



**AMENDED AGENDA
COMMON COUNCIL
Tuesday, August 4, 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

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council and the Joint Common Council & Plan Commission meeting minutes from July 21, 2009. *(T. Vos)*
6. Letters and Communications: None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports: 1 – 3: *(S. Rauch)*
 - Report 1 – Burlington Housing Authority minutes, June 11, 2009.
 - Report 2 – Historic Preservation Committee, June 25, 2009.
 - Report 3 – Committee of the Whole minutes, July 21, 2009.
9. Payment of Vouchers. *(K. Simenson)*
10. License and Permits. *(J. Fischer)*
11. Appointments and Nominations: None.
12. **PUBLIC HEARINGS**
None.

13. **RESOLUTIONS**

- A. Resolution 4348(24) to approve an Extraterritorial Certified Survey Map for Art and Eileen Naber at 29929 Plank Road in the Town of Burlington. This item was discussed at the July 21, 2009 Committee of the Whole meeting. (*R. Prailes*)

14. **ORDINANCES**

- A. Ordinance 1886(7) to approve a 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. This item was discussed at the July 21, 2009 Committee of the Whole meeting. (*E. Johnson*)
- B. Ordinance 1887(8) to approve Text Amendment to Section 315-70, Electric Signs of the Municipal Code. This item was discussed at the July 21, 2009 Committee of the Whole meeting. (*J. Prailes*)
- C. Ordinance 1888(9) to approve 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. This item was discussed at the July 21, 2009 Committee of the Whole meeting. (*P. Hintz*)

15. **MOTIONS**

- A. Motion 09-657 to approve a Certificate of Appropriateness Application for 557 Milwaukee Avenue, within the Historic District. This item was discussed at tonight's Committee of the Whole meeting. (*T. Vos*)
- B. Motion 09-658 to approve a Certificate of Appropriateness Application and Sign Permit Application for 100 W. Chestnut Street, within the Historic District. This item was discussed at tonight's Committee of the Whole meeting. (*S. Rauch*)
- C. Motion 09-659 to approve a Sign Permit Application for 140 W. Chestnut Street, within the Historic District. This item was discussed at tonight's Committee of the Whole meeting. (*K. Simenson*)
- D. Motion 09-660 to approve a Sign Permit Application for 256 E. Chestnut Street, within the Historic District. This item was discussed at tonight's Committee of the Whole meeting. (*J. Fischer*)
- E. Motion 09-661 to approve a Sign Permit Application for 456 Milwaukee Avenue, within the Historic District. This item was discussed at tonight's Committee of the Whole meeting. (*R. Prailes*)

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

17. **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
August 4, 2009**

1. Call to Order-Roll Call

Mayor Miller called the meeting to order at 6:55 p.m. starting with roll call. Present were Aldermen: Robert Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson.

Staff present: Fire Chief Dick Lodle, Assistant to the Administrator Megan Johnson, Building Inspector Patrick Scherrer, Library Director Gayle Falk, Police Chief Scot Eisenhauer, Attorney Tom Kircher, Accounts Payable Clerk Pat Solofra, Department of Public Works Dick Pieters and Tom Foht of Kapur Engineering.

2. PLEDGE OF ALLEGIANCE

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

3. CITIZEN COMMENTS

No comments

4. CHAMBER OF COMMERCE REPRESENTATIVE

No representative was present

5. APPROVAL OF JULY 21, 2009 COMMON COUNCIL AND JOINT COMMON COUNCIL /PLAN COMMISSION MEETING

A motion was made by Vos with a second by Jim Prailes to approve the minutes of the July 21, 2009 meetings. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Simenson reported on a complaint that she had received on the train whistle. The mayor reminded council that the "quiet zone" was still in place. Vos thought the whistle noise was probably coming from the Spring Prairie Crossing and could be heard when the wind was in the right direction.

Simenson was also concerned with the number of walkers and joggers by the old water tower who choose to use the roadway rather than the sidewalk. Chief Eisenhauer stated that his department will address the issue when they observe this occurring.

Simenson reported the Health Department Meeting is encouraging those elected and appointed officials to attend a Disaster Preparedness Meeting either on September 30th or October 1st in Racine. The information on this training would be given to the city clerk to copy for the council members.

Simenson questioned how the financing for the hotel was progressing. The mayor stated that the city was still waiting for one last piece to be put into place. He further stated

that the Co-op has been given the go ahead to proceed with their new location. Simenson questioned this move and thought that she understood that everything had to be in place before moving forward. The mayor said that the land was going to be purchased whether or not this hotel project moved forward. Simenson said she was afraid of a repeat incident of another city owned parcel that did not develop as planned and she did not want that to happen. The mayor said this was a different set of circumstances and could discuss it with her after the meeting.

Vos questioned if the city would be borrowing the money to acquire this parcel. The mayor stated that the Community Development Authority of the City of Burlington would be doing the borrowing as it is their project.

Fischer questioned the police chief if there was a special two-hour parking permit for the downtown area. The chief stated that he is able to issue these permits under certain circumstances.

Scherrer reported that he was working on the final inspections for the Veteran's Terrace.

Vos commended Dick Pieters on the good job in getting the weeds cut around the street department building and on Highway 83. He said that a landscaping suggestion behind John's Main Event would be to add some pavers as anything other than that would never survive.

Dick Pieters reminded council members of the WWOA Conference that was to be held at the Wastewater Treatment Plant on the 12th of August with over 130 participants expected to attend.

Mayor Miller reported that it is unlikely the City of Burlington will receive the grant for Phase 2 and 3 of the Wastewater Treatment Plant. The city was ranked number 85 on the list and it was reported the money was gone by the time number 40 was reached.

8. REPORTS 1-3

A motion was made by Rauch with a second by Johnson to accept Reports 1-3. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Simenson with a second by Hintz to approve Pre-paids (\$1,213,147.91), Vouchers (\$570,744.68) and Reimbursements (\$601.29) for a grand total of \$1,784,493.88 Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson, Nays: None. Motion carried 8-0.

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARINGS

None

13. RESOLUTIONS ADOPTED

- A. RESOLUTION 4348(24) "A RESOLUTION TO APPROVE AN EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR ART AND EILEEN NABER AT 29929 PLANK ROAD IN THE TOWN OF BURLINGTON"** A second reading and a motion to approve was made by Bob Prailes with a second by Hintz to approve. Roll Call - Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson, Nays: None. Motion carried 8-0.

14. ORDINANCES ADOPTED

- A. ORDINANCE 1886(7) "AN ORDINANCE TO APPROVE A 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"** A second reading and motion to approve was made by Johnson with a second by Simenson Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson, Nays: None. Motion carried 8-0.
- B. ORDINANCE 1887(8) "AN ORDINANCE TO APPROVE TEXT AMENDMENT TO SECTION 315-70, ELECTRIC SIGNS OF THE MUNICIPAL CODE"** A second reading and motion to approve was made by Jim Prailes with a second by Simenson Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson, Nays: None. Motion carried 8-0.
- C. ORDINANCE 1888(9) "TO APPROVE 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"** A second reading and motion to approve was made by Hintz with a second by Johnson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson, Nays: None Motion carried 8-0.

15. MOTIONS

- A. MOTION 09-657 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR 557 MILWAUKEE AVENUE WITHIN THE HISTORIC DISTRICT"** A motion was made by Vos with a second by Hintz to approve Motion 09-657. With all in favor, the motion carried.
- B. MOTION 09-658 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN PERMIT APPLICATION FOR 100 WEST CHESTNUT STREET WITHIN THE HISTORIC PRESERVATION DISTRICT"** A motion was made by Rauch with a second by Hintz to approve Motion 09-658. With all in favor, the motion carried.
- C. MOTION 09-659 "A MOTION TO APPROVE A SIGN PERMIT APPLICATION FOR 140 WEST CHESTNUT STREET WITHIN THE HISTORIC PRESERVATION DISTRICT"** A motion was made by Simenson with a second by Rauch to approve Motion 09-659. With all in favor, the motion carried.

- D. **MOTION 09-660 "A MOTION TO APPROVE A SIGN PERMIT APPLICATION FOR 256 EAST CHESTNUT STREET WITHIN THE HISTORIC PRESERVATION DISTRICT"** A motion was made by Fischer with a second by Simenson to approve Motion 09-660. With all in favor, the motion carried.
- E. **MOTION 09-661 "A MOTION TO APPROVE A SIGN PERMIT APPLICATION FOR 456 MILWAUKEE AVENUE WITHIN THE HISTORIC PRESERVATION DISTRICT"** A motion was made by Bob Prailes with a second by Simenson to approve Motion 09-661. With all in favor, the motion carried.

16. OTHER MATTERS AS AUTHORIZED BY LAW

Vos questioned Phase 2 and 3 at the wastewater treatment plant and if this really needed to be done or was it proposed because the money was going to be there. The mayor said that council will need to take another look at the project and see what really needs to be done. Vos stated that if the Department of Public Works remains on the Milwaukee Avenue site then it needs to be improved.

Vos also questioned if the loan was still available. The mayor stated that the loan was still available to the city.

17. ADJOURNMENT

A motion was made by Johnson and seconded by Simenson to adjourn the meeting. With all in favor, the meeting was adjourned at 7:20 p.m.

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



CITY OF BURLINGTON

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

Common Council Agenda Item Number: 8	Date: August 4, 2009
Submitted By: City Staff	Subject: Reports

Details:

Attached please find the following reports:

- Report 1 – Burlington Housing Authority, June 11, 2009.
- Report 2 – Historic Preservation Committee, June 25, 2009.
- Report 3 – Committee of the Whole minutes, July 21, 2009.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the August 4, 2009 Common Council meeting.

**City of Burlington Housing Authority
Riverview Manor
June 11, 2009**

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, June 11, 2009 at Riverview Manor at 6:30 P.M. The meeting was called to order by Chairman Lapp.

COMMISSIONERS PRESENT: Chairman Lapp, Secretary Heck, Board members LeRoy Stoehr, Charles Stublely and Resident Manager, Dorothy Henning. Commissioner Kelly Iselin was excused.

Minutes from the May 21st. meeting was dispersed to board members and a motion was made by Stublely to approve the minutes as read, seconded by Stoehr and carried unanimously.

FINANCIAL REPORT:

Reserve Account balances as of April 30, 2009

First Banking Center	\$ 96,271.38
M&I Bank	<u>\$ 26,662.61</u>
TOTAL	\$ 122,933.99

OCCUPANCY REPORT:

Manager Henning reported 16 on the waiting list.

BUILDING AND MAINTENANCE:

- Representatives from Vos Home Improvements, Mather Specialty and Roofing Company of Burlington attended the meeting to answer questions and furnish additional information about the bids tendered for Phase I roof replacement. Board members will further study and discuss the bids.**
- Service and maintenance of the boiler rooms is being pursued and discussed for the future as well as the current bids received for the preventative maintenance contract for 2009-2010.**
- Board members discussed the proposals received for surveillance equipment at Riverview Manor and Manager Henning will contact the company rep from P.E.C. Tech to do a presentation for the board members.**

COMMUNICATIONS:

NEW BUSINESS:

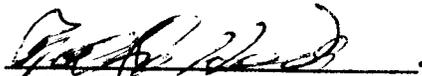
UNFINISHED BUSINESS:

- To date, by-law changes or amendments have not been received.

ADJOURNMENT:

There being no further business, motion to adjourn was made by Stoehr, seconded by Heck and carried unanimously. Meeting adjourned 8:45 P.M.

The next monthly meeting is scheduled for July 9, 2009.



Ralph Heck, Secretary



City of Burlington

HISTORIC PRESERVATION COMMISSION MEETING MINUTES THURSDAY, JUNE 25, 2009

Chairman Tom Stelling called the meeting to order at 6:31 P. M.

Roll call: Present: Commissioners Bob Henney, Peter Hintz, and Pat Brzezinski. Tina Chitwood of RCEDC, Building Inspector Patrick Scherrer, and Chairman Tom Stelling. Not present was Joel Weis, Judy Stone and Maria Veronico-Ventura.

Citizen Comments: Tina Chitwood of RCEDC introduced herself.

Approval of February 26, 2009 Meeting Minutes: Chairman Stelling entertained a motion for approval of the February 26, 2009 minutes. Pat Scherrer stated that a correction needs to be made under "Roll Call" since it reads that Joel Weis and Pat Brzezinski were present when in fact Joe Weis was absent and Pat Brzezinski appeared at 6:33 p.m. Recording secretary June Bobier affirmed that the changes would be made. Commissioner Henney moved to approve the February 26, 2009 with the corrections and Commissioner Hintz seconded. All ayes. Motion carried.

140 W. Chestnut St. – Micki Gebel (Grater Tater)
- **Sign Permit Application**

Tina Chitwood stated that this item is being withdrawn by the applicant Micki Gebel. Landlord Dale Bruesewitz will later apply for a sign listing all tenants. Commissioner Henney moved to withdraw this item and Pat Brzezinski seconded. All aye. Motion carried.

557 Milwaukee Ave. – Dennis Spankowski (1st Quest Investments/Daily Brew Coffee Shop)

- Application for the Certificate of Appropriateness
- Application for Façade Improvement Grant Program

Dennis Spankowski was present and described the proposed project. The building originally had an awning. They want to take down the cedar shake projection and replace

with awnings. There is cinder block behind it and this might take a response team visit to address. They want to put up shutters but Chairman Stelling stated that the applicant would need to prove the historical significance of shutters for the commission to consider this item. The canopy will be burgundy and gray in a sombrell fabric. Commissioner Henney stated that white on canopy is stark. Pat Scherrer stated that there very few original buildings with shutters. Chairman Stelling inquired as to whether the corner door will be put back on and Dennis stated that this would be too expensive. There will be no lettering on awning and it will be scalloped. Chairman inquired of Pat Scherrer if the projection width is alright and Pat stated that it is as it extends 30 inches. They went on to addressing the height of the awning. Chairman Stelling first inquired as to whether an awning is appropriate. Commissioner Hintz motioned to accept awning as presented. Commissioner Henney seconded. There was discussion and Commissioner Henney stated it would be more acceptable if the base color is harmonious. Pat Scherrer indicated that the height can't be more than five feet and that it appears to be possibly 6 feet. Chairman Stelling wants both canopies to be the same size. Commissioner Hintz then amended his motion to accept the certificate of appropriateness as presented as long as the size and characteristics of the projection and height of the awnings is consistent to the two as long as it is physically possible. If not possible a response team visit will be requested to review options. Color of fabrics will be presented to the commission in actuality to be reviewed and responded to. There will be no lights on canopy and it will be a fixed canopy. All aye. Motion carried. Chairman Stelling entertained a motion to accept the shutters as presented. There was no motion to accept the shutters. The cinder block will be addressed with a response team visit at that stage of the project. Chairman Stelling entertained a motion to address the façade grant. Commissioner Henney moved to approve a façade grant not to exceed \$5,000 and Commissioner Brzezinski seconded. Roll call vote: Stelling: Aye; Brzesninski: Aye; Henney: Aye; Hintz: Aye; Stone: absent; Veronico: absent; Weis: absent. Motion carries.

152 E. Chestnut Street – Michael Meby (Wisconsin Craftsman)(Tabled: 2/26/2009)
- Certificate of Appropriateness Application
- Façade Improvement Grant Application

There is nothing new to present on this item. Mr. Melby has been unavailable. Chairman Stelling entertained a motion to table this item to the next meeting. Commissioner Hintz moved to table and Commissioner Henney seconded. Pat Scherrer stated that he will send try to recontact Mr. Melby or possibly send another Notice of Violation. Chairman Stelling stated that we need more specific costs and detailed drawings from Mr. Melby. He directed Tina Chitwood to take steps to place this on the agenda for the next meeting. All aye. Motion carried.

256 E. Chestnut St.- Mike Sullivan (Sullivan Real Estate Investments, Inc.) (Tabled 2/26/2009)

- Certificate of Appropriateness Application
- Façade Improvement Grant Application

There is nothing new to present on this item. Chairman Stelling stated that he has spoken with Mr. Sullivan on several occasions and Mr. Sullivan has not indicated he is ready to move forward on this project. Chairman Stelling entertained a motion to table this item to the next meeting. Commissioner Henney moved to table and Commissioner Brzezinski seconded. All aye. Motion carried.

At this time Pat Scherrer distributed to the members a photo of the "Inside Scoop" sign that was installed by Greg and Judie Lemieux without the committee's approval or a sign permit. Mr. Scherrer informed the commissioners that he dropped off a sign application with Mr. Lemieux. Chairman Stelling then stated that he had received a call from Mr. Lemieux this morning and Mr. Stelling explained to him that he needed approval for a sign from the commission because he is located in the Historic Preservation district.

133 E. Chestnut Street-Karen Gabriel Webster/Frank Troost (Exclusively Yours Floral)

- **Certificate of Appropriateness Application – approval of paint colors**

Chairman Stelling stated that paint colors were not approved for this project. Chairman Stelling stated that we need to have a workshop so that we can determine our role and position as an Historic Preservation Commission. We don't need to approve paint colors or pick out paint colors – as long as they are historic colors according to the chart then staff can do a review and make sure they are appropriate. Chairman Stelling further stated that the workshop will help us determine if other areas in the city outside of the historic district need to be designated historic. It will also help us determine if a property is destroyed by fire, etc. whether we have the legal authority to determine if it should be built back to its original design or to present-day styles. The City Attorney and Pat Meehan, City's Zoning Consultant, will need to be present in order to help clarify the ordinance. Commissioner Hintz motioned to accept colors as presented as long as they are historically correct, staff-approved and are printed in the agenda. Commissioner Pat Brzezinski seconded. All aye. Motioned carried.

Chairman Stelling stated that submitted drawings have to be to scale. There was some discussion and Chairman Stelling stated that the workshop would provide samples of appropriate submittals. He further stated that building owners need to sign the sign permit applications (in addition to the tenants signing) so that they are aware of what is going on with their buildings.

Discussion of Current Projects and Response Team Updates

We've addressed the Sullivan (256 E. Chestnut St.) and the Gabriel (133 E. Chestnut St.) projects at tonight's meeting

129 E. Chestnut St., Bill Stone, is applying to the Department of Interior and National Trust for funding, he has new rooftop units on, cleaning up the brick, windows built-ready to be installed, progress being made on this project. He is planning on submitting façade grant application.

140 W. Chestnut St., Dale Bruesewitz, his work is not finished, no further approvals will be given until project is finished (installing and painting wood panels below the storefront).

148 W. Chestnut St., Dale Bruesewitz, fence needs to be put in or curb taken out, this is still an open zoning item

173 E. Chestnut St., Kathryn Martell - Pat Scherrer has not done finals. Pat is to report back to commission on whether painting is done or not.

166 E. Jefferson St., Burlington Public Library is done. It needs to be removed off list.

Review of Grant Funding Status

Tina Chitwood reported that there is \$25,000 in unobligated funds. The balance remaining is \$31,000. Daily Brew project of \$5,000 will bring this down to \$26,000. Chairman Stelling has asked the city to incorporate additional grant funds in the future (if the downtown redevelopment project goes ahead), to target the clean up of alleys and to address the back facades of buildings.

Questions and Comments Concerning Potential/Future Projects

Chairman Stelling has received several calls regarding the former "Cingular" building (400 N. Pine St.) – Lutheran Thrivent is considering locating here.

Our commission will most likely interact with the downtown redevelopment project with some of the properties involved being in the historic district and some not.

Chairman Stelling stated that members will need to be polled to find out what day to have the workshop. The workshop will also address things like what authorities we have as a commission as granted by the state, federal and city governments and open meeting law requirements such as what we can say to people prior to an actual meeting.

Adjournment

Henney motioned and Brzezinski seconded to adjourn at 7:46 p.m. All aye. Motion carried.

Respectfully submitted,

June E. Bobier
Recording Secretary

Draft

**CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
Police Department Courtroom
July 21, 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: 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 Eisenhower, 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. CITIZENS COMMENTS

None

3. APPROVAL OF MINUTES FROM JULY 7, 2009

A motion was made by Simenson with a second by Jim Prailes to approve the minutes of July 7, 2009. With all in favor, the motion carried.

4. PRESENTATION BY PATRICK SCHERRER, BUILDING INSPECTOR / ZONING ADMINISTRATOR REGARDING TEMPORARY SIGN REGULATIONS IN THE CITY

Building Inspector Patrick Scherrer provided a Power-Point presentation to council regarding "Temporary Sign Regulations" and the violations that exist today. Scherrer was requesting direction from council in the enforcement of the sign code. He stated that the Community Service Officers and the Police Department will now be assisting in issuing violations.

After looking at the presentation, Fisher questioned Scherrer if a permit had been taken out for a particular business, would they then be in compliance? Scherrer stated that they would be if they had applied for a permit. He further explained the definition of a temporary sign is one that may be up for thirty days at a time with a limit of three such permits a calendar year.

Vos questioned one of the slides of a business that had signs on the side of the building and was told by Scherrer that only signs that face the public street are allowed. A corner lot would be allowed signs on two sides of the building.

Hintz questioned signs that appeared in the right-of-way. Scherrer explained that in the Downtown Historic Preservation District sandwich boards are allowed because of a lack of opportunity for any other signs.

The mayor stated that there were several reasons for the presentation this evening. It was necessary to show council the problems and the difficulty in enforcing the ordinances. Council is being asked for direction in approaching this problem whether it should be more or less stringent in regard to the ordinance. He also reminded council that eight years ago the Plan Commission put in many hours creating the sign ordinance to address problems at that time.

Scherrer further stated that the Park Board is its own entity and is excluded under the sign ordinance. They sell advertising on their fence around the baseball diamond but now are selling advertising on the back of the scoreboard and on the fence facing the street area. The mayor felt that this also needs direction by council in how to address the fact that some of the signs do not face into the baseball park. Scherrer also stated that "flags" other than the United States Flag have never been addressed by the city. He also stated that sandwich boards are only allowed in the Downtown Historic District but are now popping up all over the city.

Fischer questioned signs in windows and was told by Scherrer that in the downtown historical area it is more of an issue. Fischer also felt that an education process for the businesses is advisable in regard to signage. He thought that the franchises have brand recognition because of national advertising but small town businesses have a distinct disadvantage in advertising.

Lahner reminded council that the purpose of this discussion is that due to lack of resources for enforcement, the illegal signs have proliferated and council needs to provide direction to the building inspector. He stated that before a massive enforcement is put in place, the opinion of council was going to be considered and there would be a notification sent out to the area businesses.

Vos felt that the building inspector has an impossible situation for enforcement. Vos questioned whether there had ever been a complaint of any signs and secondly that the economic times are forcing more advertising on the buildings. But in consideration of those issues, he felt that the ordinance needed to be revisited.

Attorney Kircher spoke about how easy the simple cases are to address but it becomes more complicated with the larger businesses.

Simenson had received complaints in regard to the tattoo business on Milwaukee Avenue and how it has become tacky looking.

Hintz felt that the city needs to be consistent in the enforcement of the rules.

Mayor Miller said that the city should start by enforcing what is already on the books. He said the Community Service Officers as well as Police Department may be assisting the building inspector in enforcement.

The consensus of the aldermen was to re-visit the temporary sign ordinance and to have a plan for the enforcement.

5. RESOLUTION 4347(23) "A RESOLUTION TO CONSIDER APPROVING TASK ORDER NUMBER SEVENTY WITH KAPUR AND ASSOCIATES, INC. FOR CIVIL ENGINEERING SERVICES WITH THE KANE STREET RESURFACING PROJECT FOR THE NOT-TO-EXCEED AMOUNT OF \$43,811"

Simenson questioned if the \$43,811 would be coming out of the federal stimulus money the city had been awarded. Lahner stated that it would not be coming from that money.

Vos was concerned that the survey work was being done prior to the money being approved. Foht explained that the work had to be done and if the project does not move forward then Kapur Engineering would be out the money.

Hintz questioned who would be bidding the project. Lahner explained that the Wisconsin Department of Transportation was in charge of the bidding. He further stated that Racine County has been considered an economically distressed area and as such might be eligible for additional funding from the state.

Rauch asked if a couple of the "if needed" tasks are included in the \$437,880. Lahner explained that cost of the construction plus a standard twenty-three percent contingency is built in.

Lahner stated that only through the hard work of Ms. Judy Gerulat, Ms. Connie Wilson, Mr. Dick Pieters and Kapur Engineering were these applications made possible in the light of very tight deadlines.

6. **RESOLUTION 4348(24) "A RESOLUTION TO CONSIDER APPROVING AN EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR ART AND EILEEN NABER AT 29929 PLANK ROAD IN THE TOWN OF BURLINGTON"**

The Naber property is within the city's Extraterritorial Plat Approval Jurisdiction Area and as such must be reviewed by the Plan Commission and the Common Council.

7. **ORDINANCE 1866(7) "AN ORDINANCE TO CONSIDER APPROVING A 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"**

Simenson questioned why the change from ninety days to thirty days. The mayor explained that for most part, the ninety day deadline was causing problems in getting the work done with the thirty days considered to be sufficient.

8. **ORDINANCE 1887(8) "AN ORDINANCE TO CONSIDER APPROVING TEXT AMENDMENT TO SECTION 315-70, ELECTRIC SIGNS OF THE MUNICIPAL CODE"**

The mayor stated that under the current zoning, most of the electronic signs that are seen would be considered illegal because of the multi-color. Under the change proposed this amendment would reduce the allowed size of electronic display area to twenty-five percent of the total sign and allow full color.

9. **ORDINANCE 1888(9) "AN ORDINANCE TO CONSIDER APPROVING 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"**

FEMA has worked with both the city and the Department of Natural Resources to update the Flood Insurance Rate Maps. The amendments are a requirement by FEMA in the process of updating these maps. There are no residences of the city in Walworth County as it is only the airport area.

10. **MOTION 09-656 "A MOTION TO CONSIDER 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"**

Simenson questioned the percentage of interest charged if the city were to go through the leasing arrangement. Lahner replied that it was about five and a half percent through the leasing company.

The council had requested that all three options be looked at again which are the leasing option, borrowing from ourselves or the State Trust Fund Loan. After conferring with Ehlers and Associates it was determined that the State Trust Fund Loan at a rate of 2.6 % subsidized by Federal Stimulus money would be the best option. It was determined that one truck would be purchased outright as was scheduled in the Equipment Replacement Fund and then obtain a loan from the State Trust Fund for the remaining vehicles.

Vos questioned the amount of the outright purchase of the truck as he had understood it to be around \$148,000 not the \$160,000. Lahner explained that the motion approved at a prior meeting had been for the not-to-exceed \$160,000 amount.

11. OTHER MATTERS

None

12. ADJOURN

A motion was made by Vos with a second by Simenson to adjourn the meeting. With all in favor, the meeting adjourned at 7:40 p.m.

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



CITY OF BURLINGTON

Finance Department

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1170 (262) 342-1178 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 9	Date: August 4, 2009
Submitted By: Bridget Lois, Treasurer	Subject: Prepaids and Vouchers

Details:

Attached please find the Voucher and Prepaid list for bills accrued through August 4, 2009:

Total Prepaids:	\$ 1,213,147.91
Total Vouchers:	\$ 570,744.68
Reimbursements:	\$ 601.29
Grand Total:	\$1,784,493.88

Financial Remarks:

Executive Action:

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$1,784,493.88 at the August 4, 2009 Council meeting.



CITY OF BURLINGTON

City Clerk

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1171 (262) 763-3474 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 12	Date: August 4, 2009
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

The alcohol license list for applications accrued through August 4, 2009 are as follows:

Licenses Recommended for Approval

Operator's Licenses

Doyle, Bryn R.
Glebke, Jerilyn M.
Gorden, Andrew E.
Linden, Chrisandra A.
Kempen, Tina L.
Messick, Lindsay C.
Pelican, Nancy L.
Reilly, Edward J.
Swirkowski, Joseph M.

Change of Agent

Name: Christopher J. Wulff
Address: 754 North Sandy Lane, Elkhorn, WI
Trade Name: Roundy's
Address: 1008 Milwaukee Avenue, Burlington

Financial Remarks:

None.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the August 4, 2009 Council meeting.