



## CITY OF BURLINGTON

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

# AGENDA COMMON COUNCIL Tuesday, July 21, 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, 1<sup>st</sup> District  
Edward Johnson, Alderman, 1<sup>st</sup> District  
Jim Prailes, Alderman, 2<sup>nd</sup> District  
Peter Hintz, Alderman, 2<sup>nd</sup> District  
Tom Vos, Council President and Alderman, 3<sup>rd</sup> District  
Steve Rauch, Alderman, 3<sup>rd</sup> District  
Katie Simenson, Alderman, 4<sup>th</sup> District  
Jeff Fischer, Alderman, 4<sup>th</sup> District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. **ADJOURN INTO CLOSED SESSION** (*E. Johnson*)
  - A. 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.
    - To discuss Collective Bargaining Agreements.
4. **RECONVENE INTO OPEN SESSION** (*J. Prailes*)
  1. Consideration on recommendations from the City Council.
5. Citizen Comments.
6. Chamber of Commerce Representative.
7. Approval of minutes for July 7, 2009. (*P. Hintz*)
8. Letters and Communications: (*T. Vos*)
  - A. A letter from Alderman Bob Prailes stating he will be absent from the July 21, 2009 meetings.
9. Reports by Aldermanic Representatives and Department Heads.
10. Reports: 1 – 2: (*S. Rauch*)
  - Report 1 – Plan Commission minutes, June 9, 2009.
  - Report 2 – Committee of the Whole minutes, July 7, 2009.

11. Payment of Vouchers. *(K. Simenson)*
12. License and Permits. *(J. Fischer)*
13. Appointments and Nominations: None.

14. **PUBLIC HEARINGS**

- A. A public hearing to hear comments and concerns regarding the denial of an Operator's License for Lynda K. Ayala and to appeal the denial. *(E. Johnson)*
- B. A public hearing to hear comments and concerns regarding the revocation and non-renewal of an Operator's License for Joshua Hurst and to appeal the denial. *(J. Prailes)*
- C. A public hearing to hear comments and concerns regarding a proposed Text Amendment to Section 315-104, Zoning Board of Appeals Variance Appeals and Applications and Section 315-106A(1), Zoning Board of Appeals Preservation of Intent of the Municipal Code. *(P. Hintz)*
- D. A public hearing to hear comments and concerns regarding a proposed Text Amendment to Section 315-70, Electric Signs of the Municipal Code. *(T. Vos)*
- E. A public hearing to hear comments and concerns regarding a proposed Text Amendment to sections of the Municipal Code regarding floodplains to adopt new Flood Rate Insurance Maps in portions of the city lying in Walworth County and align with State and FEMA mandated floodplain provisions. *(S. Rauch)*

15. **RESOLUTIONS**

- A. Resolution 4341(17) to approve a three year contract with M & I Bank for municipal depository banking services. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(K. Simenson)*
- B. Resolution 4342(18) to designate public depositories for the City of Burlington municipal funds. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(J. Fischer)*
- C. Resolution 4343(19) to approve Change Order Number Two with C.D. Smith Construction Inc. for extra work done on Phase One Modifications at the Wastewater Treatment Plant in the not-to-exceed amount of \$65,011. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(E. Johnson)*
- D. Resolution 4345(21) to approve the award of bid to purchase a 2009 John Deere roadside tractor/mower to Proven Power for the not-to-exceed amount of \$69,350. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(J. Prailes)*
- E. Resolution 4347(23) to approve Task Order Number Seventy with Kapur and Associates, Inc. for civil engineering services with the Kane Street repaving project in the not-to-exceed amount of \$43,811. This item was discussed at tonight's Committee of the Whole meeting. *(P. Hintz)*

**16. ORDINANCES**

- A. Ordinance 1884(5) to approve the creation of Section 22-7B of the Municipal Code to establish and set fees for non-criminal justice related services. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(T. Vos)*
- B. Ordinance 1885(6) to amend the Official Traffic Map by adding stop signs on N. Kendrick Avenue at Westridge Avenue and converting the existing yield signs to stop signs on Westridge Avenue at N. Kendrick Avenue. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(S. Rauch)*

**17. MOTIONS**

- A. Motion 09-654 to approve the 2008 Annual Audit as prepared by Patrick Romenesko. This item was discussed at the July 7, 2009 Committee of the Whole meeting. *(K. Simenson)*
- B. Motion 09-656 to approve engaging Ehlers and Associates, Inc. and Quarles & Brady, LLP to provide services necessary to designate the \$490,493 State Trust Fund Loan for equipment purchase as a Build America Bond under the American Recovery and Reinvestment Act of 2009, at a not-to-exceed cost of \$7,500. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*

**18. OTHER MATTERS AS AUTHORIZED BY LAW**

**19. ADJOURNMENT** *(E. Johnson)*

*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.*

Draft

City of Burlington  
Official Proceedings  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
Police Department Courtroom  
July 21, 2009

1. **Call to Order-Roll Call**

Mayor Miller called the meeting to order at 7:40 p.m. starting with roll call. Present were: Aldermen: Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch, Katie Simenson Excused: Bob Prailes

Staff present: Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Police Chief Scot Eisenhauer, DPW Mechanic Chris Keefer, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Accounts Payable Clerk Pat Solofra, Library Director Gayle Falk, Utility Supervisor Connie Wilson, Attorney Tom Kircher Also in attendance was Mr. Dave Wagner of Ehlers and Associates and Mr. Tom Foht of Kapur Engineering

2. **PLEDGE OF ALLEGIANCE**

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

3. **ADJOURN INTO CLOSED SESSION PER WISCONSIN STATUTES 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"**

A motion was made by Johnson with a second by Rauch to adjourn into closed session per Wisconsin Statutes 19.85(1)(c). With all in favor, the closed session began at 7:42 p.m.

4. **RECONVENE INTO OPEN SESSION**

A motion was made by Jim Prailes to reconvene into open session with a second by Hintz. With all in favor the open session began at 8:22 p.m.

5. **CITIZENS COMMENTS**

None

6. **CHAMBER OF COMMERCE REPRESENTATIVE**

None

7. **APPROVAL OF MINUTES FOR JULY 7, 2009**

Hintz motioned and Johnson seconded to approve the minutes from July 7, 2009. With all in favor, the motion carried.

8. **LETTERS AND COMMUNICATIONS**

Vos motioned and Rauch seconded to accept Communication "A". With all in favor, the motion carried.

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

Simenson was concerned with a crack in the street that has appeared on Herman Street. She had reported this to Kapur Engineering but had not heard back from them.

Vos reported that the doors on the bathroom at Maryland Avenue were in very poor shape and needed a coat of paint.

Johnson questioned when the railroad crossing at Jefferson and Bridge Street will be repaired to eliminate the "bump". Lahner replied that there has not been an update from the railroad regarding this but the city will try to make contact with them.

**10. REPORTS 1-2**

A motion was made by Rauch with a second by Hintz to approve Reports 1-2. With all in favor, the motion carried.

**11. PAYMENT OF VOUCHERS**

A motion was made by Simenson with a second by Hintz to approve Pre-paids (\$542,948.62), Vouchers (\$158,528.51), Reimbursements (\$106.29) for a grand total of \$701,583.42 Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**12. LICENSES AND PERMITS**

A motion was made by Fischer with a second by Simenson to approve the amended License List to move a denial of an Operator's License for Ms. Paula Rein to an approval. With all in favor, the amended list was approved.

**13. APPOINTMENTS AND NOMINATIONS**

None

**14. PUBLIC HEARINGS**

**A. PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING THE DENIAL OF AN OPERATOR'S LICENSE FOR LYNDAY K. AYALA AND TO APPEAL THE DENIAL** Prior to the beginning of the two public hearings regarding denied Operator's Licenses, the city attorney gave direction to council regarding what needed to be considered at the hearing.

Ms. Lynda K. Ayala appeared before council regarding the denial of her Operator's License. She stated that she has turned her life around and would like to maintain employment at Hansen's Pine Street Market and be a productive citizen. The following individuals attesting to her good character appeared also at the hearing: Ms. Pat Hahn, Mr. Dennis Rosschein, Ms. Voncile Reesman and Mr. Jack Reesman.

Simenson questioned if there was a statute of limitations on the charges and if perhaps she was beyond the time period. Chief Eisenhower stated that only through a pardon would the charges be expunged and then could the license be issued.

Attorney Kircher stated that the state statutes do not allow issuance of an Operator's License with these charges.

Vos then questioned what the purpose of the hearing would be if the license would have to be denied. Attorney Kircher stated that it was part of the appeal process.

Chief Eisenhower stated that there was another option for her to maintain her job and that would be to always be working with a licensed operator on the premises.

A motion was made by Rauch to approve the Operator's License for Lynda K. Ayala with a second by Hintz. Roll Call Yes: Johnson No: Hintz, Rauch, Fischer, Simenson Present: Jim Prailes, Vos Motion failed, license denied.

**B. A PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING THE REVOCATION AND NON-RENEWAL OF AN OPERATOR'S LICENSE FOR JOSHUA HURST AND TO APPEAL THE DENIAL** The public hearing began at 8:57 p.m. with Mr. Joshua Hurst present along with Attorney Bret Ekes.

Attorney Bret Ekes did not agree with the interpretation of the law by the city attorney citing the Fair Employment Act which prohibits discrimination. He also felt that his client did not fit the definition of habitual offender as the incidents were two years apart. He reminded council that Mr. Hurst had these records when council had approved prior licenses with renewals. A letter from Mr. Hurst's doctor was also distributed to council to be part of the record.

Ms. Marsha Stoner spoke on Hurst's behalf stating that she has known him all her life and she felt he has taken his punishment and now has a respectable job. She stated that she hoped the council would not take away his livelihood.

Ms. Tanya Peterson the employer of Mr. Hurst spoke favorably of him and said that he was very trustworthy and a conscientious employee.

Mr. Hurst discussed his health condition and the bad choices he had made in trying to deal with his condition. He stated that he no longer will allow that to happen and would like a chance to continue his employment.

Simenson questioned if any of the charges were alcohol related? Attorney Ekes stated that they were not.

Vos was concerned if there was any latitude in this license appeal as it was not felony related. Attorney Kircher stated that there was latitude in this situation. Vos also questioned the Police Chief if there had been any instances in Mr. Hurst's current employer? The chief stated that there had been no instances.

Hintz was concerned with driving a car when Mr. Hurst knew he did not have a license. Hurst stated that he agreed it was wrong and that it would no longer continue.

Johnson requested direction from the city attorney at this time. Attorney Kircher stated that there were two convictions and it was up to council to determine if they should be considered "habitual" and the relationship of the offense to the type of job.

Chief Eisenhower felt that it comes down to judgment and responsibility and this individual told the chief that he felt that marijuana should be legalized.

Mary Hurst, Joshua's mother told the council that there is nothing wrong with his judgment as long as he is receiving his proper medication.

Vos felt that this was an unusual situation and Mr. Hurst should be given a second chance. Jim Prailes was in agreement with Vos.

Fischer's concern was that proper medical treatment would be continued and that with his current job he would make enough money to be able to afford the proper medication. Mr. Hurst assured him that he would no longer be using the illegal drugs for his treatment and he is being monitored for this issue.

A motion was made by Rauch to approve the license with a second by Jim Prailes  
Roll Call Yes: Johnson, Jim Prailes, Vos, Rauch, Fischer, Simenson No: Hintz Motion carried 6-1

At this time Attorney Kircher requested that the Linda K. Ayala Application be reconsidered. He stated that there was a misinterpretation of the law and a new vote could be taken at the discretion of council. Attorney Kircher apologized to Ms. Ayala, Council and the Police Chief.

Rauch motioned to reconsider the Operator's License for Linda K. Ayala with a second by Hintz. All were in favor and the motion carried.

Rauch motioned to approve the Operator's License for Linda K. Ayala with a second by Simenson Roll Call Yes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**C. A PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING A PROPOSED TEXT AMENDMENT TO SECTION 315-104, ZONING BOARD OF APPEALS VARIANCE APPEALS AND APPLICATIONS AND SECTION 315-106a(1), ZONING BOARD OF APPEALS PRESERVATION OF INTENT OF THE MUNICIPAL CODE** The mayor opened the Public Hearing at 9:35 p.m. There was no public comment. A motion was made by Hintz with a second by Vos to close the Public Hearing. With all in favor, the Public Hearing closed at 9:36 p.m.

**D. PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING A PROPOSED TEXT AMENDMENT TO SECTION 315-70, ELECTRIC SIGNS OF THE MUNICIPAL CODE** The mayor opened the public hearing at 9:36 p.m. There was no public comment. A motion was made by Vos with a second by Fischer to close the Public Hearing. With all in favor, the Public Hearing closed at 9:37 p.m.

**E. PUBLIC HEARING TO HEAR COMMNETS AND CONCERNS REGARDING A PROPOSED TEXT AMENDMENT TO SECTIONS OF THE MUNICIPAL CODE REGARDING FLOODPLAINS TO ADOPT NEW FLOOD RATE INSURANCE MAPS IN PORTIONS OF THE CITY LYING IN WALWORTH COUNTY AND ALIGN WITH STATE AND FEMA MANDATED FLOODPLAIN PROVISIONS** The mayor opened the Public Hearing at 9:37 p.m. There was no public comment. A motion was made by Rauch with a second by Fischer to close the Public Hearing. With all in favor, the Public Hearing closed at 9:38 p.m.

## **15. RESOLUTIONS ADOPTED**

**A. RESOLUTION 4341(17) "A RESOLUTION TO APPROVE A THREE-YEAR CONTRACT WITH M&I BANK FOR MUNICIPAL DEPOSITORY BANKING SERVICES"** A second reading and a motion to approve was made by Simenson with a second by Johnson to approve. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None. Motion carried 7-0.

**B. RESOLUTION 4342(18) "A RESOLUTION TO DESIGNATE PUBLIC DEPOSITORIES FOR THE CITY OF BURLINGTON MUNICIPAL FUNDS"** A second reading and motion to approve

was made by Fischer with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**C. RESOLUTION 4343(19) "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER TWO WITH C.D. SMITH CONSTRUCTION INC., FOR EXTRA WORK DONE ON PHASE ONE MODIFICATIONS AT THE WASTEWATER TREATMENT PLANT IN THE NOT-TO-EXCEED AMOUNT OF \$65,011"** A second reading and motion to approve was made by Johnson with a second by Simenson. Discussion: Vos questioned if this work had already been started and Ms. Wilson stated that it had not. Roll Call: Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**D. RESOLUTION 4345(21) "A RESOLUTION TO APPROVE THE AWARD OF BID TO PURCHASE A 2009 JOHN DEERE ROADSIDE TRACTOR/MOWER TO PROVEN POWER FOR THE NOT-TO-EXCEED AMOUNT OF \$69,350"** A second reading and motion to approve was made by Jim Prailes with a second by Simenson. Discussion: Vos questioned if there would be a trade-in or if the tractor would be sold outright? Keefer explained that it would be sold outright. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**E. RESOLUTION 4347(23) "A RESOLUTION TO APPROVE TASK ORDER NUMBER SEVENTY WITH KAPUR AND ASSOCIATES, INC. FOR CIVIL ENGINEERING SERVICES WITH THE KANE STREET REPAVING PROJECT IN TE NOT-TO-EXCEED AMOUNT O \$43,811"** A second reading and motion to approve was made by Hintz with a second by Jim Prailes. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**16. ORDINANCES ADOPTED**

**A. ORDINANCE 1884(5) "AN ORDINANCE TO APPROVE THE CREATION OF SECTION 22-7B OF THE MUNICIPAL CODE TO ESTABLISH AND SET FEES FOR NON-CRIMINAL JUSTICE RELATED SERVICES"** A second reading and motion to approve was made by Vos with a second by Rauch. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**B. ORDINANCE 1885(6) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP BY ADDING STOP SIGNS ON NORTH KENDRICK AVENUE AT WESTRIDGE AVENUE AND CONVERTING THE EXISTING YIELD SIGNS TO STOP SIGNS ON WESTRIDGE AVENUE AT NORTH KENDRICK AVENUE"** A second reading and motion to approve was made by Rauch with a second by Simenson Discussion: Johnson was concerned about the number of stop signs that are being added in the city. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**17. MOTIONS**

**A. MOTION 09-654 "A MOTION TO APPROVE THE 2008 ANNUAL AUDIT AS PREPARED BY PATRICK ROMENSKO, CPA"** A motion was made by Johnson with a second by Simenson to approve Motion 09-654. All were in favor, and the motion carried.

**B. MOTION 09-656 "A MOTION TO APPROVE ENGAGING EHLERS AND ASSOCIATES, INC AND QUARLES & BRADY, LLP TO PROVIDE SERVICES NECESSARY TO DESIGNATE THE \$490,493 STATE TRUST FUND LOAN FOR EQUIPMENT PURCHASE AS A BUILD AMERICA BOND UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AT A NOT-TO-EXCEED COST OF \$7,500"** A motion was made by Fischer to approve Motion 09-656 with a second by Hintz. Discussion: Vos questioned if the amount of the loan was to include the \$7,500? Lahner stated that the amount would be whatever the amount of the truck purchase. Lahner explained that this was a not-to-exceed

number and there would be a two-step process with the actual loan and loan commitment coming back to council. Vos stated that if the amount of the truck purchase is reduced that the amount of the loan would also be reduced. Lahner stated that was correct. Simenson understood that the \$7,500 was the fee for securing the loan and she questioned the interest rate. Lahner felt the interest rate would be around 2.6% when it is locked in. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 6-1

**18. OTHER MATTERS AS AUTHORIZED BY LAW**

None

**19. ADJOURNMENT**

A motion was made by Johnson and seconded by Hintz to adjourn the meeting. With all in favor, the meeting was adjourned at 9:50 p.m.

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



**CITY OF BURLINGTON**

**Administration Department**  
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|--|--------------------------------|
| <b>Common Council Agenda Item Number: 8A</b> | <b>Date: July 21, 2009</b>     |
| <b>Submitted By: City Staff</b>              | <b>Subject: Communications</b> |

**Details:**

Communication A – Alderman Robert Prailes will be unable to attend the July 21, 2009 Committee of the Whole and Common Council meetings.

**Financial Remarks:**

None.

**Executive Action:**

Staff recommends that the Council accept this communication at the July 21, 2009 Common Council meeting.

To: Mayor and Council

From: Bob Prailes

I will be out of town the week of July 20. I will not be attending the July 21, 2009 meetings.

Thanks,  
Bob Prailes

**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**June 9, 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, Chris Reesman and Bob Henney were present. Commissioner John Lynch was excused. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, Building Inspector/Zoning Administrator Patrick Scherrer, City Planner Patrick Meehan, and Alderman Robert Prailes.

**APPROVAL OF MINUTES**

Alderman Vos moved and Commissioner Eisenhardt seconded to approve the minutes of May 12, 2009. 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 James C. Filer on behalf of Our Savior Lutheran Church for property located at 417 S. Kane Street to expand a parking lot.**

- Mayor Miller opened this issue for discussion.
- Alderman Rauch questioned if the site plan requires a Professional Engineer stamp. Patrick Meehan stated they typically do not and in this case it is not required.
- Patrick Meehan stated there was a discrepancy between his memorandum and the City Engineers memorandum regarding the requirements of curb and gutter and drainage issues. He would like the applicant to refer to the City Engineer's memorandum for these items.
- There were no further comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to recommend approval of a Site Plan for 417 S. Kane Street, subject to Kapur and Associates' June 1, 2009 and Patrick Meehan's May 26, 2009 memorandums to the Plan Commission as follows:

- Minimum Size of Off-Street Parking Spaces: Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area. The proposed

Site Plan does not meet the 180 square feet area requirement for the 12 parking stalls labeled on the "Site Plan" as "122 COMPACT CAR STALLS." Therefore, the Site Plan needs to be revised accordingly and resubmitted to the City for City staff review for compliance.

- Minimum Required Width of Off-Street Parking Rows and Aisles: Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a single row and aisle of 90-degree parking spaces needs to be a minimum of 45 feet in width and a double row and aisle of 90 degree parking spaces needs to be a minimum of 65 feet in width. The proposed Site Plan does not meet these requirements for all of those parking stalls proposed in the northwest corner of the proposed parking lot expansion area. Therefore, the Site Plan needs to be revised accordingly and resubmitted to the City for City staff review for compliance.
- Parking for Persons with Disabilities: Pursuant to the requirements of Section 315-48(H) and Table 4 of the City Zoning Ordinance, off-street parking for persons with disabilities needs to be met and indicated on the Site Plan. As indicated earlier, a total of 79 off-street parking spaces is proposed and three (3) of those spaces are proposed for persons with disabilities. However, a total of four (4) such spaces is required. Therefore, one (1) additional space needs to be provided for persons with disabilities and the Site Plan needs to be revised accordingly and resubmitted to the City for City staff review for compliance.
- Minimum Required Landscaping Within Off-Street Parking Lots: Section 315-48(D)(5) of the City Zoning Ordinance requires that in parking lots serving 10 vehicles or more, landscape areas shall total not less than 5 percent of the surfaced off-street parking area (inclusive of both parking stalls and associated 3 drives) and that perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required 5 percent. Since a total of 11,473 square feet of additional asphalt paving is being proposed to accommodate the additional 58 off-street parking spaces, a total of 574 square feet of landscape area needs to be indicated on the Site Plan and perimeter landscaped areas adjacent to the off-street parking lot shall not be included. Therefore, the Site Plan needs to be revised accordingly and resubmitted to the City for City staff review for compliance. The calculations for these required area(s) also need to be provided by the applicant and indicated on the Site Plan indicating how those areas were calculated and determined by the applicant. In addition, Section 315-48(D)(5) also requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) off-street parking spaces (or fraction thereof) within the interior of the off-street parking area." Based upon the provision of 58 additional off-street parking spaces for the proposed uses, a minimum of four (4) canopy trees needs to be placed within the interior of the off-street parking areas of the proposed new parking lot areas. This requirement will need to be shown that it is met by the submission of a Landscape Plan. The Landscape Plan may be incorporated into the revised Site Plan and resubmitted to the City for City staff review for compliance.
- Minimum Required Landscape Material Size Requirements: Sections 315-48(D)(6)(b) and 315-52(H)(12) of the City Zoning Ordinance require that all landscape plant materials planted as either parking lot landscaping or as required bufferyards meet or

exceed the minimum plant material size standards set forth in Section 315-48(D)(6)(b) of the City Zoning Ordinance at time of installation. These requirements will need to be met by the Landscape Plan which needs to be submitted to the City.

- Outdoor Lighting Plans: Sections 315-137(25) and 315-35(H) of the City Zoning Ordinance indicate, in part, that a Lighting Plan (if any new outdoor lighting is proposed) meeting the following requirements shall be submitted to the City 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.
  - Exterior lighting in the I-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.
- Location of any proposed stormwater management facilities, including detention/retention area(s) noted on the site plan. Stormwater calculations which justify the stormwater detention/retention area(s) shall be submitted. Said submission shall indicate how the planned stormwater drainage system meets the requirements of the City's stormwater management plan.
- Applicability for storm water management practices follows Ordinance 270-5 of the Burlington Code. The ordinance requires 40,000 square-feet of impervious area to require stormwater management therefore Storm water management will not be required.
- Applicant provide silt fence trenching detail on the plan set. Silt fence should be installed per to Wisconsin Department of transportation or Wisconsin DNR standards. Provide sequencing notes on the plans covering silt fence placement, topsoil removal, any stockpiling, seeding and ground cover restoration.
- Provide WDOT Type B Inlet protection around the two existing catch basins.
- We recommend 4" of asphalt placed in lifts of 2 ¼" binder, with 1 ¾" surface over an 8" base course as opposed to 3" on 6".
- City Engineer's recommend that curb and gutter is not required for the parking lot as per city ordinance. Requiring curb & gutter to the site will concentrate runoff and require the installation of additional concrete structures. By eliminating the curb and gutter the water is directed to grass swale which will reduce water volume and increase water quality. The

swale is directed to an existing catch basin inlet in the yard which ties directly to the city storm sewer collection system in Gardner Avenue.

- The plan appears to show curb stop barriers at the end of each stall. The Final plan should clarify this issue and require a barrier at the end of each stall.

All in favor and the motion carried.

B. Consideration to recommend approval to the Common Council of an Extraterritorial Certified Survey Map for Kurt and Julie Petrie in the Town of Burlington.

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

Commissioner Eisenhardt moved and Commissioner Henney seconded to recommend approval of an ETZ Certified Survey Map for Kurt and Julie Petrie to the Common Council. subject to Kapur & Associate's May 20, 2009 and Patrick Meehan's May 26, 2009 memorandums to the Plan Commission as follows:

- Common Council, the Town of Burlington and Racine County approval the Certified Survey Map.
- The spelling of the word "street" be corrected in the zoning note on Sheet 1.

All in favor and the motion carried. This item will move on to the June 16, 2009 Committee of the Whole meeting.

### **OTHER MATTERS**

None.

### **ADJOURNMENT**

Alderman Vos moved and Commissioner Reesman seconded to adjourn the meeting at 6:36 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  
July 7, 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, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch, Katie Simenson

Staff present: Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Police Lieutenant Mark Anderson, Department of Public Works Supervisor Dick Pieters, DPW Mechanic Chris Keefer, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Accounts Payable Clerk Pat Solofra, Treasurer Bridget Lois. Also in attendance were Mr. Frank Tiefert of Applied Technologies and Mr. Patrick Romenesko, CPA

**2. CITIZENS COMMENTS**

None

**3. APPROVAL OF MINUTES FROM JUNE 16, 2009**

A motion by Rauch with a second by Simenson to approve the minutes of June 16, 2009. With all in favor, the motion carried.

**4. RESOLUTION 4341(17) "A RESOLUTION TO CONSIDER APPROVING A THREE YEAR CONTRACT WITH M & I BANK FOR MUNICIPAL DEPOSITORY BANKING SERVICES"**

Simenson questioned whether the proposed \$7,000 annual fee charged by M&I would be in addition to the current fees of \$16,000. Lois explained that the \$7,000 figure would be the total amount. Lois further explained that "Request for Proposals" had been sent out with a June 9, 2009 deadline. The three banks meeting this deadline were: Associated Bank, J.P. Morgan Chase Bank and M & I Bank. The proposals had been reviewed and rated according to their level of service offered. The current bank being used is Associated Bank, but the treasurer did not feel they had provided good customer service at the upper management level and were not innovative in services offered. It was recommended by staff to award the contract to M & I.

**5. RESOLUTION 4342(18) "A RESOLUTION TO CONSIDER DESIGNATING PUBLIC DEPOSITORIES FOR THE CITY OF BURLINGTON MUNICIPAL FUNDS"**

The mayor explained that this is a required annual process and only those institutions listed may have city money on deposit.

Fischer questioned why such a large list was being presented. The mayor explained that it was a benefit of the city to have the choices. Fischer also questioned if the city maintains some sort of a review on the credit worthiness of the institutions. Lois assured Fischer that this was being watched and some of those on the list could not provide all of the services.

**6. RESOLUTION 4343(19) "A RESOLUTION TO CONSIDER APPROVING CHANGE ORDER NUMBER TWO WITH C.D. SMITH CONSTRUCTION INC. FOR EXTRA WORK DONE ON PHASE ONE MODIFICATIONS AT THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$65,011"**

The mayor explained this change order was necessary because of unforeseen expenses.

**7. RESOLUTION 4344(20) "A RESOLUTION TO CONSIDER APPROVING THE AWARD OF BID TO LEASE-TO-OWN FOUR 2010 PLOW TRUCKS WITH DUMP BOXES TO PETERBUILT OF NORTHERN ILLINOIS FOR AN ANNUAL PAYMENT OF \$160,997.54 FOR A FOUR-YEAR TERM"**

Simenson was concerned with the purchases all being made at once and the fact these vehicles may have to be replaced at the same time in the future. Keefer explained that some of the vehicles would not be utilized all year and others only part of the year to extend their longevity.

Hintz asked how Peterbuilt was determined to be the best truck. Keefer replied it was the 2010 Emission Requirements; standardization of the Cummins Engine; the diagnostic equipment that the DPW already owns; familiarization of the Cummins Engines and fuel mileage. Keefer felt that Peterbuilt more closely met the specifications. Hintz was also concerned with the distance to travel for warrantee work.

Lahner stated that the best trucks for the DPW operation would be the MAC, but it was too expensive to be considered. He also mentioned that the lease payments quoted in the memo were probably a little higher as they were from the manufacturer and the city would probably be using the State Trust Fund to pay for the trucks and the interest would be more favorable.

Fischer asked if the truck were purchased outright would the purchase price be approximately \$600,000 minus the \$31,000 trade-in and would there be any stimulus funds available. Lahner said that was the correct price and they are working through the manufacturer for any stimulus funds.

Hintz stated that it might be better to buy outright and save the leasing costs. Lahner felt that it wouldn't be beneficial to buy outright because of how the Equipment Replacement Schedule is set up.

Vos suggested borrowing the money from the city 's general fund and saving on the interest cost. Simensen concurred with Vos. Lahner did not want to be put into that position where the city's reserves would fall below the twenty-five percent level which is the city's policy and a safety net.

Fischer suggested making a decision on the purchase of the trucks and a separate decision on the financing. Lahner said that was workable with the financing options brought back at the next meeting.

**8. RESOLUTION 4345(21) "A RESOLUTION TO CONSIDER APPROVING THE AWARD OF BID TO PURCHASE A 2009 JOHN DEERE ROADSIDE TRACTOR/MOWER TO PROVEN POWER FOR THE NOT-TO-EXCEED AMOUNT OF \$69,350"**

Vos questioned if there would be a trade-in? Keefer stated that the 1983 Ford Tractor would be sold outright.

**9. RESOLUTION 4346(22) "A RESOLUTION TO CONSIDER APPROVING THE ACCEPTANCE OF THE PUBLIC UTILITY INFRASTRUCTURE FOR RIVERVIEW VILLAGE APARTMENTS"**

Simenson questioned why there was so much water coming out of the new driveway for this project? Pieters replied that there is high ground water in the area and they were pumping against the river. He stated that this property is actually no different than other properties in the neighborhood.

10. **ORDINANCE 1884(5) "AN ORDINANCE TO CONSIDER APPROVING THE CREATION OF SECTION 22-7B OF THE MUNICIPAL CODE TO ESTABLISH AND SET FEES FOR NON-CRIMINAL JUSTICE RELATED SERVICES"**

The mayor explained that this ordinance refers to fingerprinting which is now being provided free while most municipalities charge for the service to at least recoup their costs. Many non-residents of the City of Burlington take advantage of this service because there is no charge.

Rauch questioned if this could be a free service for residents of the city? The mayor's recommendation would be the same fee charged to everyone.

11. **ORDINANCE 1885(6) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY ADDING STOP SIGNS ON NORTH KENDRICK AVENUE AT WESTRIDGE AVENUE"**

The mayor stated that staff had recommended denial but the consensus of council was in favor of the additional stop signs.

12. **MOTION 09-654 "A MOTION TO CONSIDER APPROVING THE 2008 ANNUAL AUDIT AS PREPARED BY PATRICK ROMENESKO"**

Patrick Romenesko, CPA gave a presentation on the 2008 Audit and reviewed the Management Letter.

13. **MOTION 09-655 "A MOTION TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR 557 MILWAUKEE AVENUE WITHIN THE HISTORIC DISTRICT"**

Simenson stated that it appeared the work was already going forward on 557 Milwaukee Avenue before the approval process was complete. Lahner explained the work had been started, but was given a stop order until Council consideration/approval.

14. **OTHER MATTERS**

No comments

15. **ADJOURNMENT**

A motion was made by Simenson with a second by Hintz to adjourn the meeting. With all in favor, the meeting adjourned at 7:45 p.m.

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



**CITY OF BURLINGTON**

**Finance Department**

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|--|---------------------------------------|
| <b>Common Council Agenda Item Number: 9</b>  | <b>Date: July 21, 2009</b>            |
| <b>Submitted By: Bridget Lois, Treasurer</b> | <b>Subject: Prepaids and Vouchers</b> |

**Details:**

Attached please find the Voucher and Prepaid list for bills accrued through July 21, 2009:

|                        |               |
|------------------------|---------------|
| <b>Total Prepaids:</b> | \$ 542,948.62 |
| <b>Total Vouchers:</b> | \$ 158,528.51 |
| <b>Reimbursements:</b> | \$ 106.29     |
| <b>Grand Total:</b>    | \$ 701,583.42 |

**Financial Remarks:**

**Executive Action:**

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$701,583.42 at the July 21, 2009 Council meeting.



## CITY OF BURLINGTON

City Clerk

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|  |                            |
|--|----------------------------|
| <b>Common Council Agenda Item Number:</b> 12     | <b>Date:</b> July 21, 2009 |
| <b>Submitted By:</b> Beverly R. Gill, City Clerk | <b>Subject:</b> Licenses   |

### Details:

The alcohol license list for applications accrued through July 21, 2009 are as follows:

#### Licenses Recommended for Approval

##### Operator's Licenses

Bellante, Frank J.  
Drew, Brooke N.  
Gilbertson, Joyce E.  
Grisham, Randal J.  
Hurst, Joseph A.  
Martin, Nicole M.  
Mather, Robin L.  
McKuster, James J.  
Moll, Amber L.  
Morrison, Marissa A.  
Pralle, Madison E.  
Puchalski, Trudi  
Pynaker, Debra S.

#### Licenses Recommend for Denial

##### Operator's Licenses

Rae, Paul M.  
Rein, Paula A.

### Financial Remarks:

None.

### Executive Action:

Staff recommends the Common Council accept the presented licenses at the July 21, 2009 Council meeting.



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|---|---|
| <b>Common Council Item Number: 14A</b>                | <b>Date:</b> July 21, 2009  |
| <b>Submitted By:</b> Kevin Lahner, City Administrator | <b>Subject:</b> Public Hearing for denial of an Operator's License for Lynda Ayala. |

**Details:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding the denial of an Operator's License for Lynda Ayala. Wisconsin State Statute 125.04(5) states applicants for Operator Licenses may not be issued a license if they have an arrest or conviction record describe in state statute 111.321, 111.322, 111.335 and 125.12(1)(b). WI state statute 125.12(3m) states that if the Council decides not to issue a license the applicant shall be given written notification and be given the opportunity to be heard before the Council if requested by the applicant in writing.

Ms. Ayala has requested in writing to come before the Council to appeal the denial of an Operator's License.

**Financial Remarks:**

None.

**Executive Action:**

This item is for a Public Hearing at the July 21, 2009 Common Council meeting.



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|   |  |
|---|--|
| <b>Common Council Item Number: 14B</b>                | <b>Date:</b> July 21, 2009   |
| <b>Submitted By:</b> Kevin Lahner, City Administrator | <b>Subject:</b> Public Hearing for revocation and non-renewal of an Operator's License for Joshua Hurst. |

**Details:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding the revocation and non-renewal of an Operator's License for Joshua Hurst. Chapter 187-16 of the Municipal Code states that before renewal of the license can be refused the applicant shall be given written notification and be given the opportunity to be heard before the Council if requested by the applicant in writing.

Mr. Hurst has requested to come before the Council to appeal the revocation and non-renewal.

**Financial Remarks:**

None.

**Executive Action:**

This item is for a Public Hearing at the July 21, 2009 Common Council meeting.



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
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|   |   |
|---|---|
| <b>Common Council Item Number: 14C</b>                      | <b>Date:</b> July 21, 2009                                      |
| <b>Submitted By:</b> Patrick Scherrer, Zoning Administrator | <b>Subject:</b> Text Amendment for Sections 315-104 and 315-106 |

**Details:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding text amendment to amend Sections 315-104 and 315-106 of the Zoning Ordinance under the Board of Zoning Appeals section. This amendment will reduce the amount of time to appeal a decision from the Zoning Administrator from 90 days to 30 days, as well as bring the code into compliance with current law in regards to preservation of intent with variances.

This text amendment was reviewed and recommended for approval by the Plan Commission at their July 14, 2009 meeting.

**Financial Remarks:**  
None.

**Executive Action:**  
This item is for a Public Hearing at the July 21, 2009 Common Council meeting.



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|   |   |
|---|---|
| <b>Common Council Item Number: 14D</b>                      | <b>Date:</b> July 21, 2009                        |
| <b>Submitted By:</b> Patrick Scherrer, Zoning Administrator | <b>Subject:</b> Text Amendment for Section 315-70 |

**Details:**

This Public Hearing is scheduled to hearing comments and concerns from the public regarding an ordinance to amend Section 315-70 of the Zoning Ordinance to modify regulations pertaining to electronic signs. The amendment will reduce the allowed size of electronic display area to 25% of the total sign and allow the signs to have full color. Currently the total display area can be 50% of the total sign and the allowed colors are tones and shades of white, red, yellow and amber. These changes will help to reduce visual disturbances for vehicles drivers.

This text amendment was reviewed and recommended for approval by the Plan Commission at their July 14, 2009 meeting.

**Financial Remarks:**

None.

**Executive Action:**

For Public Hearing at the July 21, 2009 Common Council meeting.



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|   |   |
|---|---|
| <b>Common Council Item Number: 14E</b>                | <b>Date:</b> July 21, 2009  |
| <b>Submitted By:</b> Kevin Lahner, City Administrator | <b>Subject:</b> Text Amendment regarding floodplains to adopt new Flood Rate Insurance Maps in portions of the city lying in Walworth County. |

#### Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding an ordinance to amend sections of the Zoning Ordinance that pertain to floodplain provisions and uses. In recent months FEMA has been working with the City and the DNR to update the Flood Insurance Rate Maps. This ordinance will reflect revised map numbers and dates for Walworth County, as well as specify the non-conforming use specifications. The amendments are a requirement by FEMA in the process of updating the Flood Insurance Rate Maps. This amendment is specific to areas of the city within Walworth County only.

This text amendment was reviewed and recommended for approval by the Plan Commission at their July 14, 2009 meeting.

#### Financial Remarks:

None.

#### Executive Action:

This item is for a Public Hearing at the July 21, 2009 Common Council meeting.