

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
September 6, 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 Prailes, Tom Vos, Steve Rauch, Katie Simenson Absent: Bob Prailes, Jeff Fischer

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Assistant to the Administrator Megan Johnson, Police Lt. Mark Anderson, Treasurer Steve DeQuaker, Utility Director Connie Wilson, Fire Chief Richard Lodle, Library Director Gayle Falk, Tom Foht of Kapur Engineering

Alderman Bob Prailes arrived at 6:32 and Alderman Fischer arrived at 6:33 p.m.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. APPROVAL OF MINUTES FOR AUGUST 17, 2011

A motion was made by Jim Prailes with a second by Rauch to approve the minutes from August 17, 2011. With all in favor, the motion carried.

4. DISCUSSION REGARDING SETTING A DATE AND TIME FOR A PRE-BUDGET WORKSHOP AND A WASTEWATER TREATMENT PLANT EXPANSION PROJECT PLANNING SESSION

Lahner requested a pre-budget meeting to review the results from the Citizens' Budget Partners and to discuss the wastewater treatment plant expansion. It was determined that the discussion on the Citizen's Budget Partner's meeting will take place on Tuesday, September 13, 2011 at 7:30 p.m. with the discussion on the wastewater treatment plant to immediately follow.

5. RESOLUTION 4495(20) "A RESOLUTION TO CONSIDER APPROVING TASK ORDER NUMBER EIGHT-ONE WITH KAPUR & ASSOCIATES FOR ENGINEERING SERVICES WITH THE MUNICIPAL LANDFILL FOR 2012-2013 IN THE AMOUNT OF \$8,665"

Mayor Miller introduced Resolution 4495(20) to council for discussion. He described this resolution as an ongoing contract to monitor wells on the old landfill site known as the ChocolateFest Grounds. Lahner explained there was additional work now required by the Department of Natural Resources along with well abandonment and the addition of a new well.

Vos questioned if Kapur Engineering could speak with the DNR and ask about the true requirements of the monitoring. Vos said that there are always additional requirements that meant spending more money. Tom Foht will provide a summary report for the next meeting.

Vos then questioned if anyone from the DNR actually comes down and inspects the site.

Wilson stated that they do come down to inspect and had recently done an extensive audit in which the results are listed in the correspondence she had recently received. Wilson will provide a copy of this letter from the DNR to the council members that will offer further explanation of the landfill requirements.

Vos requested the final figures for the city to meet all of the DNR requirements.

Rauch pointed out a math error on the "Summary of Staff hours and Labor Costs" that would result in an additional amount of \$350.00 for the city.

This resolution is scheduled for the September 20, 2011 Common Council meeting.

6. **RESOLUTION 4496(21) "A RESOLUTION TO CONSIDER APPROVING A TRAFFIC AND SIGNALIZATION ANALYSIS AGREEMENT WITH KAPUR & ASSOCIATES IN THE AMOUNT OF \$16,877"**

The mayor introduced Resolution 4496(21) to council for discussion.

Tom Foht explained that over the years from listening to the different concerns from council he would send the requests to Ms. Stephanie Olsen of Traffic Analysis and Design to look into the traffic complaints. He explained that through the years the city's traffic patterns have been in flux with the final piece of the puzzle being the bypass. He further stated that with the final traffic count that was done it was noted that the traffic has been significantly reduced and the traffic patterns have changed. He recommended a study at this time to address the concerns from council and to finally resolve the issues.

Ms. Stephanie Olsen of Traffic Analysis and Design visited the city in July and looked at the intersections where there were complaints. From this visit she recommended that the city wait until all the detour routes are complete and then get a fresh turning movement count to see final traffic patterns.

Vos questioned why Option One of the traffic study is to consider reversing the flow of traffic on Chestnut Street between Milwaukee Avenue and Pine Street. Foht replied that several had questioned the possibility of reversing the flow to create better movement but in doing that it would create other problems at other intersections. In Foht's opinion it would be better to study the whole situation.

Simenson suggested a simple solution would be to put a "No left turn" sign on Chestnut Street at Chestnut and Milwaukee Avenue. She also suggested the addition of pedestrian crossings signs as the city has at other crossings.

Vos then asked if the city has problems with turning movements on Pine, Bridge and Milwaukee Avenue that are part of Option Two. He stated that if there is no problem and no complaints, it did not make much sense to do a study and spend money. Foht explained that it was a suggestion to take a look at summer traffic patterns vs. when school is in session as some municipalities do adopt different schedules for certain times of the year.

Jim Prailes commented that Robert and Bridge Street was still a problem. Foht replied that the problem is a broken loop on northbound Pine Street and crews will be brought in to do the repair.

Lahner commented that to fix all of the problems and fix them right, a study needs to be done using a collection of data.

The mayor commented that the last study was done five years ago prior to the completion of the bypass and traffic is significantly reduced. In his opinion, the city needs to look at the traffic flow, address the problem intersections and move on to other things.

Vos said that it did not make much sense to him to spend almost \$12,000 for Options 1 and 2 when there didn't appear to be any problems in those areas.

Foht stated that in looking at the cover sheet that was provided to council, the main study is \$16,000 with Options 1, 2 and 3 being additional issues.

Fischer stated that there appeared to be two issues with one being when things are not working right and the other an analysis of traffic patterns. He suggested that the city only fix known problems. It was his interpretation that we can't fix the system without updating the count and we don't want to update the count without having more accurate information. Foht stated that his interpretation was correct.

Simenson commented that the system is never going to be perfect and is it worth it to spend the money at this time.

Vos requested clarification on the actual dollar amount of this resolution. He wanted to be sure that the money being spent is what the council perceives to be the issues.

Hintz stated that in his opinion a study is necessary to address all of the concerns of the aldermen.

The mayor requested council members to provide to administration their areas of concern prior to the next meeting.

This resolution is scheduled for the September 20, 2011 Common Council meeting.

7. **RESOLUTION 4497(22) "A RESOLUTION TO CONSIDER APPROVING A LEASE BETWEEN THE CITY OF BURLINGTON AND ANDREW NABER FOR PROPERTY AT 756 MARYLAND AVENUE"**

The mayor introduced Resolution 4497(22) to council for discussion.

Simenson questioned whether ASDA Enterprises would be required to pay property taxes as Section 17 of the agreement states. Lahner clarified there would be Personal Property Taxes but because the city owns the property there would be no Real Estate Taxes.

Simenson then questioned where in the agreement it is stated that if the city needs the property that ASDA Enterprises could be asked to leave. Atty. Bjelajac stated that it is not part of the agreement and once signed, the term of the lease would be for one year with a three year renewal option.

Vos said it was his understanding that at the end of one year, the city could choose not to renew. Atty. Bjelajac reiterated that the way this lease is written, it is for four years.

The mayor asked that if the lease with ASDA Enterprises would only be for a year, would they still be interested in doing the anticipated landscaping, repair of equipment and building plus pay rent.

Vos said that he did not believe that it was the intention of the city to become a landlord, but rather to market the property.

The mayor said the council discussion had been to not sell the parcel to Kumbier but rather tear down the building and market the property. Council had then been approached by ASDA Enterprises with the idea to lease the property for a thousand dollars a month. This offer was presented to council at which time they decided to proceed with the lease.

Vos said the lease would mean that the city could not sell the property for at least four years and that is not how he understood it to be.

Atty. Bjelajac said that the city is requiring the tenant to paint, clean-up, buy the compactor and keep the place in good shape. He further stated that it is a balancing act in doing what is right for the city and doing what is fair to the tenant.

The consensus from the council was to offer a guaranteed two-year lease with a six month notice to vacate.

This resolution is scheduled for the September 20, 2011 Common Council meeting.

8. **ORDINANCE 1931(8)** "AN ORDINANCE TO CONSIDER APPROVING A TEXT AMENDMENT TO CHAPTER 315 OF THE MUNICIPAL CODE REGARDING EXPIRATION OF APPROVED DEVELOPMENT PLANS AND PERMITS"

The mayor introduced Ordinance 1931(8) to council for discussion and gave the background for this ordinance. He said plans had been approved by the Planning Commission and four years later had not been acted upon but were now going to be going forward. The mayor felt that it was unreasonable to sit on plans for that length of time and the city needed a sunset clause in our ordinance.

This ordinance is scheduled for the September 20, 2011 Common Council meeting for consideration.

9. **ORDINANCE 1932(9)** "AN ORDINANCE TO CONSIDER ATTACHING PROPERTY TO THE CITY OF BURLINGTON PURSUANT TO WI STATUTE 66.0225 AND THE CITY-TOWN AGREEMENT TO PERMANENTLY ZONE THE ATTACHED LAND AND AMEND THE OFFICIAL MAP OF THE CITY"

The mayor introduced Ordinance 1932(9) to the council for discussion.

Atty. Bjelajac stated this is the final step in the court order from 2001 between the Town and City of Burlington.

This ordinance is scheduled for the September 20, 2011 Common Council meeting for consideration.

10. **MOTION 11-721** "A MOTION TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 166 E. JEFFERSON STREET"

The mayor introduced Motion 11-721 to the council for discussion. There was no discussion.

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

11. **MOTION 11-722** "A MOTION TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 256 EAST CHESTNUT STREET"

The mayor introduced Motion 11-722 to the council for discussion. There was not discussion.

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

12. **MOTION 11-723** "A MOTION TO CONSIDER APPROVING A SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 256 EAST CHESTNUT STREET"

The mayor introduced Motion 11-723 to the council for discussion. There was no discussion.

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

13. **MOTION 11-724** "A MOTION TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 189 EAST CHESTNUT STREET"

The mayor introduced Motion 11-724 to the council for discussion. There was no discussion.

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

14. **ADJOURNMENT**

A motion was made by Hintz with a second by Bob Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 8:10 p.m.

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