



AGENDA COMMON COUNCIL

Tuesday, October 20, 2009

**To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street**

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Jim Prailes, Alderman, 2nd District
Peter Hintz, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Jeff Fischer, Alderman, 4th District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of minutes for October 6, 2009. (*J. Prailes*)
6. Letters and Communications: None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports: 1 – 6: (*P. Hintz*)
 - Report 1 – Plan Commission minutes, September 8, 2009
 - Report 2 – Police and Fire Commission, September 23, 2009
 - Report 3 – Council Budget Workshop minutes, September 30, 2009
 - Report 4 – Council Budget Workshop minutes, October 1, 2009
 - Report 5 – Committee of the Whole minutes, October 6, 2009
 - Report 6 – Council Budget Workshop minutes, October 7, 2009
9. Payment of Vouchers. (*T. Vos*)
10. License and Permits. (*S. Rauch*)

11. Appointments and Nominations: *(K. Simenson)*

- A. Appoint Jerry Delay as Airport Committee Chairman, term ending December 1, 2011.

12. Public Hearings – None.

13. **RESOLUTIONS**

- A. Resolution 4358(34) to approve Change Order Number One with James Peterson and Sons, Inc. for utility modifications on McHenry Street in the amount of \$16,991.20. This item was discussed at the October 6, 2009 Committee of the Whole meeting. *(J.Fischer)*
- B. Resolution 4359(35) to approve Change Order Number One with Wanasek Corporation for the 2009 Street and Sidewalk Improvement Program in the amount of \$113,012.80. This item was discussed at the October 6, 2009 Committee of the Whole meeting. *(R. Prailes)*
- C. Resolution 4362(38) to approve a cooperation agreement between the CATHE Center and the City of Burlington for Payment in Lieu of Taxes (PILOT). This item was discussed at the October 6, 2009 Committee of the Whole meeting. *(E. Johnson)*
- D. Resolution 4363(39) to approve a five-year contract extension to the existing Solid Waste Hauling and Recycling contract with Veolia Environmental Services Midwest, Inc. This item was discussed at the October 6, 2009 Committee of the Whole meeting. *(J. Prailes)*
- E. Resolution 4364(40) to approve a Certified Survey Map from Clinton Bennett for property located at 418 Walnut Street to divide the lot into three parcels. This item was discussed at tonight's Committee of the Whole meeting. *(P. Hintz)*
- F. Resolution 4365(41) to approve an Extraterritorial Certified Survey Map from RFD II, LLC for a parcel located south of the Bypass and west of Pine Street in the Town of Burlington. This item was discussed at tonight's Committee of the Whole meeting. *(T. Vos)*

14. **ORDINANCES**

None.

15. **MOTIONS**

None.

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

17. **ADJOURN INTO CLOSED SESSION** (S. Rauch)

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 specific personnel issues.

Wis. Stats. 19.85(1)(e), Deliberation 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 discuss possible real estate transactions.

18. **RECONVENE INTO OPEN SESSION** (K. Simenson)

1. Consideration on recommendations from the City Council.

19. **ADJOURNMENT** (J. Fischer)

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 Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
October 20, 2009**

1. CALL TO ORDER - ROLL CALL

Mayor Miller called the meeting to order at 7:36 p.m. starting with roll call. Aldermen present were: Robert Prailes, Ed Johnson, Tom Vos, Jeff Fischer, Peter Hintz, Jim Prailes and Steve Rauch. Alderman Katie Simenson was excused.

Staff present were: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Treasurer Bridget Souffrant, Department of Public Works Supervisor Dick Pieters, Department of Public Works Director Connie Wilson, Building Inspector Patrick Scherrer, 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

Chamber of Commerce representative Connie Herrick informed the Council that the last week of the Farmers Market for 2009 will be October 29, the Annual Christmas Parade will be December 4 and the Chamber is working on the Annual Chamber of Commerce Dinner and Auction that will be held at Veterans Terrace soon.

5. APPROVAL OF OCTOBER 6, 2009 COMMON COUNCIL MINUTES

A motion was made by Jim Prailes with a second by Johnson to approve the minutes of the October 6, 2009 meetings. With all in favor the motion carried.

6. LETTERS AND COMMUNICATIONS

None.

7. REPORTS BY ALDERMANIC REPRESENTATIVES & DEPARTMENT HEADS

- Administrator Lahner informed the Council that the Cooperative Plus, Inc. Utility Easement Agreement is ready and CPI, Otter Sales and Service and Southern Lakes United Educators are going to extend water and sanitary sewer to their properties. He further stated that Droster Avenue is in need of a temporary overlay of asphalt due to the recent construction of CPI and the anticipation of increased traffic on the road. Mayor Miller stated he would like to set up a special Council meeting on October 27 to consider approval of the work as winter is quickly approaching and the city would like to repair Droster before it is too cold.

Alderman Vos questioned if there will be any future assessed charges to the property owners on Droster when curb, gutter and driveway approaches are installed in the future. Administrator Lahner stated the City had not entertained that idea.

- Administrator Lahner informed the Council that he has a personal relationship with a member of the CATHE Board as the CATHE PILOT Agreement will be discussed at tonight's meeting.
- Alderman Rauch questioned when CTH P will open. Mayor Miller stated it just opened. Alderman Rauch further questioned when a street sign would be placed on Springbrook Drive and STH 83. Administrator Lahner stated it would be looked into.

8. REPORTS 1-6

A motion was made by Hintz with a second by Bob Prailes to approve Reports 1-6. With all in favor the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve Prepaids (\$520,291.60), Vouchers (\$217,053.32) and Reimbursements (\$0.00) for a grand total of \$737,344.92. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, and Fischer. Nays: None. Motion carried 7-0.

10. LICENSES AND PERMITS

A motion was made by Rauch with a second by Hintz to approve the licenses as presented. With all in favor the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Jim Prailes with a second by Vos to approve the appointment of Jerry Delay as the Airport Committee Chairman, term expiring December 1, 2011. With all in favor the motion carried.

12. PUBLIC HEARINGS

None

13. RESOLUTIONS ADOPTED

A. Resolution 4358(34) to approve Change Order Number One with James Peterson and Sons, Inc. for utility modifications on McHenry Street in the amount of \$16,991.20.

A request for a second reading and motion to approve was made by Fischer with a second by Hintz to approve. Roll Call Ayes: Bob Prailes, Vos, Johnson, Hintz, Jim Prailes, Rauch and Fischer. Nays: None. Motion carried 7-0.

B. Resolution 4359(35) to approve Change Order Number One with Wanasek Corporation for the 2009 Street and Sidewalk Improvement Program in the amount of \$113,012.80.

A request for a second reading and motion to approve was made by Robert Prailes with a second by Johnson to approve. Roll Call Ayes: Bob Prailes, Vos, Johnson, Hintz, Jim Prailes, and Fischer. Nays: Rauch. Motion carried 6-1.

- Alderman Rauch questioned how the Street and Sidewalk Improvement Program Fund is allocated with a park project. Administrator Lahner replied that the fund was used for the parking lot at Echo Park.

C. Resolution 4362(38) to approve a cooperation agreement between the CATHE Center and the City of Burlington for Payment in Lieu of Taxes (PILOT).

- Alderman Rauch abstained from any discussion or voting on Resolution 4362(38) at 7:55 p.m.

A request for a second reading and motion to approve was made by Johnson with a second by Vos to approve. Roll Call Ayes: Bob Prailes, Vos, Johnson, Hintz, Jim Prailes and Fischer. Nays: None. Motion carried 6-0.

- Alderman Rauch rejoined the Council at 7:58 p.m.

D. Resolution 4363(39) to approve a five-year contract extension to the existing Solid Waste Hauling and Recycling contract with Veolia Environmental Services Midwest, Inc.

- Mayor Miller informed the Council that he will be pulling this resolution until the November 3, 2009 Common Council meeting. Attorney Bjelajac stated that upon review of the proposed agreement and the current agreement, it was noted that a couple of items were missing from the proposed contract that would protect the city. He further stated the City would work with Veolia to amend the language and hope to bring the contract back to the November 3, 2009 Council meeting. Jason Sturino, from Veolia ES was at the meeting and stated he does not foresee any problems with the proposed changes.

E. Resolution 4364(40) to approve a Certified Survey Map from Clinton Bennett for property located at 418 Walnut Street to divide the lot into three parcels.

A request for a second reading and motion to approve was made by Hintz with a second by Jim Prailes to approve. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch and Fischer. Present: Vos. Nays: None. Motion carried 6-0.

F. Resolution 4365(41) to approve an Extraterritorial Certified Survey Map from RFD II, LLC for a parcel located south of the Bypass and west of Pine Street in the Town of Burlington.

A request for a second reading and motion to approve was made by Vos with a second by Johnson to approve. Roll Call Ayes: Bob Prailes, Vos, Johnson, Hintz, Jim Prailes, Rauch and Fischer. Nays: None. Motion carried 7-0.

14. ORDINANCES ADOPTED

None

15. MOTIONS ADOPTED

None

16. OTHER MATTERS AS AUTHORIZED BY LAW

- Alderman Vos requested a summary of the indebtedness of all current City projects including the TIF debts. Administrator Lahner stated that Ehlers and Associates recently supplied the city with these numbers and he can get this information to the Council.

17. ADJOURN INTO CLOSED SESSION

A motion was made by Rauch and seconded by Vos to adjourn into closed session per Wis. Stats 19.85(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and 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. With all in favor, the closed session began at 8:09 p.m.

18. RECONVENE INTO OPEN SESSION

A motion was made by Vos and a second by Rauch to reconvene into open session. With all in favor the open session began at 9:04 p.m. No action was taken from closed session.

19. ADJOURNMENT

A motion was made by Bob Prailes and seconded by Johnson to adjourn the meeting. With all in favor, the meeting adjourned at 9:05 p.m.



Recording Secretary

Megan E. Johnson

Assistant to the City Administrator



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: October 20, 2009
Submitted By: City Staff	Subject: Reports 1-6

Details:

Attached please find the following reports:

- Report 1 – Plan Commission minutes, September 8, 2009
- Report 2 – Police and Fire Commission, September 23, 2009
- Report 3 – Council Budget Workshop minutes, September 30, 2009
- Report 4 – Council Budget Workshop minutes, October 1, 2009
- Report 5 – Committee of the Whole minutes, October 6, 2009
- Report 6 – Council Budget Workshop minutes, October 7, 2009

Financial Remarks:

None.

Executive Action:

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

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 8, 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: Alderman Steve Rauch, Commissioners John Lynch, Chris Reesman, Darrel Eisenhardt, Bob Henney and Town of Burlington Representative Phil Peterson were present. Alderman Tom Vos was excused. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Lynch moved and Alderman Rauch seconded to approve the minutes of August 11, 2009. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. Public Hearing to hear public comments regarding a Conditional Use Application from Scherrer Construction Co. on behalf of Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue to construct a building to use for garden machinery equipment and supply sales, retail service use and accessory storage.

- Mayor Miller opened the Public Hearing at 6:32 p.m. There were no comments. Commissioner Eisenhardt moved and Commissioner Henney 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 Scherrer Construction Co. on behalf of Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if repairs and upgrades will be done to the curb and gutter on Droster Avenue. Mayor Miller stated that at this time the road will remain the same as it is not a heavily traveled roadway. He further stated the road will be monitored if traffic becomes heavier.

- Commissioner Peterson questioned if drainage could become a problem again for the neighboring property (Otter Sales and Service) with the construction of the new building. Administrator Lahner stated the city had regraded the Otter property in the spring and hasn't heard of any drainage problems since. He further stated that the Co-op property will be graded accordingly to avoid affecting neighboring properties with drainage issues.
- Commissioner Lynch inquired what the elevations of the building look like, more particularly the side that faces STH 36. Administrator Lahner stated the building will be a steel structure with tan stucco near the sign on the east side. He further stated that the Co-op has worked with the City to create a complimentary design of the building for the north corridor region of the city. Patrick Meehan stated that the Municipal Code does not allow for regulating the appearance of new buildings unless it is located within a Planned Unit Development which has separate restrictions. He further explained that the city would need an Architectural Control Committee to regulate this type of matter.
- Commissioner Eisenhardt questioned what the propane dispensing station is. Administrator Lahner stated it is a station for customers, such as RV owners, to drive up to purchase propane.
- Alderman Rauch questioned if the proposed windows on the side of the building facing Milwaukee Avenue will be glass or imitation windows. John Fleishman of Scherrer Construction, applicant, stated they will be real windows.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Reesman seconded to recommend approval of a Site Plan and Conditional Use Application for Cooperative Plus, Inc., subject to Kapur & Associate's August 19, 2009 and Patrick Meehan's August 14, 2009 memorandums to the Plan Commission as follows:

- Based upon the provision of 31 off-street parking spaces for the proposed uses, a minimum of three (3) canopy trees need to be placed within the interior of the off-street parking areas of the proposed development, of which each shall be a minimum of 3" caliper and a revised Landscape Plan submitted to the City staff indicating this change.
- The applicant has not indicated if outdoor storage is proposed. Therefore, Meehan & Company, Inc. assumes there will be no outdoor storage. However, if this should change in the future, the applicant shall meet all of the requirements of Section 315-26(N) of the City Zoning Ordinance regarding outdoor storage
- The applicant has not indicated if outdoor display of merchandise is proposed. Therefore, Meehan & Company, Inc. assumes there will be no outdoor display of merchandise. However, if this should change in the future, the applicant will need to apply for a Conditional Use Permit meeting all those requirements for such a use set forth in the City Zoning Ordinance and as set forth under the provisions of Section 315-26(D)(34) of the City Zoning Ordinance regarding outdoor display of merchandise

- Pursuant to the requirements of Section 315-64(D) of the City Zoning Ordinance, on site directional signs cannot exceed three square feet in area. However, no such signage is indicated in the application. If such signs are installed, the requirements of Section 315-64(D) shall be met.
- Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of freestanding signs for a parcel such as the subject property in the B-1 District is 150 square feet. The drawing submitted by the applicant pertaining to freestanding signs does not include adequate dimensions or data to determine if these requirements have been met. Therefore, prior to the issuance of a Sign Permit by the City, adequate sign drawing(s) shall be submitted for City staff review which meet these requirements.
- Pursuant to the requirements of Section 315-71(E) of the City Zoning Ordinance, the maximum height of a freestanding sign for a parcel such as the subject property in the B-1 District is 15 feet. The drawing submitted by the applicant pertaining to freestanding signs does not include adequate dimensions or data to determine if these requirements have been met. Therefore, prior to the issuance of a Sign Permit by the City, adequate sign drawing(s) shall be submitted for City staff review which meet these requirements.
- The existing septic system is required to be abandoned per WDNR and commerce requirements.

All in favor and the motion carried.

B. Consideration to approve a Site Plan Application from Stelling & Associates, Inc. on behalf of M&I Bank for property known as Lot 1, CSM 2926 (1000 Milwaukee Avenue) of the Kohls development site to construct a financial institution building.

- Mayor Miller opened this issue for discussion.
- Tom Stelling of Stelling & Associates, Inc., architect for this project gave a brief presentation of the site plan. He stated that per Patrick Meehan's request in his memorandum dated August 28, the height of the building will be lowered from 30 feet to 24 feet 6 inches, which is the maximum height for the PUD. Mr. Stelling further stated he will modify the sign plans as the Plan Commission sees fit.
- Commissioner Lynch questioned why there will be no cross-access with the neighboring property, Advanced Auto. Mr. Stelling stated that a cross-access is not required within this PUD. Further, the bank would like to contain the parking for the business and control overflow parking from other businesses. Administrator Lahner stated that Kohls and Kmart are currently in negotiations to put in a cross-access between their parking lots which would help alleviate some of the congestion problems.

- Patrick Meehan referenced page seven of his August 28 memorandum regarding off-street parking requirements. He suggested the commission allow the site plan to indicate forty parking spaces with space reserved for an additional fifteen parking spaces should the need arise in the future, instead of requiring the developer to install 55 spaces right away. Mr. Stelling stated there is a dedicated area on the current site plan for future parking.
- Tom Stelling informed the commission that the sign on the north side of the building as indicated on the site plan would be eliminated to remain in compliance with code per Patrick Meehan's memorandum.
- Alderman Rauch questioned if a chain restaurant would be coming to this development area in the future. Leslie Scherrer of Scherrer Construction stated she has done quite a bit of research of companies, as well as contacted many to promote relocating to the city. She stated she has received no interest as of yet. She further stated that a bank is an optimal business for this site as it will be resourceful for many of the businesses and residents of the area.
- There were no further comments.

Commissioner Lynch moved and Alderman Rauch seconded to recommend approval of a site plan for M&I Bank, subject to Kapur & Associate's August 19, 2009 and Patrick Meehan's August 28, 2009 memorandums to the Plan Commission as follows:

- For financial uses (with drive through service lanes), the 2004 edition of the Institute of Transportation Engineer's (ITE) Parking Generation: 3rd Edition studied this type of use and indicates that a peak usage range of from 2.37 to 3.15 vehicles per 1,000 square feet of floor area was found while studying 49 different urban bank sites at times of actual peak usage (this would also include employee parking). The average peak period demand found in these studies was 2.76 vehicles per 1,000 square feet of floor area. Based upon the foregoing, a "comfortable" standard for this type of financial services use could be "3.25 spaces per 1,000 square feet plus six (6) on-site queuing spaces per drive-through service lane." Therefore, based upon the above referenced study and under the provisions of Sections 315-43(H)(2)(a)(3) and 315-48(J), the Plan Commission has determined that the minimum number of off-street parking spaces to be provided on Lot 1 of CSM No. 2926 shall be as indicated on the submitted Site Plan (40 spaces plus and additional 15 spaces to be constructed should a future need for additional off-street parking spaces develop).
- Under the requirements of Section 315-48(D)(6)(b) and Section 315-52H(12), a single-stem canopy tree (such as the four proposed Skyline Locust canopy trees proposed to be planted in the required off-street parking landscape islands), shall be a minimum of 3" caliper. However, based upon "Sheet 10 of 10: SITE-3, Preliminary Landscape Plan and Trash Enclosure Plan," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. and submitted by the applicant, the four proposed Skyline Locust canopy trees proposed to be planted in the required off-street parking landscape islands are only proposed to be 2.5" caliper. Therefore, a revised Landscape Plan needs to be submitted to City staff increasing the size of the Skyline Honey Locust trees to 3".
- The PUD Planned Unit Development shall be subject to all of the terms of the

"Development Agreement for a Planned Unit Development" with PBJC Burlington, LLC which was formally approved by the City on February 18, 2008 as amended by Ordinance No. 4229(124) adopted April 8, 2008.

- Under the provisions of Section 315-71(E) of the City Zoning Ordinance, the maximum allowable height of freestanding signs in the B-1 District is 15 feet. The proposed freestanding sign height of proposed Sign No. 1 for the M&I Bank is 18 feet which exceeds the 15-foot height limitation by 3 feet. Therefore, this requirement is not met by the proposed Sign No. 1 for the M&I Bank and revised sign drawings need to be submitted to the City decreasing the sign height to 15 feet. In addition, the proposed freestanding Sign No. 1 is a "pole" sign. In the past, monument signs have been encouraged by the City Plan Commission for PUDs located along STH 36/85. Therefore, Meehan & Company, Inc. recommends that when the revised plans are submitted to the City regarding the reduction of sign height to a maximum of 15 feet, that the sign also be changed to a monument type of sign. [Note: A deviation was allowed to allow for a maximum height of eighteen (18) feet for one of the two (2) proposed freestanding signs for the proposed Kohl's signage since the department store is an anchor store of the entire PUD.]
- Section 315-46(B) requires in order to provide adequate vision clearance, no obstructions (such as signs) shall be permitted in the required triangular vision clearance space as follows: "In the B-1, B-3 and B-4 Zoning Districts only, within the triangular vision clearance space located between the heights of 2.5 feet and 10 feet above the plane through the mean edge of pavement grades and formed by any existing or proposed private drives and/or arterial and/or collector streets intersecting with other arterial and/or collector streets, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 60 feet from the intersecting private drive and/or arterial and/or collector street right-of-way lines and a line joining the two points on such lines or as determined by using the standards set forth under the latest edition of the sight distance portion of Chapter IX of the American Association of State Highway and Transportation Officials (AASHTO) publication titled "A Policy on Geometric Design of Highways and Streets," whichever is greater, as determined by the review of the City Engineer." It appears that proposed freestanding Sign No. 5 (proposed to be 3 feet in height) is proposed to be located within a vision clearance area associated with the driveway entrance to Lot 1 of CSM No. 2926 from the southeasterly located private road. Therefore, it is recommended that the submitted plans be reviewed by the City Engineer for compliance with the above requirement of Section 315-46(B) of the City Zoning Ordinance.
- Section 315-71(D) indicates that the maximum permitted sign area in a B-1 District is 1.40 square feet proportionally per 1 linear foot of exterior storefront wall width that fronts on a public street; however, no sign for any 1 exterior storefront which fronts upon any public street or no sign for any 1 tenant which fronts upon any public street shall exceed 200 square feet in area. Any one exterior storefront or exterior building front which is situated and/or designed so as to be fronting upon two or more public streets shall only be allowed the maximum sign area allowed as if said exterior storefront or exterior building front was fronting upon one public street. North Elevation. This elevation does not face a public or private street and, therefore, a wall sign such as that indicated on the submitted building elevation drawing "Sheet 5 of

10: A200, Proposed Elevations," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. for the north elevation is not permitted. Therefore, a revised "North Elevation" appearing on "Sheet 5 of 10: A200, Proposed Elevations," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. needs to be revised accordingly and submitted to City staff.

- Utility Plans that include details, connection points and design for the sanitary sewer and watermain services and storm sewer invert information, sizing computations, and flow data need to be provided to city staff.
- Flag pole construction detail, erosion control plans, complete grading plans showing contours, proposed berms and adequate spot grades to determine drainage patterns, including grades at all curb radius including the entrance from the existing drive shall be provided to city staff for review.

All in favor and the motion carried.

OTHER MATTERS

Alderman Rauch questioned when the discussion regarding temporary signs in the city will come to the Plan Commission. Administrator Lahner stated that Patrick Scherrer is currently putting together research from similar communities for this item. Commissioner Lynch requested that the commissioners receive the materials for this discussion early so they will have extra time to review and prepare.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 6:59 p.m. All were in favor and the motion carried.



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator



CITY OF BURLINGTON

POLICE – FIRE COMMISSION300 North Pine Street, Burlington, Wisconsin 53105
(262) 763-3717**MINUTES****City of Burlington Police and Fire Commission
Burlington Fire Station
165 W. Washington Street
September 23, 2009****Call to Order and Roll Call:**

The special meeting of the Police and Fire Commission was called to order at 5:34 p.m. by Vice President Ron Patla. Present were Commissioners Barbara Kopack-Hill, John Hotvedt, Joe Busch and Ron Patla. President Pringle was excused. Also present were Fire Chief Dick Lodle and Acting Police Chief Mark Anderson.

Public Comments:

None

Approval of Minutes:

Motion to approve the minutes as drafted by Commissioner Busch, seconded by Kopack-Hill. With all in favor, the motion carried.

Consideration of Proposals and Action on Selection and Approval of a Contract for Recruitment Services for the Chief of Police Selection Process:

The proposals of MTG Management Consultants, LLC and Voorhees Associates, LLC were presented to the Commission by Commissioner Patla, as well as the written recommendation of the City Administrator. All Commissioners acknowledged having received all such information and having reviewed the same. Commissioner Busch noted that the costs of the contracts were quite similar and that his independent research showed that both firms were experienced and qualified for the process. Commissioner Busch noted that he was impressed with the 12-month guarantee contained in the Voorhees proposal as well as the benefit to utilizing a firm based out of Wisconsin.

Commissioner Kopack-Hill also noted that the costs of the proposals were quite similar and noted that the Voorhees proposal did not include a provision for advertising fees. Commissioner Kopack-Hill did note, however, that she was in favor of the proposed assessment center as set forth in the Voorhees proposal.

Commissioner Patla indicated that he was comfortable with either firm, although he felt that MTG Management Consultants, LLC has more experience and familiarity with the process for the hiring of a police chief in the State of Wisconsin. He also noted that he believed the MTG proposal was more structured and detailed as to the process that would be utilized. Commissioner Patla also noted that he liked the idea of the utilization of the assessment center and indicated that he had positive experiences with Mr. Voorhees when he served as Interim City Administrator.

Commissioner Hotvedt noted that each proposal contained a similar process and was very close in terms of the compensation that would be owing to either firm. Additionally, Commissioner Hotvedt noted that both proposals also addressed the steps which the Commission is required to take for the selection of the Police Chief pursuant to Section 5.04 of the Rules and Regulations for the Police and Fire Commission. Commissioner Hotvedt noted that the experience which Mr. Voorhees previously maintained with the City of Burlington and the utilization of the assessment center would be most beneficial to the needs of the City of Burlington.

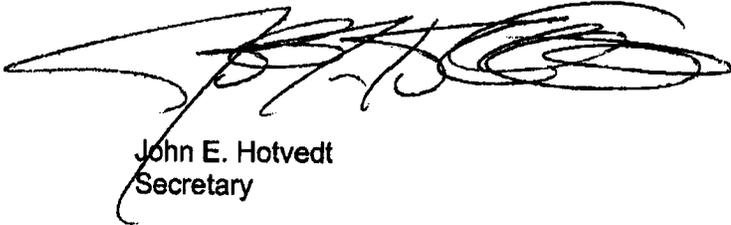
There being no further discussion, a motion was made by Commissioner Kopack-Hill to select and engage the services of Voorhees & Associates and to authorize the use of the assessment center all pursuant to their proposal dated August 27, 2009. Motion was seconded by Commissioner Busch; the motion carrying by a unanimous vote of the Commission.

Discussion of new Police and Fire Commission Business, if any:

None

Adjournment:

Motion made at 6:00 p.m. by Commissioner Hotvedt to adjourn; motion seconded by Commissioner Kopack-Hill. With all being in favor, the motion carries.



John E. Hotvedt
Secretary

CITY OF BURLINGTON – CITY COUNCIL
Minutes
Committee of the Whole
Burlington Fire Department
September 30, 2009 5:30 p.m.

At the meeting this Wednesday evening, Mayor Robert Miller called the meeting to order at 5:32 p.m. starting with Roll Call: Robert Prailes, Edward Johnson, Jim Prailes, Peter Hintz, Katie Simenson, and Jeff Fischer. Also present were City Administrator, Kevin Lahner; Treasurer/Budget Officer, Bridget Souffrant, Library Director, Gayle Falk; Administrative Services Manager, Kim Hardesty; Acting Police Chief, Mark Anderson; and Building Inspector, Patrick Scherrer. Alderman Tom Vos is excused from the meeting. Alderman Steve Rauch entered the meeting at 6:11 p.m.

Fiscal Year Budget – The Mayor and Council discussed the 2010 budget.

City Administrator, Kevin Lahner gave a budget presentation that identified the equipment replacement plan update, TIF 3 & 4 updates, a general fund overview, significant changes in the 2010 budget, general fund assumptions and policies.

Some of the policy issues that were addressed and briefly discussed include:

- A proposed increase in the hotel/motel room tax rate from 3% to 8%
- A proposed annual contribution from the General Fund to the Park Development Fund
- A proposed capital/facilities funding mechanism using a portion of the general fund balance
- A proposal for the General Fund to keep the personal property tax revenue generated from the airport hangars
- A proposal to remove elected officials and dependents from the health insurance plan eligibility
- A proposed PILOT program relating to street sweeping and jet-vac services

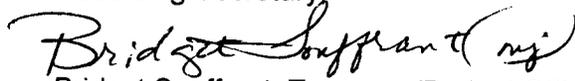
The City Council also reviewed the Library, Police Department, Administration, Finance, and Building Inspection's budget.

Other Matters – None

Adjourn – Alderman Jeff Fisher moved and Alderman Robert Prailes seconded to adjourn. All were in favor and the motion carried.

Adjourned at 7:33 p.m.

Recording Secretary,


Bridget Souffrant, Treasurer/Budget Officer

**CITY OF BURLINGTON – CITY COUNCIL
Minutes
Committee of the Whole
Burlington Fire Department
October 1, 2009 5:30 p.m.**

At the meeting this Thursday evening, Mayor Robert Miller called the meeting to order at 5:37 p.m. starting with Roll Call: Robert Prailes, Edward Johnson, Jim Prailes, Peter Hintz, Katie Simenson, and Jeff Fischer. Also present were City Administrator, Kevin Lahner; Treasurer/Budget Officer, Bridget Souffrant, Fire Chief, Richard Lodle; Director of Public Works, Connie Wilson; and Public Works Supervisor Richard Pieters. Alderman Steve Rauch and Tom Vos are excused from the meeting.

Fiscal Year Budget – The Mayor and Council discussed the 2010 budget.

Alderman Edward Johnson excused himself from the meeting at 6:40 p.m. and returned to the meeting at 6:52 p.m.

City Administrator, Kevin Lahner gave a budget presentation discussing the usage and revenues for the Water and Wastewater Department.

The City Council reviewed and briefly discussed the Water Fund, Wastewater Fund, Fire Department, Airport, and Streets and Park Department budgets.

There was further discussion and debate on who should pay for the needed replacement lights at Beaumont Field.

Other Matters – None

Adjourn – Alderman Robert Prailes moved and Alderman Edward Johnson seconded to adjourn. All were in favor and the motion carried.

Adjourned at 7:50 p.m.

Recording Secretary,

A handwritten signature in black ink that reads "Bridget Souffrant" with a stylized flourish at the end.

Bridget Souffrant, Treasurer/Budget Officer

DRAFT

**CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
October 6, 2009 6:30 p.m.**

1. CALL TO ORDER/ROLL CALL

Mayor Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present were: Robert Prailes, Ed Johnson, Jeff Fischer, Peter Hintz, Jim Prailes, Steve Rauch and Katie Simenson. Aldermen Tom Vos was excused.

Staff present were: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Department of Public Works Supervisor Dick Pieters, Department of Public Works Director Connie Wilson, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Library Director Gayle Falk and Tom Foht of Kapur Engineering.

2. CITIZENS COMMENTS

None.

3. APPROVAL OF MINUTES FROM SEPTEMBER 15, 2009

A motion was made by Jim Prailes with a second by Johnson to approve the minutes of September 15, 2009. With all in favor, the motion carried.

4. Resolution 4358(34) to consider approving Change Order Number One with James Peterson and Sons, Inc. for utility modifications on McHenry Street in the amount of \$16,991.20

- Mayor Miller opened this item for discussion.
- Alderman Johnson questioned if this Change Order is due to the deterioration of the utility pipe. Mayor Miller confirmed this.
- There were no further comments. This item will move forward to the October 20, 2009 Common Council meeting for consideration.

5. Resolution 4359(35) to consider approving Change Order Number One with Wanasek Corporation for the 2009 Street and Sidewalk Improvement Program in the amount of \$113,012.80

- Mayor Miller opened this item for discussion.
- Alderman Simenson stated she feels the City is paying more and more for the Veterans Terrace building and was under the impression that the Community Fund Board was to handle payments for property maintenance. She further stated she heard that the City funded the landscape work, sidewalk repairs and the installation of a hydrant on top of

the work to the parking lot. Administrator Lahner responded stating that the work done to the parking lot was approved by the Park Board and funded by the City as it is a part of Echo Park. A retaining wall was added during the parking lot construction to help preserve the existing trees. He further explained that Veterans Terrace has a lease with the City to use the parking lot.

- There were no further comments. This item will move forward to the October 20, 2009 Common Council meeting for consideration.

6. Resolution 4360(36) to consider approving a contract with Voorhees Associates, LLC to provide professional recruitment services for the position of Police Chief.

- Mayor Miller opened this item for discussion.
- Alderman Fischer questioned if the City has alternatives to just this agency. Administrator Lahner responded that the Police and Fire Commission approved hiring Voorhees Associates after several companies were interviewed by the Mayor and himself. He further stated that although the Police and Fire Commission approved this recruiting agency, the Council must authorized the funding for it.
- Attorney Bjelajac stated he reviewed the agreement from Voorhees and recommends the Council also approve an addendum he drafted that sets a maximum cap to payments of \$25,000, as the agreement seemed to be open ended with added costs that could occur.
- Alderman Fischer questioned if the agreement is between the City and Voorhees or the Police and Fire Commission and Voorhees. Attorney Bjelajac stated it is between the City and Voorhees and the Police and Fire Commission does not have the authority for this type of contract.
- There were no further comments. This item will move forward to the October 6, 2009 Common Council meeting for consideration.

7. Resolution 4361(37) to consider approving the purchase of a Voice Logging system from Word Systems Indianapolis for the Police Department in the amount of \$19,398.

- Mayor Miller opened this item for discussion.
- Lieutenant Anderson explained the departmental need for the new system as the current system broke. A problem that will occur with the new system though is that playback of existing tapes will be unavailable due to technology changes. He further stated it might be possible to find a rebuilt system for playback purposes only.
- There were no further comments. This item will move forward to the October 6, 2009 Common Council meeting for consideration.

8. Resolution 4362(38) to consider approving a cooperation agreement between the CATHE Center and the City of Burlington for Payment in Lieu of Taxes (PILOT).

- Mayor Miller opened this item for discussion.
- Alderman Rauch questioned if there are any other non-tax exempt properties in the city that have PILOT agreements. Administrator Lahner stated there are several PILOT agreements in place with the city, however it is rare for a non-tax exempt business.
- Alderman Simenson questioned how the agreement will affect funds to the City that would have come from taxes. Administrator Lahner explained that the City will continue to receive the same amount of funds that would be paid with real estate taxes however the county and school district would not receive funds. The funds the city would receive would go toward municipal services offered to the CATHE Center.
- Alderman Simenson questioned if the county or school district could object to the PILOT agreement. Attorney Bjelajac responded stating they could object and claim the business does not qualify for tax exemption however due to the nature of the business they likely would not.
- There was no further discussion. This item will move forward to the October 20, 2009 Common Council meeting for consideration.

9. Resolution 4363(39) to consider approving a five-year contract extension to the existing Solid Waste Hauling and Recycling contract with Veolia Environmental Services Midwest, Inc.

- Mayor Miller opened this item for discussion.
- Alderman Simenson questioned what residents are to do with the current recycling bins they have if they are given 95-gallon ones instead. She further inquired if the extra bins could be sold back to Veolia at a discount price. Mayor Miller responded that selling them back is a good idea and would check into that with Veolia.
- Alderman Rauch questioned if the garbage and recycling collection schedule would stay the same. Administrator Lahner stated the city will work with Veolia to try and keep the schedule as close to the current one as possible. He further stated there would be extensive communication to the residents and businesses regarding any changes.
- There was no further discussion. This item will move forward to the October 20, 2009 Common Council meeting for consideration.

10. Motion 09-667 to consider approving a twenty-nine year Airport Hangar Lease between the City of Burlington and John Pelland for 924 Alpha Taxiway.

- Mayor Miller opened this item for discussion.

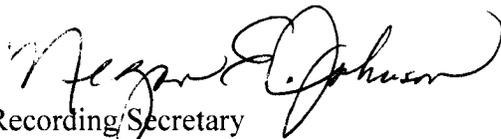
- There were no comments. This item will move forward to the October 6, 2009 Common Council meeting for consideration.

11. OTHER MATTERS

- There were no comments.

12. ADJOURNMENT

A motion was made by Hintz with a second by Jim Prailes to adjourn the meeting. With all in favor the meeting adjourned at 6:55 p.m.



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

**CITY OF BURLINGTON – CITY COUNCIL
Minutes
Committee of the Whole
Burlington Fire Department
October 7, 2009 5:30 p.m.**

At the meeting this Wednesday evening, Mayor Robert Miller called the meeting to order at 5:32 p.m. starting with Roll Call: Robert Prailes, Edward Johnson, Jim Prailes, Peter Hintz, Katie Simenson, and Jeff Fischer. Also present was City Administrator, Kevin Lahner. Alderman Tom Vos and Alderman Steve Rauch are excused from the meeting.

Fiscal Year Budget – The Mayor and Council discussed the 2010 budget.

City Administrator, Kevin Lahner gave a budget presentation that discussed the proposed tax rate and the various proposed policy issues listed below.

- A proposed increase in the hotel/motel room tax rate from 3% to 8%
- A proposed annual contribution from the General Fund to the Park Development Fund
- A proposed capital/facilities funding mechanism using a portion of the general fund balance
- A proposal for the General Fund to keep the personal property tax revenue generated from the airport hangars
- A proposal to remove elected officials and dependents from the health insurance plan eligibility
- A proposed PILOT program relating to street sweeping and jet-vac services

Other Matters – None

Adjourn – Alderman Robert Prailes moved and Alderman Edward Johnson seconded to adjourn. All were in favor and the motion carried.

Adjourned at 8:30 p.m.

Recording Secretary,


Bridget Souffrant, Treasurer/Budget Officer



CITY OF BURLINGTON

Finance Department

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

Common Council Agenda Item Number: 9	Date: October 20, 2009
Submitted By: Bridget Souffrant, Treasurer	Subject: Prepays and Vouchers

Details:

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

Total Prepays:	\$ 520,291.60
Total Vouchers:	\$ 217,053.32
Reimbursements:	\$ 0.00
Grand Total:	\$737,344.92

Financial Remarks:

Executive Action:

Staff recommends that the Common Council accept these vouchers and prepaids in the amount of \$737,344.92 at the October 20, 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: 10	Date: October 20, 2009
Submitted By: Shirley Gunderson, Deputy City Clerk	Subject: Licenses

Details:

The alcohol license lists for applications accrued through October 20, 2009 are as follows:

Licenses Recommended for Approval

Operator's Licenses

Schilling, Nathon A.
Arndt, Wendy A.
Holbek, Patti A.
Wiroll, Angelia L.
Perez, Justin R.
DeBonis, Timothy J.
Richveis, Richard H.
McKinney, Tanya L.
Zuberbier, Robert J.
Schiller, Robert J.

Financial Remarks:

None.

Executive Action:

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



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: 11	Date: October 20, 2009
Submitted By: Mayor Miller	Subject: Appointments

Details:

A. To appoint Jerry Delay as the Airport Committee Chairman, term ending December 1, 2011.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept this appointment at the October 20, 2009 Common Council meeting.