

**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Robert Miller, Mayor**  
**Beverly R. Gill, City Clerk**  
**June 21, 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: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Katie Simenson Excused: Jeff Fischer

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Lt. Mark Anderson, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Library Director Gayle Falk,

**2. CITIZENS COMMENTS AND QUESTIONS**

None

**3. APPROVAL OF MINUTES FOR JUNE 7, 2011**

A motion was made by Hintz with a second by Jim Prailes to approve the minutes from June 7, 2011. With all in favor, the motion carried.

**4. MOTION 11-714 "A MOTION TO CONSIDER APPROVING THE 2010 ANNUAL AUDIT AS PREPARED BY PATRICK ROMENESKO"**

Mayor Miller introduced Motion 11-714 to the council for discussion. Mr. Patrick Romenesko, auditor for the City of Burlington was in attendance at the meeting for a review of the 2010 Audit and Management Letter.

Simenson questioned whether the Equipment Replacement Fund money was included in the General Fund. Romenesko replied that the Equipment Replacement Fund is located in another part of the audit titled the "Non-Major Funds" and is not part of the General Fund.

Vos asked if the last water rate adjustment would take care of the low balance in the cash reserves of the Water Department. Lahner said that the rate increase went into effect on February of 2011 which would ultimately address the issue; the city has also transferred a loan from the Wastewater funds to cover the cash balance issue in the Water Dept. Lahner further stated that he thought by the end of the year the cash balances would be in good shape.

Simenson questioned if the Water and Wastewater Departments both owe money to the General Fund if that wouldn't be the first financial obligation by the city. Romenesko stated that the first thought is to be in compliance with the bond covenants. He further stated that the General Fund has plenty of cash and is not in need of additional cash at this time but he felt it would be prudent to pay back the money.

Vos questioned what the Sewer Utility Equipment Replacement Fund required for reserves. Romenesko replied that there were no minimum balances required as there were no specifications on how the money could be spent. Vos further questioned if the Sewer Utility Equipment Replacement Fund represented all the equipment as well as the trucks. Romenesko replied that was correct.

Vos questioned if the (\$225,000) variance reported in the General Property Taxes is still owed. Romenesko explained that it was offset by the positive expenditure variance (\$503,000) and it became part of a budgetary variance.

This motion moves forward to the July 5, 2011 council meeting.

5. **RESOLUTION 4482(7) "A RESOLUTION TO CONSIDER APPROVING AN AMENDMENT TO A LETTER OF AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE RACINE COUNTY ECONOMIC DEVELOPMENT CORPORATION (RCEDC) FOR 2011"**

The mayor introduced Resolution 4482(7) to the council for discussion.

Ms. Jenny Trick of RCEDC was present to discuss the amendment to the Letter of Agreement between the City of Burlington and RCEDC. Ms. Trick explained that the focus of RCEDC with the City of Burlington will change from community development emphasis to economic development.

Vos questioned if there was any money available to replenish the Revolving Loan Fund. Trick replied there is Community Development Block Grant dollars available but they are company specific. She further stated that the fund is replenished by the repayment of loans.

Vos then questioned if there would be any logic behind the city self-funding. Trick was in agreement with that idea and she said she would definitely approach the city administrator if there was that opportunity.

Vos further questioned if there was a "rock-solid" business prospect if it would be advisable for the city to bond and "spec" out the building. Trick replied that some communities have used that approach, but the city would have to define the term "rock-solid".

This resolution will move forward to the July 5, 2011 council meeting.

6. **RESOLUTION 4483(8) "A RESOLUTION TO CONSIDER AWARDED THE BID TO PURCHASE PORTABLE RADIOS FOR THE POLICE DEPARTMENT TO GENERAL COMMUNICATIONS FOR THE NOT-TO-EXCEED AMOUNT OF \$47,979"**

The mayor introduced Resolution 4483(8) to the council for discussion. The mayor stated the city applied for and received a grant in the amount of \$47,979 for 23 portable radios with any additional costs to the city being negligible. He further stated the new radios will be compatible with the radio system that will be installed later this year with the new portable units using both VHF and digital frequencies which the current system cannot do.

This resolution will be addressed at this evening's council meeting.

7. **RESOLUTION 4484(9) "A RESOLUTION TO CONSIDER AUTHORIZATION OF THE SUBMITTAL OF A GRANT APPLICATION TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR THE RECREATIONAL TRAILS ACT GRANT"**

The mayor introduced Resolution 4484(9) to the council for discussion. Alderman Bob Prailes stated that the Park Board had approved \$2,000 for the grant application and questioned where the process was at this time. Lahner replied that this resolution is required for the support of the grant application. Bob Prailes further stated that after seeing the price tag on the project and looking at the funds available, it might not be something the park board is interested in doing.

Lahner described this project as one that could be done over a two-year period with the choice being that the funds could be rejected.

Hintz questioned why the Park Board would consider a trail between Echo Park and Steinhoff Park as he did not believe it would be used that much. Lahner replied that it was part of the Master Trails Plan and an attempt to connect all of the parks.

Simenson questioned the balance in the Park Development Fund. Bob Prailes replied that it is about \$190,000,

Rauch then questioned if the Park Board had approved this project, why are they now deciding against it. Bob Prailes replied that there was interest in a path through Echo Park but the only way to get grant money was to connect it to another park.

Lahner said it was a very compressed time-line and it was his suggestion to move forward with the grant and then later evaluate it on its' merits.

Vos said that he would rather see an area approved that would be used in greater numbers.

Hintz commented that he wondered why the city should waste time on a project that doesn't have much interest.

Simenson agreed with both Hintz and Vos that this should not be pursued but rather look at other areas that are more heavily utilized.

It was the mayor's recommendation that connecting the bicycle trail from Spring Valley to the city be priority as that is the one that has the most interest.

This resolution will move forward to this evening's common council meeting.

8. **RESOLUTION 4485(10) "A RESOLUTION TO CONSIDER APPROVING A LEASE AGREEMENT FOR USE OF CITY PROPERTY BETWEEN CHOCOLATE CITY FESTIVAL, INC AND THE CITY OF BURLINGTON FOR THE TERM OF THIRTY YEARS"**

Mayor Miller introduced Resolution 4485(10) to the council for discussion. Atty. Bjelajac addressed the council and respectfully suggested that any discussion be deferred until another Committee of the Whole meeting. The lease that was being presented to the council that evening was the first draft that had been offered to ChocolateFest but it had been returned with significant changes. Atty. Bjelajac felt for time to be saved, he suggested that council wait until they receive the final draft to have a discussion.

Lahner did not feel there were significant changes that would warrant delaying a discussion.

Simenson was still concerned with the addition of any restrooms by ChocolateFest and who would be responsible for the remediation of the land; she felt that issue needed to be added to the lease agreement. She was also not clear about the two past due lease payments that with the current lease payments would equal almost \$50,000. Lahner explained that in 2003 the city passed a resolution that deferred payment from 2002 and 2003 to the end of the lease which technically states there are four payments left. But, the city issued debt in the amount of \$248,000 when the property was bought and the ChocolateFest lease payments were developed based on the purchase price. A current spreadsheet indicates the debt to be paid off in 2012. Lahner further stated the lease document itself doesn't reference the debt, but the lease documents refers to payments of \$12,700 each which technically says four payments are left.

Simenson had been asked by some of her constituents what the cost of running ChocolateFest is for the city's portion and if the city is not going to charge lease payments, does that mean the city is providing even more funding.

Former Mayor Claude Lois then addressed the council stating that ChocolateFest originally bought the land, paid for it and then gave it back to the city. Lois felt it was correct that two payments were left on the lease which would then convert to one dollar a year. Lois said that it was never intended to be a money maker for the city and reminded council members that ChocolateFest returns \$160,000 a year to community non-profit groups. He said it was a great deal for the city as ChocolateFest would be tearing down four buildings for the city and fixing up another one.

Atty. Bjelajac felt this matter should be deferred to another council meeting as the city and ChocolateFest were still in negotiations.

Vos questioned the involvement of the city staff in ChocolateFest. Lahner replied the city does have some overtime costs related to the festival that are budgeted by the city for the police department, but that amount had decreased due to private security being used. He also said there was light maintenance on the grounds that the DPW performed.

The mayor said when ChocolateFest began, the police department was acting as security with the overtime costs reimbursed by ChocolateFest. The festival now hires a private security firm which isn't as expensive. The mayor stated that there are costs related to other activities that are held in the city and we do not bill them for any hours unless that is the route the council would want to follow.

Rauch questioned if ChocolateFest uses the grounds for two weeks out of the year, would the city have use of it for the remainder of the year. Lahner responded that is an issue that is being worked out but ChocolateFest does have a system in place for those who want to use the site by requiring insurance, a refundable deposit as well as approval from the city.

Lois then stated that ChocolateFest does not want a two-week lease, but wants a lease for the whole year so they would have more control over the site to make improvements.

Atty. Bjelajac then emphasized that the lease document before council was not the finished product and he would encourage another Committee of the Whole meeting in the future for further review of a final lease document.

It was the consensus of the council to bring this document back to a future Committee of the Whole meeting.

9. **ORDINANCE 1926(3) "AN ORDINANCE TO CONSIDER AMENDING THE MUNICIPAL CODE TO CREATE CHILD SAFETY ZONES AND RESIDENTIAL RESTRICTIONS APPLICABLE TO SEX OFFENDERS AND TO PROVIDE FOR ENFORCEMENT"**

Mayor Miller introduced Ordinance 1926(3) to the council for discussion. Vos questioned if an individual was standing in the fenced-in yard of the rental units on the corner of Conkey and Lewis Street which is near St. Charles School and Church, if that would be a violation of this ordinance. Atty. Bjelajac replied that an individual standing in their fenced-in backyard would not be a violation of this ordinance.

This ordinance will move forward to this evening's common council meeting.

10. **ORDINANCE 1927(4) "AN ORDINANCE TO CONSIDER APPROVING THE WARD REDISTRICTING PLAN FOR THE CITY OF BURLINGTON, RACINE AND WALWORTH COUNTIES"**

Mayor Miller introduced Ordinance 1927(4) to the council for discussion. Johnson questioned the ward that is located in Walworth County. The mayor replied that a ward cannot cross a county line which is the reason for the creation of a separate ward which is actually part of the airport.

Rauch thought this would be a good time to consider reducing the council members to six. The mayor replied that the proposed lines would have to be redrawn to accommodate six aldermen.

Simenson did not see the need for two aldermen from each district.

Lahner reminded council members that there are timelines for accomplishing the redistricting and the council would have to have special meetings to stay within the timelines.

Vos asked what would be gained or lost by downsizing to six members.

The mayor asked for a consensus from the council and it was determined that the number of aldermen remain at eight.

This motion will move forward to this evening's common council meeting.

**11. ADJOURNMENT**

A motion was made by Vos with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 8:06 p.m.

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