submitted By: Beverly R. Gill, City Clerk

Motion:

Department: City Clerk's Office

Other: Reports

Details:

Attached please find the following reports:

- Report 1 – Community Development Authority minutes, September 2, 2008
- Report 2 – Police & Fire Commission minutes, March 4, 2009
- Report 3 – Community Development Authority minutes, March 31, 2009
- Report 4 – Community Development Authority minutes, April 8, 2009
- Report 5 – Plan Commission minutes, April 14, 2009
- Report 6 – Committee of the Whole minutes, May 5, 2009

Executive Action:

Staff recommends that the Council accept these reports at the May 19, 2009 Common Council meeting.

**Community Development Authority
Regular Meeting, September 2, 2008 at 5:30 p.m.
Council Chambers**

Chairman Bil Scherrer called the regular meeting of the Community Development Authority to order at 5:30 p.m. with the following in attendance: Mayor Robert Miller, Mr. Jim Spiegelhoff, Ms. Judy Lemieux, Mr. Jim Peterson and Alderman Jeff Fischer. Absent: Jack Eckola Also in attendance were City Administrator Kevin Lahner and Mr. Chris Schanz of RCEDC.

APPROVAL OF MINUTES

Lemieux motioned and Spiegelhoff seconded to approve the minutes from the May 6, 2008 meeting. All were in favor and the motion carried.

OLD BUSINESS

Schanz of RCEDC led the discussion on the 200 Bridge Street Project. Due to the fact Attorney Kircher was not at the meeting, it was felt that he would have been able to provide the best update on the project. Lahner stated that it had already been discussed regarding a list of possible people to take over the project. The first person on the list of possibilities did not work out and at this time, they have moved on to the second person listed. If necessary, the city will have the ability to act on the property once the building permit expires in December of 2008.

An update was given on the grant status of the Bel-Mur Site. The City of Burlington had an original grant of \$223,538.00 of which at this time the city has been reimbursed \$178,379.48 with a balance of \$45,158.52. The grant is due to expire on December 4, 2008 with the remaining monies to be spent by that date. Because there is now a project for that site, installation of the infrastructure would be an appropriate use for the balance of the money. No action was required by the CDA at this time.

NEW BUSINESS

Schanz gave a Powerpoint presentation on the Historic Preservation Commission on the benefits of the HPC to the downtown area. It was explained that the CDA authorizes the Façade Grants and the CDA should be aware of the buildings that had benefited. Mr. Don Vandesand of the Burlington Historical Society provided several photographs that were used in the presentation.

Peterson made a motion to adjourn the meeting and Lemieux seconded. With all in favor, the meeting adjourned at 5:47 p.m.



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



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
March 4, 2009**

Call to Order and Roll Call:

The meeting was called to order at 6:30 p.m. by Vice President John Hotvedt. Present were Commissioners John Hotvedt, Pat Spiegelhoff, Barbara Kopack-Hill and Ron Patla.

Excused: Tom Pringle,

Also present was Police Chief Scot Eisenhauer and Fire Chief Dick Lodle.

Public Comments: None

Approval of Minutes: A motion was made by Spiegelhoff and seconded by Hotvedt to approve the minutes of February 4, 2009. With all in favor, the motion carried.

Fire Chief's Report

- a. Chief Lodle presented the Fire Department annual report.
- b. Chief Lodle reported the new fire engine is being prepared for duty.

Police Chief's Report:

Chief Eisenhauer advised the commission that he has selected candidate Jodi Borchardt as a probationary police officer following the successful completion of her post conditional offer of employment testing, and he requested final Police and Fire Commission approval pursuant to section 3.18 of the Rules and Regulations of the Commission. Commissioner Hotvedt moved to approve the chief's selection, seconded by Commissioner Spiegelhoff. Commissioner Kopack-Hill said she intended to abstain from the vote as she joined the commission after selection proceedings involving this candidate were completed and she knows nothing about her. Commissioners in favor were Hotvedt, Spiegelhoff and Patla. Abstain, Kopack-Hill. Motion carried.

Police and Fire Commission Business: None

Commissioner Spiegelhoff moved and Commissioner Patla seconded to adjourn. All were in favor and the motion carried. The meeting was adjourned at 7:02 p.m.

Secretary,

Ronald V. Patla

COMMUNITY DEVELOPMENT AUTHORITY
Special Meeting
March 31, 2009
5:30 p.m.
Council Chambers

Chairman Bil Scherrer called the meeting to order at 5:30 p.m. with the following in attendance: Mayor Robert Miller, Aldermanic Representative Jeff Fischer, Mr. Jack Eckola, Mr. Jim Spiegelhoff, Mr. Jim Peterson and Ms. Judy Lemieux. Also in attendance were Alderman Ed Johnson, Assistant to the Administrator Ms. Megan Johnson, Attorney Tom Kircher, Alderman Katie Simenson, Mr. Tom Foht of Kapur Engineering, City Administrator Kevin Lahner, Ms. Linda Fellenz of LF Green, Alderman Jim Prailes, Alderman Tom Vos, Alderman Peter Hintz, Alderman Bob Prailes, Larry Gobel of the Department of Public Works and Ms. Andrea Roschke of Michael, Best and Fredrich Law Firm.

CITIZEN COMMENTS

None

Presentation by City Administrator

City Administrator Kevin Lahner gave a presentation on the conceptual development plans for the proposed hotel and retail shops on Dodge and Chestnut Streets. The Developer's Agreement includes an obligation by the city to acquire and remediate the sites. It also includes provisions for the guarantee of performance as well as financial guarantees before the city would acquire title to any of the properties. The administrator stated that the hotel would be going forward first followed by the retail area and parking structure. Attorney Kircher stated that the time-lines are very tight on the projects.

Alderman Fischer questioned if the 3.5 million in bonds was for the one project or all of them and if any of the grant money would be used to reduce the amount of bond money needed? Attorney Kircher stated that it was one 3.5 million Bond for all the projects and the grant money could be used to reduce the bond amount.

Mr. Brad Spiewak, 261 East Chestnut Street questioned how the value would be arrived at on the affected properties? City Administrator Lahner stated that it is based on the assessed value and is negotiable.

RESOLUTIONS

Resolution No. 94 "A resolution approving conceptual development plans with Burlington Hotel Group, LLC in the Downtown Redevelopment Area" Eckola motioned to adopt Resolution No. 94 and Peterson seconded the motion. Roll Call Ayes: Eckola, Lemieux, Miller, Fischer, Peterson, Spiegelhoff and Scherrer. Nays: None Motion carried 7-0

Resolution No. 95 "A resolution approving conceptual development plans with Burlington Core Upgrades, LLC in the Downtown Redevelopment Area" Fischer motioned to adopt Resolution No. 95 and Lemieux seconded the motion. Roll Call Ayes: Eckola, Lemieux, Miller, Fischer, Peterson, Spiegelhoff and Scherrer. Nays: None Motion carried 7-0

Resolution No. 96 "A resolution authorizing the Community Development Authority to adopt a Relocation Order for properties located in the Downtown Redevelopment Area" Peterson motioned to adopt Resolution No. 96 and Eckola seconded the motion. Roll Call Ayes: Eckola, Lemieux, Miller, Fischer, Peterson, Spiegelhoff and Scherrer. Nays: None Motion carried 7-0

ADJOURNMENT

Eckola made a motion to adjourn the meeting. Spiegelhoff seconded and with all in favor, the motion carried and the meeting adjourned at 5:53 p.m.



Beverly R. Gill

City Clerk

City of Burlington

Racine & Walworth County

COMMUNITY DEVELOPMENT AUTHORITY**April 8, 2009****5:30 p.m.****Fire House****165 West Washington Avenue**

Chairman Bil Scherrer called the meeting to order at 5:30 p.m. with the following in attendance: Mayor Robert Miller, Mr. Jeff Fischer, Mr. Jim Peterson, and Mr. Jim Spiegelhoff Excused: Ms. Judy Lemieux Absent: Mr. Jack Eckola Also in attendance: Business Finance Manager of RCEDC Ms. Carolyn Engel and City Administrator Kevin Lahner

APPROVAL OF MINUTES

A motion was made by Spiegelhoff to approve the minutes of the February 3, 2009 CDA Meeting. Peterson seconded the motion and with all in favor, the motion carried.

REVIEW AND APPROVAL OF A TID-RLF LOAN APPLICATION

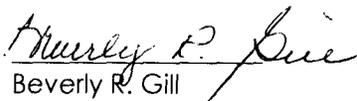
Ms. Engel explained that the loan application was from Mr. Gary Ketterhagen owner of Ketter's Flooring located at 257 Milwaukee Avenue. Mr. Ketterhagen had submitted an application to RCEDC for reimbursement for the exterior building façade and signage renovation. Ms. Engel stated that the building renovations during the summer of 2008 and expenses within nine months of the application were eligible under the TID-RLF. Ms. Engle further explained that the RCEDC Staff and Loan Committee have reviewed the application recommended approval of the \$21,425.00 loan.

Miller motioned to approve the loan application from Mr. Gary Ketterhagen of Ketter's Flooring, 257 Milwaukee Avenue in the amount of \$21,425.00. Spiegelhoff seconded the motion and with all in favor the motion carried.

Lahner requested that RCEDC provide more information to the local banks so this type of loan application can be promoted. Fischer questioned why banks would want to promote these loans? Lahner explained that it is an additional service the bank can provide while reducing the banks exposure to risk.

ADJOURNMENT

Fischer made a motion to adjourn the meeting. Spiegelhoff seconded and with all in favor, the motion carried and the meeting adjourned at 5:40 p.m.



Beverly R. Gill

City Clerk

City of Burlington

Racine & Walworth County

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
April 14, 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 Darrel Eisenhardt and Bob Henney were present. Burlington High School Representative Ashley Kennedy and Catholic Central High School Representative Lauren Celano were present. Commissioners John Lynch and Bob Schulte were excused. Town of Burlington Representative Phil Peterson was absent. Also present were Building Inspector/Zoning Administrator Patrick Scherrer, City Planner Patrick Meehan, and City Engineer Tom Foht.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Alderman Rauch seconded to approve the minutes of March 10, 2009. 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 submitted by H. James and Sons, Inc. for property located at 808 McHenry Street to use as a borrow pit for the Burlington Bypass project, Phase 2.

- Mayor Miller opened the Public Hearing at 6:32 p.m. There were no comments. Alderman Vos moved and Commissioner Eisenhardt seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use and Site Plan Application from H. James and Sons, Inc. for property located at 808 McHenry Street to use as a borrow pit for the Burlington Bypass project, Phase 2.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if the reclamation plan to restore the property has been finalized with property owner and SEWRPC. Mayor Miller stated they are currently working on the plan which may include a potential land swap.

- Patrick Scherrer questioned if a cash deposit should be required to insure the restoration will be completed. Alderman Vos agreed there should be some guarantee the land will be put back to the original state. Mayor Miller stated there is financial bonding in place to guarantee remediation.
- There were no further comments.

Alderman Vos moved and Commissioner Henney seconded to approve a Site Plan and Conditional Use permit for 808 McHenry Street, subject to Kapur and Associates' March 25, 2009 and Patrick Meehan's March 16, 2009 memorandums to the Plan Commission which state:

Based upon the foregoing analyses and findings, it is recommended that the Conditional Use Permit for the subject property be granted by the Plan Commission subject to the following conditions:

- The maximum borrow pit area shall be 5 acres.
- That the City Engineer determine whether the data and materials submitted by the applicant meet all requirements for the submittal of a restoration plan (including a final grading plan) and woodland mitigation plan.
- That prior to the issuance of the Conditional Use Permit, the woodland mitigation plan be submitted to City staff and that documentation (by letter to the City of Burlington from SEWRPC) be provided to the City that the woodland mitigation plan has been approved by SEWRPC.
- That a separate financial surety shall be posted with the City in a form acceptable by the City Attorney covering 125 percent of the implementation of the woodland mitigation (if not already covered by the financial bonding through Liberty Mutual as mentioned in the letter to the City from H. James and Sons, Inc. dated March 5, 2009). All of the requirements of Section 315 34G shall be met by the applicant with documentation of all required financial sureties which will enable the City to perform the planned restoration of the site in the event of default by the applicant.
- That the setbacks for the borrow pit (meeting the setback requirements of Section 315-15(C)(10) of the City Zoning Ordinance) be indicated on a Site Plan drawing of the subject property (as applicable to Brookview Avenue) and submitted to the City staff.
- Pursuant to the requirements of Section 315-137(C)(16) of the City Zoning Ordinance, stormwater management facilities (if any) and stormwater calculations (if required by the City Engineer) need to be submitted and reviewed and approved by the City Engineer.
- That a survey be taken after the restoration of the site to assure that the drainage and site has been adequately restored to prevent issues offsite.
- That a copy of the SEWRPC approval letter to clear, grub and remove borrow material from an environmental corridor shall be provided to the City prior to any construction activity.

OTHER MATTERS

- Commissioner Henney stated he has noticed complaints in the newspaper regarding trash scattered on commercial property and if the city can implement regulations on it. Mayor Miller stated Patrick Scherrer has been out recently working with the commercial properties to have their properties cleaned up. He further stated that it is typical after a winter to have debris in the yards after the snow melts. Patrick Scherrer stated he has spoken with property owners and given them ten days to clean up their properties.

ADJOURNMENT

Alderman Vos moved and Commissioner Eisenhardt seconded to adjourn the meeting at 6:40 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" and last name "Johnson" clearly legible.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
Police Department Courtroom
May 5, 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, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch and Katie Simenson Excused: Ed Johnson High School Students Present: Bonit Gill Excused: Tony Wang

Staff present: City Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Department of Public Works, Utility Supervisor Connie Wilson, Fire Chief Dick Lodle, Library Director Gayle Falk, Attorney Tom Kircher, Police Chief Scot Eisenhauer, Department of Public Works Streets and Parks Division Larry Gobel, Treasurer Bridget Lois, Building Inspector Patrick Scherrer, Accounts Payable Clerk Pat Solofra and Tom Foht of Kapur Engineering

2. Citizen Comments

No comments

3. Approval of Minutes

No minutes to be approved at this meeting

4. Presentation by Larry Gobel, Department of Public Works, Streets and Parks

Gobel introduced Mr. Chris Keefer, mechanic for the Department of Public Works to the mayor and council. He then gave a presentation pertaining to the accelerated purchase of four plow trucks. The purchase price is approximately \$700,000 and Gobel is proposing a lease-to-own option with payments being made over a four or five-year period. This would be similar to the purchase of one vehicle per year. He had anticipated the replacement of these vehicles individually over a four-year period but due to the onset of stricter emission regulations and available stimulus money, he felt that this would be a better option. He stated that Stimulus Funds have been applied for under the Diesel Emissions Reduction Act and he anticipated an answer in either May or June which could account for up to twenty-five percent of the cost.

Simenson stated that she would encourage the four-year plan as it could save \$13,000.00 annually.

Vos liked the rotating of purchases as it leveled out the costs. He was concerned whether maintenance logs were kept on the vehicles and he would feel more comfortable voting on the purchases if he could see the logs. Gobel stated that the maintenance logs were available for the vehicles.

Hintz questioned who does the maintenance with Gobel replying that the city's mechanic for the most part does the work.

Fischer wanted it clarified that the lease option was only a financing method. He felt the stimulus money was a significant reason to purchase at this time because of the anticipated savings. Gobel also stated that the lease option included the interest.

Mayor Miller polled the members whether the specifications should be drawn up for the purchase of all four vehicles at one time. The consensus of the members was to go forward with the specifications.

5. RESOLUTION 4323(93) "A RESOLUTION TO CONSIDER OPPOSING CHANGES TO THE WISCONSIN PREVAILING WAGE LAW"

The mayor explained this was in the Governor's Budget and could significantly impact municipalities by lowering the threshold for public works projects from the current amount of \$234,000 to \$2,000. An example was given that even the repair of city vehicles would even be affected by the prevailing wage for Racine County.

6. RESOLUTION 4325(1) "A RESOLUTION TO CONSIDER TASK ORDER NUMBER SIXTY-SEVEN FOR ENGINEERING SERVICES WITH THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT"

The mayor explained that the task order was for the design and specification preparation for Phase 2 and Phase 3. There is a deadline of June 30, 2009 for submitting the approval plans and specifications. Vos questioned the fifty percent figure regarding the stimulus money and what that meant to the city. Lahner explained that it would be fifty percent of the project costs.

Lahner explained that a team consisting of Connie Wilson, Bob Wilson and himself reviewed engineering services and chose Kapur and Donahue. Rauch questioned whether another engineering firm would have oversight over Kapur? Connie Wilson explained that Donahue would be doing the design work and Kapur would have the oversight.

Fischer questioned whether this would accelerate the timeline? Connie Wilson explained that this would be combining two phases into one to be eligible for the fifty percent grant. Lahner felt that it would be a year to two year difference.

7. RESOLUTION 4326(2) "A RESOLUTION TO CONSIDER APPROVING A PETITION TO THE SECRETARY OF TRANSPORTATION FOR AIRPORT IMPROVEMENT AID TO CONDUCT A COMPREHENSIVE ZONING STUDY"

The mayor explained that this was an ongoing issue and it was to apply for funding of certain airport improvements.

Simenson questioned whether this was ever on the agenda for the airport committee? Jim Prailes, a member of the airport committee stated that it had been talked about at their meeting.

Mr. Blane Schneider, 2900 Bieneman Road, Burlington, Wisconsin had received a letter in the mail and he requested a further explanation. Jim Prailes explained that it was a mailing from the State of Wisconsin Bureau of Aeronautics referencing zoning. He stated there is a reconstruction project on the runways that will be done this year, but there are no plans to extend the runways.

Jackie Schneider, 2900 Bieneman Road, Burlington, Wisconsin asked how to receive information every month as to what is going on at the airport in reference as to how many businesses are being run out of the airport. Lahner replied that he thought there are only three at this time. Ms. Schneider questioned the amount of taxes that they are paying? The mayor explained that they pay both personal property and leases. He also stated that this information is available, but he did not have that with him at this time.

Stan Heiligenthal, 800 Crestwood, Burlington, Wisconsin questioned who is doing the study and the cost of the project. Lahner stated that the study was requested by the BOA with the project being bid out and the cost was around \$30,000. Heiligenthal was also concerned

with the three mile radius that is being studied and when the study would become available. Lahner stated that typically this will take six months or more before it is available.

8. **RESOLUTION 4327(3) "A RESOLUTION TO CONSIDER VACATING A PORTION OF WASHINGTON STREET EAST OF DODGE STREET WITH THE REVERSION OF TITLE TO SUCHLAND TO THE CITY OF BURLINGTON"**

Mayor Miller explained that as part of the Downtown Redevelopment Plan, a portion of Washington Street between the Co-Op and McDonalds will be vacated and combined with the land to the north for the hotel parcel. Attorney Kircher explained that the city would be retaining an easement across the property. Vos questioned if the flooding issue in that area would be addressed at this time. Lahner explained that as part of the redevelopment project the property would be elevated. Jim Prailes questioned what effect the elevating of the property would have on McDonald's parcel. Lahner explained that there would be grading done to accommodate the elevations.

9. **ORDINANCE 1880(1) "AN ORDINANCE TO CONSIDER AMENDING THE MUNICIPAL CODE OF BURLINGTON REPEAL SECTION 14-2, ECONOMIC DEVELOPMENT COMMITTEE AND SECTION 14-3, DOWNTOWN EXECUTIVE TEAM"**

The mayor explained that Downtown Executive Team has not met for several years and the terms have expired for the members.

10. **MOTION 09-650 "A MOTION TO CONSIDER ACCEPTING THE ANNUAL INSURANCE RENEWAL FOR LIABILITY AND WORKER'S COMPENSATION COVERAGE WITH ZAREK INSURANCE"**

The mayor noted that Mr. Paul Zarek of Zarek Insurance was in the audience and was there to answer any questions. The mayor stated that overall, the premiums were being reduced by \$5,303.00 from last year. Simenson questioned the insured value of the DPW Building. Vos stated that it was the replacement cost that had to be considered for the insurance value.

11. **Other Matters**

None

12. **ADJOURNMENT**

A motion was made by Fischer and second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 7:37 p.m.

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



City of Burlington

City Hall - 300 N. Pine Street
Burlington, Wisconsin 53105-1460
Phone: (262) 763-7996 Fax: (262) 763-3474
www.burlington-wi.gov

Meeting Date: May 19, 2009

Subject: Vouchers and Prepaid Bill Payments

Submitted By: Bridget Lois, Treasurer

Department: Finance Office

Resolution No.

Ordinance No.

Motion:

Other: Vouchers & Prepaids

Details:

Attached please find the Voucher and Prepaid list for bills accrued through May 19, 2009

Total Prepaids:	\$ 159,370.37
Total Vouchers:	\$ 198,491.06
Reimbursements:	\$ 840.54
Grand Total:	\$358,701.97

Executive Action:

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$358,701.97 at the May 19, 2009 Council meeting.



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

Meeting Date: May 19, 2009

Subject: Licenses and Permits

Submitted By: Beverly R. Gill, City Clerk

Department: Clerk's Office

Resolution No.

Ordinance No.

Motion:

Other: Licenses

Details:

The alcohol license list for applications accrued through May 19, 2009 are as follows:

Licenses Recommended for Approval

Operator's Licenses

Ahmed, Shaikh Z.
Bartelson, Aimee M.
Bayer, Darlene R.
Becker, Katie M.
Briggs, Bert E.
Cannon, Linda J.
Dorrington, James E.
Erickson, Luke E.
Fischer, Darlene A.
Hall, Trischia B.
Hallett, Staci L.

Hansen, John R.
Klein, Steven E.
Lange, Krystal N.
Lois, Tara N.
Lust, Tammy L.
Lutz, Constance L.
May, Grant M.
McKuster, Krystal A.
Messick, Lindsay C.
Moe, Michael S.
Pesick, Kris M.

Popp, Vincent J.
Rynders, Heather L.
Schoelzel, Kathy M.
Sorensen, Dori S.
Stammers, Linda L.
Thomas, Tricia M.
Vyvyan, Christine M.
Wyma, Steven J.

Change of Agent

Name: Rebecca George
Trade Name: Pizza Hut
Address: 940 Milwaukee Avenue, Burlington

Executive Action:

Staff recommends the Common Council accept the presented licenses at the May 19, 2009 Council meeting.



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

Meeting Date: May 19, 2009

Resolution No.

Subject: Appointments and Nominations

Ordinance No.

Submitted By: Mayor Robert Miller

Motion:

Department: Mayor's Office

Other: Appointments

Details:

- A. Appoint Peter Turke to the Park Board, term expiring 5/1/2012 to replace Heather Kane-Terhorst.
- B. Appoint Chris Reesman to Plan Commission, term expiring 5/1/2012 to replace Robert Schulte.

Executive Action:

For appointment.

To: Mayor and Common Council
Date: May 12, 2009
From: Peter Turke
Re: Park Board appointment

My name is Peter Turke and I have lived in Burlington for 13 years. My wife Kathryn works at Lavelle Industries and we have four children ranging in age from 8 to 1. I have been a stay-at-home dad for the past 7 years, and appreciate the strong park system we have in the City of Burlington.

-Peter

Christopher M. Reesman
500 Park Ave., Burlington, WI 53105

- Graduated Burlington High School 1992
- B.S. Construction – University of Wisconsin - Madison 1997
- Associated Builders and Contractors – Wisconsin Chapter:
Benefits Committee Chair 2003-2004
Board Member 2005-2008
- Burlington Youth Soccer Coach 2006 to present.
- Vice President/Owner – Reesman's Excavating and Grading, Inc.
- Married to Jennifer Reesman 12 years, 4 children- Ages 10 to 1 years of age.
- St. Charles Church Member



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

Meeting Date: May 19, 2009

Resolution No.

Subject: Public Hearing to consider Ordinance 1881(2) to recommend approval to the Common Council to amend Section 315-27F "Building Height" in the B-2 Central Business District and sections of Appendix A to increase the maximum height limitation to sixty feet.

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 text amendment to increase the height limitation in the B-2 Central Business District from 35 feet to 60 feet.

As part of this amendment is it also necessary to amend Appendix A. While researching this section of the code it was discovered that both the B-1 Neighborhood Business District height limitations and all of B-2a Central Business Transition District were omitted from the appendix. This amendment will rectify that issue.

Executive Action:

This item is for a Public Hearing at the May 19, 2009 Common Council meeting.

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 **315-27F "BUILDING HEIGHT" IN THE B-2 CENTRAL BUSINESS DISTRICT, AND TO CORRECT APPENDIX A REGARDING BUILDING HEIGHT IN THE B-2 DISTRICT INCLUDING AMENDMENTS FROM PREVIOUSLY ADOPTED ORDINANCES IN THE B-1 AND B-2A DISTRICTS, ALL OF CHAPTER 315 "ZONING" OF THE CITY ZONING ORDINANCE TO ALLOW FOR TALLER BUILDINGS (60 FEET).** Currently, the maximum allowable building height in the B-2 Central Business District is 35 feet.

THIS ORDINANCE MAY HAVE THE EFFECT OF CHANGING THE ALLOWABLE USE OF THE PROPERTIES IN THE ZONING DISTRICTS LISTED ABOVE. 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, MAY 19, 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 28th day of April, 2009.

Beverly Gill, City Clerk

*Published in the Burlington Standard Press
April 30 & May 7, 2009*



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

Meeting Date: May 19, 2009

Resolution No.

Subject: Accepting an annual insurance renewal with Zarek Insurance.

Ordinance No.

Submitted By: Kevin Lahner, City Administrator

Motion: 09-650

Department: Administration Department

Other:

Details:

Zarek Insurance, the City's broker for several years, has obtained rates for our liability and worker's compensation lines of coverage. Overall the premiums for 2009-2010 are reduced by \$5,303 from last year. Property premiums increased by approximately \$2000; however property values were increased by \$2,496,083. Further, the worker's compensation quote from Zarek Insurance offers the City a 25% flat dividend at year end.

Staff recommends approval of the proposed renewal.

Executive Action:

This was discussed at the May 5, 2009 Committee of the Whole meeting and is placed on the May 19, 2009 Common Council meeting for consideration.