



AGENDA COMMON COUNCIL

Tuesday, December 15, 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 following Council minutes: (*E. Johnson*)
 - A. December 1, 2009 Special Common Council meeting minutes
 - B. December 1, 2009 Regular Common Council meeting minutes
6. Letters and Communications: None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports: 1 – 2 (*J. Prailes*)
 - Report 1 – Community Development Authority minutes, November 17, 2009.
 - Report 2 – Committee of the Whole minutes, December 1, 2009.
9. Payment of Vouchers. (*P. Hintz*)
10. License and Permits – None
11. Appointments and Nominations: (*T. Vos*)
 - A. To reappoint Ron Patla on the Zoning Board of Appeals, term expiring January 1, 2013.

12. **PUBLIC HEARINGS**

None.

13. **RESOLUTIONS**

- A. Resolution 4378(54) to official intent to reimburse expenditures from proceeds of borrowing. This item was discussed at the December 1, 2009 Committee of the Whole meeting. (S. Rauch)
- B. Resolution 4379(55) to approve Change Order Number Two with James Peterson and Sons for watermain improvements on McHenry Street as a credit in the amount of \$46,911.33. This item was discussed at the December 1, 2009 Common Council meeting. (K. Simenson)
- C. Resolution 4380(56) to approve Change Order Number Two with Wanasek Corporation for the 2009 Street and Sidewalk Improvement Program as a credit in the amount of \$50,897.29. This item was discussed at the December 1, 2009 Common Council meeting. (J. Fischer)
- D. Resolution 4381(57) to approve a reduction in the letter of credit for infrastructure improvements at the Fox River Landing Subdivision and to enter into an agreement with Murphy Farm, LLC and B.R. Amon & Sons, Inc. for future roadway repair. This item was discussed at tonight's Committee of the Whole meeting. (R. Prailes)

14. **ORDINANCES**

- A. Ordinance 1892(13) to amend the Official Traffic Map by creating a "No Parking" Zone on McHenry Street. This item was discussed at the December 1, 2009 Common Council meeting. (E. Johnson)

15. **MOTIONS**

- A. Motion 09-674 to approve the booking and payment of 50% to Bartolotta Fireworks Company, Inc. for the fireworks display on July 4, 2010. This item was discussed at tonight's Committee of the Whole meeting. (J. Prailes)

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

17. **ADJOURNMENT** (P. Hintz)

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 Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 15, 2009

1. **CALL TO ORDER - ROLL CALL**

Mayor Miller called the meeting to order at 6:49 p.m. starting with roll call. Aldermen present: Robert Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch, Katie Simenson

Staff present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Assistant to the Administrator Megan Johnson, Treasurer Bridget Souffrant, Director of Public Works Connie Wilson, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Library Director Gayle Falk and Tom Foht of Kapur Engineering

2. **PLEDGE OF ALLEGIANCE**

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

3. **CITIZEN COMMENTS**

None

4. **CHAMBER OF COMMERCE REPRESENTATIVE**

None

5. **APPROVAL OF COMMON COUNCIL MINUTES**

A motion was made by Johnson with a second by Bob Prailes to approve the minutes of the December 1, 2009 Special Council Meeting and the December 1, 2009 Regular Council Meeting. With all in favor, the motion carried.

6. **LETTERS AND COMMUNICATIONS**

None

7. **REPORTS BY ALDERMANIC REPRESENTATIVES & DEPARTMENT HEADS**

Simenson had received a letter from Greg and Judy Lemieux, owners of "Inside Scoop", 256 East Chestnut Street in regard to a citation they had received for their temporary signage. Lahner explained that at this time the city is not actively enforcing the temporary sign ordinance and have rescinded the citation.

The mayor reported that he has put together a work group to take a look at the temporary sign ordinance and hopes to have something put together by February or March of 2010.

Simenson discussed the lack of sidewalks in an area on Traveler's Run that is a pick-up area for the school buses. Because of the lack of sidewalks, the students are standing in the street. She would like to see the sidewalk extended as well as maintained during the winter months. Vos suggested that the bus company alter their route into the subdivision to accommodate the students as this location is close to STH 11 and restrictions exist with state highways.

Simenson asked for clarification on elected official's health benefits and what that meant upon their retirement or defeat in an election. Simenson understood that they would no longer be allowed on the policy but Lahner stated that they would be allowed to remain if they had served five terms or more. At that point, they would be treated just like any other retiree and would be required to continue to pay their full premium.

Vos state he felt that this was not a free ride as the premiums are over sixteen hundred dollars a month that he is required to pay. Simenson rebutted that it does contribute to the cost because of the claims that eventually affect the premiums.

Lahner had proposed that all elected officials be removed from the health plan and by opening the plan to that many individuals typically tended to attract those that need the coverage. He further commented that even though the premiums are being paid by the individuals, their claims impact the premiums and the renewal rates.

At that time, Connie Wilson introduced Bob Wilson from the Wastewater Treatment Plant. He was being recognized for his thirty years with the department. She noted that he had been elected "Operator of the Year" by his peers from the Wisconsin Southeastern District Operators.

8. REPORTS 1-2

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

9. PAYMENT OF VOUCHERS

A motion was made by Hintz with a second by Johnson to approve Prepays (\$295,527.48), Vouchers (\$171,743.13) and Reimbursements (\$2,778.82) for a grand total of \$470,049.43 Roll Call Ayes: Bob Prailes, Johnson, Vos, Hintz, Jim Prailes, Rauch, Simenson and Fischer Nays: None. Motion carried 8-0.

10. LICENSES AND PERMITS

There were no licenses or permits for this meeting.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Vos to reappoint Mr. Ron Patla to the Zoning Board of Appeals with a term expiration of January 1, 2013. With a second by Simenson, all were in favor and the motion carried.

12. PUBLIC HEARINGS

None

13. RESOLUTIONS ADOPTED

A. RESOLUTION 4378(54) "A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING"

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

B. RESOLUTION 4379(55) "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER TWO WITH JAMES PETERSON AND SONS FOR WATERMAIN IMPROVEMENTS ON MCHENRY STREET AS A CREDIT IN THE AMOUNT OF \$46,911.33"

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

C. RESOLUTION 4380(56) "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER TWO WITH WANASEK CORPORATION FOR THE 2009 STREET AND SIDEWALK IMPROVEMENT PROGRAM AS A CREDIT IN THE AMOUNT OF \$50,897.29"

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

D. RESOLUTION 4381(57) "A RESOLUTION TO APPROVE A REDUCTION IN THE LETTER OF CREDIT FOR INFRASTRUCTURE IMPROVEMENTS AT THE FOX RIVER LANDING SUBDIVISION AND TO ENTER INTO AN AGREEMENT WITH MURPHY FARM, LLC AND B.R. AMON & SONS, INC. FOR FUTURE ROADWAY REPAIR"

A request for a second reading and motion to approve was made by Bob Prailes with a second by Johnson. Discussion: Simenson was concerned about the future bills for these roads and suggested the city set higher standards for road work. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Bob Prailes, Simenson Motion carried 6-2

14. ORDINANCES ADOPTED

ORDINANCE 1892(13) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP BY CREATING "NO PARKING" ZONE ON MCHENRY STREET"

A motion to approve was made by Johnson with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: Motion carried 8-0

15. MOTIONS ADOPTED

MOTION 09-674 "A MOTION TO APPROVE THE BOOKING AND PAYMENT OF FIFTY PER-CENT TO BARTOLOTTA FIREWORKS COMPANY, INC. FOR THE FIREWORKS DISPLAY ON JULY 4, 2010"

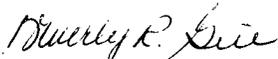
A motion to approve was made by Jim Prailes with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 7-1

16. OTHER MATTERS AS AUTHORIZED BY LAW

None

17. ADJOURNMENT

A motion was made by Hintz and seconded by Simenson to adjourn the meeting. With all in favor, the meeting adjourned at 7:10 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: 5	Date: December 15, 2009
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the Special Common Council meeting minutes from December 1, 2009 and the Regular Common Council meeting minutes from December 1, 2009. Staff recommends approval of these minutes.

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Common Council approve these minutes at the December 15, 2009 Common Council meeting.

DRAFT

City of Burlington
Official Minutes
Special Meeting
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 1, 2009

1. **CALL TO ORDER - ROLL CALL**

Mayor Miller called the meeting to order at 5:30 p.m. with the following aldermen present: Robert Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Staff present was: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Treasurer Bridget Souffrant, Fire Chief Dick Lodle, Department of Public Works Supervisor Dick Pieters, Building Inspector Patrick Scherrer, Library Director Gayle Falk Also Present: Mr. Dave Wagner of Ehlers and Associates, Mr. Tom Stelling of Stelling & Associates Architect, Ms. Tina Chitwood of RCEDC, Mr. Claude Lois and CDA Members: Ms. Judie Lemieux, Mr. Jim Spiegelhoff, Mr. Bil Scherrer, Mr. Jim Peterson, Mr. Jack Eckola

2. **CITIZEN COMMENTS**

None

3. **APPOINTMENTS AND NOMINATIONS**

A motion was made by Hintz with a second by Vos to reappoint Mr. Jack Eckola to the Community Development Authority with a term ending of November 4, 2012. With all in favor, the motion carried.

4. **ADJOURN INTO CLOSED SESSION**

A motion was made by Vos with a second by Jim Prailes to adjourn into Closed Session per Wis. Stats. 19.85 (1)(e) " deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session". Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson

5. **RECONVENE INTO OPEN SESSION**

A motion was made by Bob Prailes with a second by Vos to reconvene into open session. With all in favor the motion carried and open session began at 6:25 p.m.

6. **MOTION 09-673 TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURLINGTON COMMUNITY DEVELOPMENT AUTHORITY AND BURLINGTON HOTEL GROUP, LLC**

At this time Vos removed himself from the meeting due to a possible conflict of interest. Fischer moved to approve Motion 09-673 Development Agreement drafted December 1, 2009(A). Bob Prailes seconded the motion. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Fischer Nays: Rauch, Simenson Motion carried 5-2 After the vote was taken, Vos rejoined the meeting.

7. **ADJOURNMENT**

A motion was made by Hintz with a second by Johnson to adjourn the meeting. With all in favor, the meeting adjourned at 6:30 p.m.

Beverly R. Gill
City Clerk
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: December 15, 2009
Submitted By: City Staff	Subject: Reports 1-2

Details:

Attached please find the following reports:

Report 1 – Community Development Authority minutes, November 17, 2009.
Report 2 – Committee of the Whole minutes, December 1, 2009

Options & Alternatives:
N/A

Financial Remarks:
None.

Executive Action:
Staff recommends that the Council accept these reports at the December 15, 2009 Common Council meeting.

**COMMUNITY DEVELOPMENT AUTHORITY
November 17, 2009
Special Meeting
5:30 p.m.
Council Chambers
224 East Jefferson Street**

ROLL CALL

Mayor Bob Miller called the meeting to order at 5:30 p.m. with the following members in attendance: Alderman Jeff Fischer, Commissioners Jim Spiegelhoff, Jim Peterson and Judy Lemieux. Excused: Bil Scherrer Also in attendance were City Administrator Kevin Lahner, City Attorney John Bjelajac, Gordy Kacala of RCEDC, Tom Stelling of Stelling and Associates, Jim Mann of Ehlers and Associates, Attorney Andrea Roeschke of Michael, Best and Friederich, , Linda Fellenz of LF Green, Treasurer Bridget Souffrant, Claude Lois, Jack Eckola, Bill Stone. The following aldermen were also present: Tom Vos, Steve Rauch, Bob Prailes, Peter Hintz, Katie Simenson, Jeff Fischer and Jim Prailes.

APPROVAL OF MINUTES FROM NOVEMBER 3, 2009

A motion was made by Fischer to approve the minutes of the November 3, 2009 meeting. Spiegelhoff seconded the motion and with all in favor, the motion carried.

CITIZEN COMMENTS

None

WORKSHOP ON PROPOSED DOWNTOWN REDEVELOPMENT PROJECT

A presentation was given by City Administrator Kevin Lahner to provide a more comprehensive explanation of the downtown redevelopment project. He stated that seven properties were affected with three occupied as businesses and one as a residence. The properties at 216 East Washington, 241,249,261 and 221 East Chestnut Street have been acquired. There is a scheduled closing for 400 North Dodge Street (Burlington Co-op) and are now in negotiations with Bulk Petroleum, owners of 224 East Washington.

The project will consist of two phases with Phase One being the hotel that will be developed by the Burlington Hotel Group with a proposed Hampton Inn Franchise. The retail/commercial properties will be developed by CORE Upgrades, Corporation of Burlington. The construction of the parking structure and the retail/commercial development will be part of Phase Two.

Lahner stated that this is not a unique development situation as the city has been involved in similar circumstances with the 1998 purchase of the Hi-Liter property and the demolition and remediation of the site prior to the sale to the Charcoal Grill.

Tom Stelling of Stelling and Associates stated that the original site plan that had been presented has been changed. The corner by the control signal is tied into TIF3 and as such cannot be worked on at this time. The floor plan of the hotel has been adjusted to take that into consideration. The proposed hotel is a three-story Hampton Inn with fifty-four rooms, indoor swimming pool, exercise facility and will be serving complimentary breakfasts. Mr. Stelling stated that the preliminary conceptual design has met approval from the Hampton Inn.

ADJOURN INTO CLOSED SESSION

A motion was made by Peterson with a second by Fischer to adjourn into closed session per Wis. Stats. 19.85(1) (e) deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Roll Call Ayes: Lemieux, Miller, Fischer, Peterson, Spiegelhoff Nays: None Motion carried and the closed session began at 5:55 p.m.

RECONVENE INTO OPEN SESSION

A motion was made by Spiegelhoff to reconvene into open session with a second by Peterson. With all in favor, the open session reconvened at 6:47 p.m.

ANY PROPOSED ACTIONS RESULTING FROM CLOSED SESSION DISCUSSIONS

None

ADJOURNMENT

A motion was made by Peterson to adjourn the meeting. Spiegelhoff seconded the motion and with all in favor, the motion carried and the meeting adjourned at 6:50 p.m.

Beverly R. Gill
City Clerk
City of Burlington
Racine & Walworth County

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 1, 2009

1. CALL TO ORDER/ROLL CALL

Mayor Miller called the meeting to order at 6:36 p.m. starting with roll call. Aldermen present were: Robert Prailes, Ed Johnson, Tom Vos, Jeff Fischer, Peter Hintz, Jim Prailes, Steve Rauch and Katie Simenson

Staff present was: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Treasurer Bridget Souffrant, Director of Public Works Director Connie Wilson, Department of Public Works Supervisor Dick Pieters, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Library Director Gayle Falk, Department of Public Works Foreman Tom Koch and Tom Foht of Kapur Engineering. Others present: Mr. Dave Wagner of Ehlers and Associates

2. CITIZENS COMMENTS

None

3. APPROVAL OF MINUTES FROM NOVEMBER 17, 2009

A motion was made by Vos with a second by Jim Prailes to approve the minutes from the November 17, 2009 Committee of the Whole meeting. With all in favor, the motion carried.

4. RESOLUTION 4378(54) "TO CONSIDER DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING"

Mayor Miller introduced resolution 4378(54) for discussion and referred to this resolution as a "housekeeping" procedure. Alderman Simenson requested a further explanation of this resolution. Lahner explained that the city would actually be issuing debt for the project but the costs associated with the acquisition would be eligible for reimbursement by the passage of this resolution. This resolution will move forward to the December 15, 2009 Common Council meeting.

5. RESOLUTION 4379(55) "TO CONSIDER CHANGE ORDER NUMBER TWO WITH JAMES PETERSON AND SONS FOR WATERMAIN IMPROVEMENTS ON MCHENRY STREET AS A CREDIT IN THE AMOUNT OF \$14,911.03"

Mayor Miller introduced Resolution 4379(55) for discussion and explained the project came in under budget which has resulted in a credit. This resolution will move forward to the December 15, 2009 Common Council Meeting.

6. RESOLUTION 4380(56) "TO CONSIDER CHANGE ORDER NUMBER TWO WITH WANASEK CORPORATION FOR THE 2009 STREET AND SIDEWALK IMPROVEMENT PROGRAM AS A CREDIT IN THE AMOUNT OF \$50,897.29"

Mayor Miller introduced Resolution 4380(56) for discussion. He stated this is the same issue as Resolution 4379(55). This resolution will move forward to the December 15, 2009 Common Council Meeting.

7. ORDINANCE 1892(13) "TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A "NO PARKING" ZONE ON MCHENRY STREET"

Mayor Miller introduced Ordinance 1892(13) for discussion. The Mayor explained that parking is an issue from Longview Animal Hospital to the intersection of Market and McHenry Street. Vos questioned if the road would be striped once the signs go up and if this wouldn't be a good time to request an upgrade from the railroad for that crossing. Lahner stated that he would look into the railroad issue.

8. OTHER MATTERS

None

9. ADJOURN

A motion was made by Rauch with a second by Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 6:40 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
Phone: (262) 342-1170 Fax: (262) 342-1178
www.burlington-wi.gov

Common Council Agenda Item Number: 9	Date: December 15, 2009
Submitted By: Bridget Souffrant, Treasurer	Subject: Prepays and Vouchers

Details:

Attached please find the Prepays and Vouchers list for bills accrued through December 15, 2009:

Total Prepays:	\$295,527.48
Total Vouchers:	\$171,743.13
Reimbursements:	\$2,778.82
Grand Total:	<u><u>\$470,049.43</u></u>

Options & Alternatives: Approve expenditures as presented or alter purchasing procedures.

Financial Remarks: 5 Largest Disbursements on Prepays and Vouchers

- 1) Olson Trailer & Body, LLC – Furnish and install on (2) trucks: front mounted load sense hydraulics, dump bodies, tailgate salters, and reversible snow plows \$145,450.00
- 2) Kapur & Associates, Inc – Urban Pavement Replacement – ARRA \$32,359.10
- 3) Kapur & Associates, Inc – Urban Resurface – ARRA \$15,191.56
- 4) Pats Services, Inc – Sludge hauling \$13,542.00
- 5) Payne & Dolan, Inc – Final billing for work performed on Droster Ave milling and asphalt binder \$13,063.16

Executive Action:

Staff recommends that the Common Council accept these Prepays and Vouchers in the amount of \$470,049.43 at the December 15, 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: December 15, 2009
Submitted By: Mayor Miller	Subject: Appointments

Details:

- A. To reappoint Ron Patla to the Zoning Board of Appeals, term ending January 1, 2013. A short bio from Ron is attached.

Options & Alternatives:

The Council may elect to deny this request and ask the Mayor to forward a different person for this board.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept this appointment at the December 15, 2009 Common Council meeting.

Ron Patla – Bio

Following graduation from Central High school in Paddock Lake, I attended the UW Extension in Kenosha and enlisted in the U.S. Navy reserve serving two years active duty aboard an aircraft carrier. I joined the City of Burlington Police Department in 1969 and served 34 years retiring as police chief in 2003. Before becoming chief in 1992, I worked as a patrol officer, an investigator, a detective sergeant and a patrol lieutenant. I attended many types of specialized training during my career and graduated from the F.B.I National Academy. While police chief, I served as the interim city administrator for seven months following Mark Fitzgerald's departure in 1999.

I'm currently a member of the Board of Zoning Appeals and the Police and Fire Commission. In addition I maintain the City of Burlington's website.

I've lived in Burlington for the past 40 years. My wife Kathy and I have one adult daughter. I enjoy spending time with my grandsons and being involved at Plymouth Congregational church. I'm a longtime motorcyclist and very active in the Blue Knights International motorcycle club whose members are active and retired law enforcement officers.



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: 13A

Date: December 15, 2009

Submitted By: Kevin Lahner, City Administrator

Subject: Resolution 4378(54) declaring official intent to reimburse expenditures from proceeds of borrowing.

Details:

The enclosed resolution is related to expenditures for the proposed Downtown Redevelopment Project. While it does not obligate the City to issue bonds, it preserves the ability for the City to recoup expenses related to the project from bond proceeds, should we choose to do so. Among eligible expenses that would be funded through bond proceeds, it includes costs related to the acquisition of property and the issuance of debt for the construction of the proposed parking structure and related expenses.

Any expenditures the City makes more than sixty days prior to adopting this resolution will not be eligible for reimbursement, unless they fit into the “preliminary expenditure” exception. Preliminary expenditures are defined as including architectural, engineering, surveying, soil testing and reimbursement bond issuance costs incurred prior to commencement of construction.

Adoption of this official declaration is required if the City Council wants to fund any expenses incurred for design engineering, inspection services, and/or construction of the capital improvements associated with prior to the issuance of any bonds for this work. The passage of this resolution indicates that bonds will be considered for this work, but do not obligate the Council to issue any bonds; it simply preserves the ability to reimburse the General Fund for these expenses if the Council determines that it is in the City’s best interest to issue bonds for this work.

Options & Alternatives:

If the Common Council chooses to reject this resolution, expenses related to the Downtown Redevelopment Project would not be eligible to be covered by bond proceeds. Bonds are expected to be issued for the expenses related to the parking structure, and land acquisition costs.

Financial Remarks:

The issuance of bonds and the amount required for the project are not determined at this time. This resolution will allow us the ability to cover all eligible expenses through bond proceeds if desired.

Executive Action:

This item was discussed at the December 1, 2009 Committee of the Whole meeting and is placed on the December 15, 2009 Common Council agenda for consideration.

**RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING**

WHEREAS, the City of Burlington, Racine and Walworth Counties, Wisconsin (the "Municipality") plans to undertake community development projects (collectively, the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing tax-exempt bonds or promissory notes or taxable Build America Bonds (the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$1,000,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City Clerk's office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Introduced: December 1, 2009
Approved:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



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: 13B	Date: December 15, 2009
Submitted By: Tom Foht, City Engineer	Subject: Resolution 4379(55) to approve Contract Change Order #2 for the CTH P- McHenry Street Utility Improvement Project with James Peterson & Sons.

Details:

Attached is the project close out documentation for the CTH P- McHenry Street Utility Improvement Project. Project quantities were estimated at the time the project went out to bid. The contract was awarded to James Peterson and Sons for the bid amount of \$256,095.50 based on these estimated quantities. Change Order Number One was approved on October 20, 2009 for additional storm sewer and watermain improvements in the amount of \$16,991.20 increasing the contract total to \$273,086.70.

The project has been completed and all actual quantities have been determined. The cost created by difference between estimated and actual quantities is presented in the attached Change Order. Change Order Number Two decreases the amount of the contract by \$46,911.33 bringing the contract total to \$226,175.37.

Approving Change Order Number Two will equate Common Council approval of the contract amount with the amount being requested for final payment.

Options & Alternatives:

Denial of the Change Order would obligate the City to pay the current contract amount of \$273,086.70.

Financial Remarks:

If this resolution is approved the final contract amount will be \$226,175.37 which is a reduction of \$29,920.13 from the original contract.

Executive Action:

This item was discussed at the December 1, 2009 Committee of the Whole meeting and is placed on the December 15, 2009 Common Council meeting for consideration.

Resolution No. 4379(55)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING CONTRACT CHANGE ORDER NUMBER TWO WITH
JAMES PETERSON AND SONS, INC. FOR WATERMAIN IMPROVEMENTS ON
MCHENRY STREET / CTH P FOR A CREDIT IN THE AMOUNT OF \$46,911.33**

WHEREAS, Resolution 4319(89) approved the award of bid to James Peterson and Sons, Inc. for utility improvements to McHenry Street / CTH P for the not to exceed amount of \$256,095.50; and,

WHEREAS, the City of Burlington entered into a contract with James Peterson and Sons, Inc. for said improvements on April 2, 2009; and,

WHEREAS, during the course of work it was determined improvements were needed including extra work for excavating the existing watermain encased in concrete, replacing the storm sewer pipe, placement of watermain and sanitary sewer pipes, installing a hydrant, and backfilling new pipes, which resulted in Change Order One for the amount of \$16,991.20 that was approved by Resolution 4358(34) on October 20, 2009; and,

WHEREAS, final quantities were calculated after work was completed revealing a reduction of materials used for the project, which has resulted in a Change Order for a credit in the amount of \$46,911.33, a copy of which is attached hereto as "Exhibit A" and made a part hereof; and,

WHEREAS, said Change Order Two for a credit in the amount of \$46,911.33 has been recommended for approval by the City Engineer; and,

WHEREAS, the new contract price including Change Order Number Two is for the not-to- exceed amount of \$226,175.37.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Change Order Two is hereby approved for credit in the amount of \$46,911.33.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Change Order Two on behalf of the City.

Introduced: December 1, 2009
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

MEMORANDUM TO THE CITY OF BURLINGTON

To: Connie Wilson
Cc: Dick Pieters, Judy Gerulat
From: Mike Timmers
Date: November 18, 2009
Re: Contract Change Order request for James Peterson Sons, Inc.
CTH P – McHenry Street Utility Improvements

Attached please find a copy of Contract Change Order #2 and Justification of Price for the **CTH P – McHenry Street Utility Improvements** construction project. The quantities shown on this change order are the final, actual quantities placed for the project. This change order is required to adjust the actual project cost and the actual quantities placed for the project.

This project is final. The actual total cost of the project will be **\$226,175.37** which is \$29,920.13 less than the project bid amount of \$256,095.50.

Please feel free to contact me if you have any questions or comments!

Thank you!

● Page 1



Kapur & Associates, Inc. ~ 6025 S. Pine Street ~ Burlington, WI 53105 ~ Phone 262.767.2747 ~ Fax 262.767.2750 www.kapurengineers.com

C:\Documents and Settings\megan\Local Settings\Temporary Internet Files\OLK39\090146memoCCO2.doc



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: 13C	Date: December 15, 2009
Submitted By: Tom Foht, City Engineer	Subject: Resolution 4380(56) to approve Contract Change Order #2 for 2009 Street and Sidewalk Improvement Project.

Details:

Attached is the project close out documentation for the 2009 Street and Sidewalk Improvement Project. Project quantities were estimated at the time the project went out to bid. The Contract was awarded to Wanasek for the bid amount of \$949,107.15 based on these estimated quantities. Change Order Number One was approved on October 20, 2009 in the amount of \$113,012.80 for additional improvements which increased the Contract total to \$1,062,119.95.

The project has been completed and all actual quantities have been computed. The cost created by the difference between the estimated and the actual quantities is presented in the attached Change Order. Change Order Number Two decreases the amount of the contract by \$50,897.29. The Final Contact amount is \$1,011,222.66.

Approving Change Order Number Two will equate Common Council approval of the contract amount with the amount being requested for final payment.

Options & Alternatives:

N/A

Financial Remarks:

If this resolution is approved the final contract amount will be \$1,011,222.66, which is an increase of \$62,115.51 from the original contract.

Executive Action:

This item was discussed at the December 1, 2009 Committee of the Whole meeting and is placed on the December 15, 2009 Common Council meeting for consideration.

**A RESOLUTION APPROVING CONTRACT CHANGE ORDER NUMBER TWO WITH
WANASEK CORPORATION FOR THE 2009 STREET AND SIDEWALK IMPROVEMENT
PROGRAM FOR A CREDIT IN THE AMOUNT OF \$50,897.29**

WHEREAS, Resolution 4318(88) approved the award of bid to the Wanasek Corporation for the 2009 Street and Sidewalk Improvement Program in the amount of \$949,107.15; and,

WHEREAS, the City of Burlington entered into a contract with the Wanasek Corporation for project on April 2, 2009; and,

WHEREAS, during the course of work it was determined improvements were needed including storm sewer improvements on Conkey Street and the installation of a parking lot extension at Echo Park, which resulted in Change Order One in the amount of \$113,012.80 approved on October 20, 2009 as Resolution 4359(35); and,

WHEREAS, it was determined that additional lighting needed to be installed at the Echo Park parking lot which was included in the 2009 Street and Sidewalk Improvement Program.

WHEREAS, final quantities were calculated after work was completed revealing a reduction of materials used for the project, which has resulted in a Change Order for a credit in the amount of \$50,897.29, a copy of which is attached hereto as "Exhibit A" and made a part hereof; and,

WHEREAS, said Change Order Two for a credit in the amount of \$50,897.29 has been recommended for approval by the City Engineer; and,

WHEREAS, the new contract price including Change Order Number Two is for the not-to- exceed amount of \$1,011,222.66.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Change Order Two is hereby approved for credit in the amount of \$50,897.29.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Change Order Two on behalf of the City.

Introduced: December 1, 2009
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

MEMORANDUM TO THE CITY OF BURLINGTON

To: Connie Wilson
Cc: Dick Pieters, Judy Gerulat
From: Mike Timmers
Date: November 19, 2009
Re: Contract Change Order request for The Wanasek Corp.
2009 Street & Sidewalk Improvement Program

Attached please find a copy of Contract Change Order #2 and Justification of Price for the **2009 Street & Sidewalk Improvement Program** construction project. This is for the parking lot lighting for the Echo Park parking lot construction. This Change Order is also required to adjust the base bid quantities to actual, asbuilt, final quantities placed for the project; thus, adjusting the actual project total dollar amount. The quantities shown on this change order are the final, actual quantities placed for the project. This project is final.

Connie, could you please review this Change Order and, if you approve, send your approval to Megan at City Hall so that it gets on the agenda for the COW/Council meeting, dated December 1, 2009.

Let me know if you have any questions or comments!

Thank you!

● Page 1



Kapur & Associates, Inc. ~ 6025 S. Pine Street ~ Burlington, WI 53105 ~ Phone 262.767.2747 ~ Fax 262.767.2750 www.kapurengineers.com

C:\Documents and Settings\megan\Local Settings\Temporary Internet Files\OLK463\090145memoCCO2revised.doc



CITY OF BURLINGTON

Department of Public Works

Street & Park Department
824 Milwaukee Avenue, Burlington, WI, 53105
(262) 763-2060 – (262) 763-5492 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 14A	Date: December 15, 2009
Submitted By: Richard J. Pieters, Department of Public Works Supervisor	Subject: Ordinance No. 1897(13) to amending the Official Traffic Map to add a No Parking Zone to McHenry Street.

Details:

The attached ordinance will amend the City of Burlington Official Traffic Map. It will create a “No Parking Zone” on the easterly side of McHenry Street, from West Market Street going 700 feet southerly to the northerly driveway of Long Veterinary Clinic, abutting the existing “No Parking Zone”.

Since the completion of the interchange on CTH P/McHenry Street was completed with the WisDOT Bypass project, there are two moving lanes of traffic are traveling northerly on McHenry Street in this location. Cars have been parking in the area that needs to carry moving traffic and is creating an unsafe condition. A no parking zone will clear the pavement for the moving traffic.

Options & Alternatives:

At this time the only other option would be “do nothing” which would perpetuate the unsafe condition.

Financial Remarks:

The financial impact would be very minimal, only labor to install the No Parking signs and the actual cost of the signs themselves.

Executive Action:

This item was discussed at the December 1, 2009 Committee of the Whole meeting and is placed on December 15, 2009 Common Council meeting for consideration.

Ordinance No. 1892(13)
Introduced by: Committee of the Whole

**AN ORDINANCE AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A NO
PARKING ZONE ON MCHENRY STREET.**

The Common Council of the City of Burlington, Racine County, State of Wisconsin does ordain as follows:

Section 1. THE OFFICIAL TRAFFIC MAP of the City of Burlington, County of Racine, State of Wisconsin, is hereby amended by creating a "No Parking Zone" on the easterly side of McHenry St., from the southerly curb line of W. Market St. to a point lying 700 southerly of said southerly curb line.

Section 2. THE OFFICIAL TRAFFIC MAP in all other respects shall remain the same.

Section 3. THIS ORDINANCE shall take effect and be in full force after its passage and publication as provided by law.

Introduced: December 1, 2009
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk