

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
May 17, 2011

1. CALL TO ORDER/ROLL CALL

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Ed Johnson, Peter Hintz, Jim Prailles, Tom Vos, Steve Rauch, Katie Simenson Excused: Bob Prailles and Jeff Fischer High school students present: David Martin, Lauren Nadolski

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Fire Chief Dick Lodle

As the current school year has drawn to a close, the mayor commended the two high school students for their attendance at the council meetings and wished them well in the future.

Alderman Fischer arrived at 6:43 p.m.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. APPROVAL OF MINUTES FOR MAY 3, 2011

A motion was made by Rauch with a second by Vos to approve the minutes from May 3, 2011. With all in favor, the motion carried.

4. DISCUSSION REGARDING THE LEASE BETWEEN THE CITY OF BURLINGTON AND CHOCOLATEFEST

The mayor began the discussion by stating there had been meetings between the city and the ChocolateFest group regarding the city's plans and the future plans for ChocolateFest. The mayor felt the proposal before the city was a very advantageous plan and it should be very seriously considered by the council members.

Former Mayor Claude Lois representing ChocolateFest made the presentation to the council. Also in attendance representing ChocolateFest were Mr. Jim Wanasek, Mr. Bil Scherrer and Doctor Bill Stone.

Lois said that ChocolateFest would be responsible for the four buildings on the site by either razing or repairing them by July 31, 2012. They proposed the DPW Building be razed by December 31, 2011 by ChocolateFest with the city being responsible for the remediation costs.

ChocolateFest requested the city to relieve them of their last two payments on the lease (\$26,645) and amend and extend the lease for thirty years at a cost of one-dollar per year. The new lease would also include land behind the DPW that is not part of the current lease. The new lease would allow long-term planning by ChocolateFest and place them on a more solid financial footing. Lois indicated there is a need for permanent restroom facilities and perhaps the festival grounds could be considered for other uses.

Vos thought that it was a win, win situation as the city will always own the land, will always be responsible for what's underneath the ground but the city won't have to stand the cost of removal of the old DPW Building which is in excess of the \$26,645.00 least payment. The mayor thought the estimates for demolition were between \$45,000 and \$65,000 not including any remediation costs. Lahner added that the estimate from LF Green for remediation was around \$20,000.

Vos then asked if there had been an appraisal done for just the sale of the raw land. Lahner replied that it was recommended by a realtor that if the building doesn't sell, that it would be a good idea to demolish the building as it would be easier to sell. Lahner did not have an estimate of a sale price.

Simenson questioned if a letter would be sent out to the neighborhood notifying them of this plan. Lois stated that ChocolateFest does not at this time have any other use for the site. Simenson then questioned if permanent bathrooms are built, would any of the soil have to be remediated for that site. Lahner replied that it would be a possibility because of footings and sewer work. Simenson further questioned who would be paying for that remediation. Lahner thought that it could be included in the lease arrangement.

Simenson asked if other organizations use the site, would they be charged a fee. Lois replied that they do not charge for non-profits, but they are asked to sign a contract and provide a security deposit.

The consensus of the council members was to proceed with a new lease for ChocolateFest and to allow the immediate removal of the concrete bunkers to provide more parking and better access to the grounds.

5. **RESOLUTION 4478(3) "A RESOLUTION TO CONSIDER APPROVING AN AMENDMENT TO THE CITY OF BURLINGTON FEE SCHEDULE FOR SECTION 227-3F(2), NOXIOUS AND OTHER WEEDS"**

Mayor Miller introduced Resolution 4478(3) to the council for discussion.

Vos questioned how many violations were there with the current resolution. Lahner replied that there may have been thirty or more notices that were sent with the city crews actually doing the work seven to eight times. Lahner stated that the problem with mowing the larger lots is that the city does the work cheaper than any contractor could do the work.

Atty. Bjelajac wanted the minutes to reflect that he had a conversation with the city administrator before the meeting and the rates that are being proposed actually cover the costs and they are reasonable charges. The penalties that are referred to in the fee schedule ordinance are actually the market rate which is the city's rate for the work; the city is not imposing a penalty above and beyond the city's reasonable charges. He further stated that these are special charges that the city will assess to the properties.

Lahner stated that due to home foreclosures, this has become a challenge in trying to find out who is responsible for the properties.

This resolution is scheduled for the June 7, 2011 Common Council meeting.

6. **RESOLUTION 4479(4) "A RESOLUTION TO CONSIDER VACATING AN UNIMPROVED PUBLIC RIGHT-OF-WAY IDENTIFIED AS E. WASHINGTON STREET EAST OF NORTH MAIN STREET AND WEST OF NORTH WISCONSIN STREET WITH REVERSION OF TITLE OF SUCH LAND TO THE ABUTTING PROPERTY OWNERS"**

Mayor Miller introduced Resolution 4479(4) for discussion. The mayor explained that it has been recommended by staff to abandon this right-of way as it will never be improved. Lahner explained that the right-of-way will be divided down the middle with the north half connecting to Benson Park and the south half to private homeowners.

Vos commented that half of the right-of-way would then be placed on the tax roll.

This resolution is scheduled for the July 5, 2011 Common Council meeting

7. **ORDINANCE 1925(2) "AN ORDINANCE TO CONSIDER AMENDING SECTION 315-54C(4) TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT OF A DETACHED ACCESSORY TO TWENTY-FIVE FEET OR THE HEIGHT OF THE PRINCIPAL STRUCTURE, WHICHEVER IS LESS"**

Mayor Miller introduced Ordinance 1925(2) for discussion. He then explained that if you have a one-story residence you may not put up a two-story accessory structure or if you have a two-story

residence, this would allow the residence to match the roof line. Lahner said the ordinance as it is now written has a fifteen-foot height restriction.

Mr. Dave Kerkhoff, 2610 Bieneman Road questioned when this ordinance would take affect and when he could get a building permit. The mayor replied that this ordinance would be addressed at the June 7, 2011 council meeting and if it is adopted, Kerkhoff could then apply for a building permit.

8. **MOTION 11-709 "A MOTION TO CONSIDER THE ANNUAL INSURANCE RENEWAL WITH ZAREK INSURANCE"**
Mayor Miller introduced Motion 11-709 to the council for discussion.

Vos questioned if the insurance renewal was part of a bid process. Lahner explained that Zarek's rates had been compared with other companies but there was no bid process as a professional service, it was not required. He also stated that Zarek's rates were very favorable and the local agency provided good service.

Johnson questioned if the rate will be adjusted once the old DPW building is gone. Lahner confirmed that the rate would be adjusted at the time of the audit.

Vos then asked if an insurance certificate would be required of ChocolateFest once the new lease is signed. Lahner confirmed that the certificate would be required from ChocolateFest.

Mr. Paul Zarek of Zarek Insurance stated that the city could anticipate a twenty-five per-cent flat dividend in the amount of \$30,000 for this year. Zarek also stated that Connie Wilson has been doing a good job in holding safety meetings and Zarek anticipated a ten to fifteen thousand dollar reduction next year due to a lower Worker's Compensation Rate.

This motion will be considered at this evening's council meeting.

9. **MOTION 11-710 "A MOTION TO CONSIDER APPROVING A ONE-YEAR AGRICULTURAL LEASE BETWEEN THE CITY OF BURLINGTON AND DON BONNER FOR APPROXIMATELY 50 ACRES AT \$125.00 PER ACRE"**
Mayor Miller introduced Motion 11-710 to the council for discussion.

Vos had observed mining activity near the end of the runway and asked what was happening. Lahner replied that the city had been notified by Walworth County of the rock mining that would be occurring on the Wilson property.

Atty. Bjelajac questioned the dates of the lease; Lahner replied the lease is for the crop year of 2011.

This motion will be considered at this evening's council meeting.

10. **MOTION 11-711 "A MOTION TO CONSIDER APPROVING A TWENTY-NINE YEAR AIRPORT HANGAR LEASE WITH MARK WAGNER AT 948 ALPHA TAXIWAY FOR \$313.50 PER YEAR"**
Mayor Miller introduced Motion 11-711 to the council for discussion of which there was none.

This motion will be considered at this evening's council meeting.

11. **ADJOURN**

A motion was made by Vos with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 7:05 p.m.

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