



AGENDA COMMON COUNCIL

Tuesday, September 20, 2011

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 Common Council minutes for September 6, 2011. *(E. Johnson)*
6. Letters and Communications: None
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-2: *(J. Prailes)*
 - Report 1 – Plan Commission minutes, August 9, 2011
 - Report 2 – Committee of the Whole minutes, September 6, 2011
9. Payment of Vouchers. *(P. Hintz)*
10. Licenses and Permits. *(T. Vos)*
11. Appointments and Nominations: None

- C. Ordinance 1933(10) to amend the Official Zoning Map by rezoning Lot 1 of CSM 1999 (S. Pine Street) from Rm-2/PUD, Multi-Family Residence District in a Planned Unit Development to B-1, Neighborhood Business District. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*

15. **MOTIONS:**

- A. Motion 11-725 to consider approving an Employee Position and Salary Restructuring Policy. This item was discussed at tonight's Committee of the Whole meeting. *(R. Prailes)*

16. **ADJOURNMENT** *(E. Johnson)*

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

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: September 20, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the Common Council meeting minutes from September 6, 2011. 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 September 20, 2011 Common Council meeting.

DRAFT

**City of Burlington
Official Minutes
Common Council
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 8:15 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

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

2. PLEDGE OF ALLEGIANCE

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

3. CITIZEN'S COMMENTS

None

4. CHAMBER OF COMMERCE REPORT

Mr. Jim Webley, was in attendance but did not have anything to report for the chamber.

5. APPROVAL OF COMMON COUNCIL MINUTES FOR AUGUST 17, 2011

A motion was made by Vos with a second by Simenson to approve the Common Council Minutes of August 17, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

None

8. REPORTS 1-6

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

9. PAYMENT OF VOUCHERS

A motion was made by Simenson with a second by Hintz to approve pre-paid, vouchers and reimbursements in the amount of \$637,321.66. Johnson questioned the payments to Kohl's, Pick N Save and Memorial Hospital. Lahner explained that the Kohl's and Pick N Save amount is the annual payment under the developer's agreement for their increment that is created. This payment will be made for ten years or for an amount of up to two million dollars. Lahner then explained the amount for the Memorial Hospital is in regard to the Wellness Center and is tied to the Revenue Bond that was issued. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson. Nays: None Motion carried 8-0

10. LICENSES AND PERMITS

A motion was made by Bob Prailes with a second by Hintz to approve the licenses as presented.

Simenson reported that in her opinion it was a mistake to give a license to a vacant building as they had once granted the reserve license to the Boneyard and it had never opened. It was suggested by Simenson that the city hold the license for any future development that may come into the city. She

cited the two million dollar payment that is being given to the Kohls/Pick N Save Development as incentive for future development.

Bob Prailes then stated that he had a problem when the city makes rules after someone has applied and the city doesn't follow a precedent. He didn't think rules should be changed after the application has been received.

Atty. Brian Wanasek, representing WAN LLC stated that the corporation does have a plan and he said that he didn't consider it a vacant building, but rather a bar/restaurant waiting for a liquor license. He further stated that they do have someone interested in the business but only if there is a liquor license. He also thought that with the annexation of the town property that the city may now be eligible for an increase to their quota.

Vos said that he had recently learned that someone can be granted a liquor license and not serve a drop of liquor but would then be eligible for five gaming machines. He then mentioned the old Foxville Restaurant who did not fully utilize their license. He said he will discuss this with his son, Representative Robin Vos that the law needs to be changed. The mayor then stated that he would like to see the state eliminate the whole quota system and let the city decide how many liquor licenses they would want to have.

Atty. Bjelajac then wanted to discuss several issues with the council. The first item he wanted to mention was the annexation as the ordinance indicates there will be forty-eight new residents brought into the city. The second issue was the fact that he represents the whole City of Burlington and not just the mayor and council. At the time the one liquor license was being sought by Lucky Star and WAN, LLC it was his opinion that three aldermen had a conflict of interest due to a close business relationship and they were: Alderman Jim Prailes, Peter Hintz and Jeff Fischer. He further stated that every alderman can vote if they see fit and no one can stop them from voting. Atty. Bjelajac said that this situation is a little different with only having one applicant for the license, but it still was his opinion that there yet exists the same conflict of interest with three of the aldermen having a close business relationship with the applicant.

Hintz withdrew his second to the motion and on the advice from Atty. Bjelajac recused himself. Johnson then seconded the motion.

Roll Call Ayes: Bob Prailes, Johnson, Vos, Rauch, Simenson Nays: None Recused: Hintz, Jim Prailes, Fischer Motion carried 5-0

Hintz questioned if a license is turned back to the city if it would then become a "Reserve" license. Atty. Bjelajac said that he would have to research the statutes as it is not a simple answer.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

A. PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING AN AMENDMENT TO THE MUNICIPAL CODE TO CREATE SECTIONS 315-8A AND B, "BUILDING PERMITS AND/OR OCCUPANCY PERMITS ISSUED", 315-130(F), "REVOCATION AND EXPIRATION OF CONDITIONAL USE PERMITS", 315-137(F),"LIMITATIONS ON SITE PLAN APPROVAL AND EXPIRATION" 315-138(K) "LIMITATIONS ON LANDSCAPE PLAN APPROVAL AND EXPIRATION"

The mayor opened the public hearing at 8:33 p.m. A motion to close the public hearing was made by Jim Prailes with a second by Vos. With all in favor, the public hearing closed at 8:34 p.m.

13. RESOLUTIONS

A. RESOLUTION 4493(18) "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER ONE WITH R.R. WALTON & COMPANY FOR THE 2011 STREET & SIDEWALK IMPROVEMENT PROGRAM IN THE AMOUNT OF \$7,461.94"

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

14. ORDINANCES

None

15. MOTIONS

A. MOTION 11-721 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 166 EAST JEFFERSON STREET"

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

C. MOTION 11-723 "A MOTION TO APPROVE A SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 256 EAST CHESTNUT STREET"

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

A motion to approve Motions 11-721,722,723,724 was made by Bob Prailes with a second by Vos. With all in favor, the motion carried.

16. ADJOURN INTO CLOSED SESSION PER WIS. STATS 19.85 (1)(C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY"

A motion was made by Hintz with a second by Jim Prailes to adjourn into closed session at 8:35 p.m. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

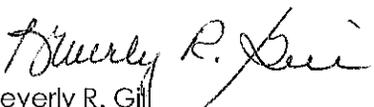
17. RECONVENE INTO OPEN SESSION

A motion was made by Vos with a second by Rauch to reconvene into open session. With all in favor, the open session began at 9:08 p.m.

There were no recommendations from closed session.

18. ADJOURNMENT

A motion was made by Jim Prailes with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 9:09 p.m.


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



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Common Council Agenda Item Number: 8	Date: September 20, 2011
Submitted By: City Staff	Subject: Reports 1-2

Details:

Attached please find the following reports:

Report 1 – Plan Commission minutes, August 9, 2011

Report 2 – Committee of the Whole minutes, September 6, 2011

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the September 20, 2011 Common Council meeting.



Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
August 9, 2011, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Michael Deans were present. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of July 12, 2011. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from Kellie Levans for 549 N. Pine Street to use as a sound recording studio.

- Mayor Miller opened the public hearing at 6:33 p.m.
- There were no comments. Alderman Prailes moved and Alderman Vos seconded to close the Public Hearing at 6:34 p.m. All were in favor and the motion carried.

OLD BUSINESS

None

NEW BUSINESS

A. Consideration to approve a Conditional Use Application from Kellie Levans for 549 N. Pine Street to use as a sound recording studio.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes questioned which building it was and what was in it previously. James Willick, owner of 549 N. Pine Street, stated it was a hair salon previously but has been vacant for two years.

- Commissioner Lynch questioned the applicant as to what they anticipated occurring with this type of business. Kellie Levans, applicant, stated it would be a teen outreach program that offers wi-fi for purchase, a video recording studio and a retail area.
- Alderman Prailes questioned what the hours would be. Ms. Levans stated they would go according to curfew hours with 9 p.m. closing hours on weekdays and 11 p.m. closing hours on the weekends. Commissioner Lynch recommended changing the weekend hours to 10 p.m. to allow teens time to get home before curfew. Ms. Levans stated she would take recommendations from the commission for hours.
- Chris Wilder, 120 E. Chestnut Street, questioned what the allowable noise level would be. Patrick Meehan stated the Conditional Use has perimeters for noise levels which is quite low. Ms. Levans stated there shouldn't be a noise problem as she would be doing video recording not sound recording. Commissioner Lynch questioned if the video recording room will be sound proof. Ms. Levans stated it would not but they would not allow the noise level to be loud. Mayor Miller questioned if someone brought in an amplifier to be recorded what her plan was. Ms. Levans stated she would respect the rules of the Conditional Use. Alderman Vos stated if there are any issues with noise violations the Conditional Use can be brought back to the Plan Commission for review.
- Commissioner Lynch inquired what the plan is for crowd control on the sidewalks. Ms. Levans stated they have hired a bouncer to control crowds.
- Commissioner Deans questioned what Ms. Levans meant by "outreach program". Ms. Levans stated it would be a place for teens to go with activities while providing informational brochures regarding suicide and drug-use prevention. She further stated she would refer clients to counseling services if necessary.
- Ms. Wilder stated there have been problems in the past behind the building where teens congregate and at times climb on the roof tops of the adjoining buildings. She stated she is concerned this type of activity might increase. Ms. Levans stated that area would be off limits to clients. Alderman Vos recommended the building owners take care of the problem promptly before it becomes a liability issue.
- Commissioner Deans inquired about litter control and further stated he is concerned with teens congregating so close to where the taverns are located. Ms. Levans stated she would be responsible for the litter control and that the business is strictly alcohol-free. Commissioner Lynch stated he didn't feel the vicinity of the taverns would be an issue.
- Mayor Miller stated there should be no counseling sessions being done by Ms. Levans and it should be referrals only. He questioned if the business is for teens only. Ms. Levans stated she would allow any age in.
- Michelle Wilder, 120 E. Chestnut Street, questioned how many teens can be in the retail and/or recording area at a time. Ms. Levans stated there would only be four clients allowed in the building at a time, which would be posted.

- Patrick Scherrer reminded the applicant that they are within the Historic Preservation Overlay District and any signs or alterations to the building would need to go before the Historic Preservation Commission for review first.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve a Conditional Use Application for 549 N. Pine Street, subject to the Plan Commission's stipulation that the business have the hours as follows:

- Sunday through Thursday: Not open past 9 p.m.
- Friday and Saturday: Not open past 10 p.m.

Approval of the Conditional Use Application for 549 N. Pine Street is further subject to Patrick Meehan's July 26, 2011 memorandum to the Plan Commission as follows:

- Meeting the requirements of Section 315-27(D)(28) (for sound recording studios) of the City Zoning Ordinance.
- If any exterior signage is proposed for the proposed use(s), the applicant will also need to file an application with the Historic Preservation Commission for a "Certificate of Appropriateness" for such signage.

All in favor and the motion carried.

B. Consideration to recommend approval of an ordinance to the Common Council to amend the Municipal Code to issue expirations of approvals of various plans and approvals granted by the City.

- Mayor Miller opened this issue for discussion.
- Mayor Miller explained the ordinance to the commission stating it will put expirations of certain plans in place, similar to a sunset clause, to avoid issues of non-compliance of zoning code changes that may occur prior to construction of previously approved plans.
- Patrick Meehan stated this ordinance would only affect applicants that have not applied for building permits yet.
- Discussion ensued regarding the construction of Kwik Trip on S. Pine Street that was approved in 2006.
- Commissioner Reesman questioned if this applies to rezones. Patrick Meehan stated it would not.
- Commissioner Eisenhardt stated it is up to the developer to time the project appropriately. Administrator Lahner stated if the time limit expires the developer would need to go before the Plan Commission again for review of the project.
- Patrick Scherrer stated the time frame of 24 months comes from the state commercial code.

- Alderman Vos stated he feels this ordinance is reasonable and doesn't feel it should cause problems with developers.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Deans seconded to recommend approval of Ordinance 1931(8) to the Common Council at their September 2, 2011 meeting.

All in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved and Commissioner Lynch seconded to adjourn the meeting at 7:05 p.m.

- *All were in favor and the motion carried.*



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator



City Clerk

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 10	Date: September 20, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

Please see the attached list of Operator's and Business Licenses for approval.

Operator's Licenses

Finster, Jason M.
Finucane, Brian M.
Guenther, Cheryl A.
Weidert, Christopher J.

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business licenses fees are calculated on a case by case basis depending on the type of license applied.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the September 20, 2011 Council meeting.



CITY OF BURLINGTON

Administration Department
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(262) 342-1161 – (262) 763-3474 fax
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Common Council Item Number: 12A	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: A Public Hearing to discuss permanently zoning property on S. Teut Road and Timber Lane.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding permanently zoning property on Teut Road and Timber Lane as part of an annexation and attachment agreement was entered into between the City of Burlington and the Town of Burlington on September 12, 2001 (Racine County, Case No. 00-CV-0618). The Agreement was entered into for the purpose of settling a then-pending lawsuit filed by the Town against the City regarding the annexation of certain lands to the City, and establishing an agreed-upon future boundary line between the City and the Town in the Highways 36/83 area of our communities.

Under the terms of that Agreement, properties on Teut Road and Timber Lane will be attached to the City on or about September 22, 2011. Properties will then be permanently zoned as either Rs-1, Single Family Residential District, B-1, Neighborhood Business District, or I-1, Institutional District.

Options & Alternatives:

Financial Remarks:

None.

Executive Action:

This item for a Public Hearing at the September 20, 2011 Common Council.

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING
FOR ATTACHING PROPERTY TO THE CITY OF BURLINGTON, AMENDING
THE OFFICIAL MAP OF THE CITY AND ZONING THE ATTACHED PROPERTY**

To Whom It May Concern: Notice is hereby given that the Common Council of the City of Burlington intends to annex and attach property to the City of Burlington pursuant to the Stipulation between the Town of Burlington and the City of Burlington filed in Racine County, Case No. 00-CV-0618, and Wisconsin Statutes, to amend the official map of the City of Burlington, and to permanently zone the property attached as either Rs-1, Single Family Residential District, B-1, Neighborhood Business District, or I-1, Institutional District, as follows:

<u>Tax Identification No.</u>	<u>Owner</u>	<u>Location</u>	<u>Zoning</u>
002031921023001	Boyd & Wetzel	901 S. Teut Rd.	Rs-1
002031921021000	Hamm	811 S. Teut Rd.	Rs-1
002031921014000	Klamm	711 S. Teut Rd.	Rs-1
002031921015000	Rusk	701 S. Teut Rd.	Rs-1
002031921012000	Varga	623 S. Teut Rd.	Rs-1
002031921011000	Fish	613 S. Teut Rd.	Rs-1
002031921013000	Tess	605 S. Teut Rd.	Rs-1
002031921010000	Tess	525 S. Teut Rd.	Rs-1
002031921009000	Ketterhagen	505 S. Teut Rd.	Rs-1
002031921017000	Ketterhagen	427 S. Teut Rd.	Rs-1
002031921016000	Reesman	413 S. Teut Rd.	Rs-1
002031922011000	Miller	115 S. Teut Rd.	B-1
002031922007000	Emmanuel Baptist Church of Burl.	45 S. Teut Rd.	I-1
002031922015000	Baumeister Trust	Teut Rd./31052 Timber Ln.	Rs-1
002031922114000	Molkentin	31034 Timber Ln.	Rs-1
002031922121000	Burlington Cleaners	Timber Trail Lot 10	Rs-1
002031922120000	Thomas	31033 Timber Ln.	Rs-1
002031922119000	Richter	31041 Timber Ln.	Rs-1
002031922118000	Tigges Rev. Trust	31055 Timber Ln.	Rs-1
002031922117001	Benham	31068 Timber Ln.	Rs-1
002031922117000	Curtis	31062 Timber Ln.	Rs-1
002031922116000	Baumeister Trust	31052 Timber Ln.	Rs-1
002031922115000	Martin	31042 Timber Ln.	Rs-1
002031922113000	Kroning	31024 Timber Ln.	Rs-1
002031922112000	Dummert	31014 Timber Ln.	Rs-1
Town of Burlington	Timber Lane ROW (entire)		N/A
Town of Burlington	Teut Road (to center)		N/A
Racine County	Hwy W - ROW (partial)		N/A

A copy of the annexation/attachment, map amendment and zoning ordinance, which includes the legal descriptions and map of the above properties, is on file and available for viewing at City Hall.

THIS ORDINANCE HAS THE EFFECT OF CHANGING THE ALLOWABLE USE OF PROPERTY IN THE AREAS BEING ATTACHED TO THE CITY OF BURLINGTON AS SHOWN ON THE MAP BELOW AND ATTACHED TO THE ORDINANCE, ON FILE AND AVAILABLE FOR VIEWING AT THE BURLINGTON CITY HALL.

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the City Council Chambers at the Police Department, 224 East Jefferson Street in the City of Burlington, on:

TUESDAY, SEPTEMBER 20, 2011 DURING THE MEETING OF THE COMMON COUNCIL SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER to hear any persons objecting to, or in support of, the above mentioned matter.

CITY OF BURLINGTON

Dated this 23rd day of August, 2011

Kevin Lahner, 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 Item Number: 12B	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: A Public Hearing to discuss a rezone request for property on S. Pine Street and the Bypass.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a rezone request for property located along S. Pine Street and the STH 11 Bypass. The applicant is requesting to rezone the property from Rm-2/PUD, Multiple-Family Residence District in a Planned Unit Development to B-1, Neighborhood Business District.

This vacant property is currently part of the Springbrook Crossing Condominium development. The applicant would like to separate this parcel from the development and rezone it to commercial to increase sale opportunities. This item will piggyback the Multi-Jurisdictional Comprehensive Plan Amendment for the same property.

Options & Alternatives:

Financial Remarks:

None.

Executive Action:

This item for a Public Hearing at the September 20, 2011 Common Council.

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE ZONING MAP**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Common Council of the City of Burlington proposes to amend Chapter 315 of the Municipal Code, Zoning Map, as it pertains to:

Owner: Galesburg II, LLC
Applicant: FI-L1, Owner's Agent
Applicant Address: PO Box 365, Burlington, WI
Location of Request: Part of Lot 1, CSM 1999 (adjacent 1299 S. Pine St.)
Existing Zoning: Rm-2/PUD, Multiple-Family Residence District in a Planned Unit Development
Proposed Zoning: B-1, Neighborhood Business District
Tax I.D. Number: 206-02-19-04-027-111

Legal Description:

LAND TO BE REZONED TO BUSINESS ZONING IS PART OF THE SE 1/4 AND S 1/4 OF THE SW 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF CSM #1999, RECORDED IN THE RACINE COUNTY REGISTRY AS DOCUMENT 1602466; THENCE WITH THE EAST LINE OF SAID CSM S22°16'14"E, 126.36' TO A FOUND IRON PIPE; THENCE S20027'13"E, 98.77' TO THE POINT OF BEGINNING; THENCE CONTINUING S20027'13"E, 38.94' TO A POINT; THENCE S10033'10"E, 310.78'; THENCE SLSO13'41"W, 109.64' TO A POINT ON THE NORTH LINE OF STH "LL" BURLINGTON BY-PASS; THENCE WITH SAID NORTH LINE S8SO43'16"W, 203.79' TO A POINT; THENCE LEAVING SAID NORTH LINE N22°03'14"W, 368.49'; THENCE N67°56'46"E, 323.52' TO THE POINT OF BEGINNING. SAID LAND BEING IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

SAID PARCEL CONTAINS 2.64 ACRES.

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the City Council Chambers, in the City of Burlington located at 224 E. Jefferson Street on:

**TUESDAY, SEPTEMBER 20, 2011 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

to hear any persons objecting to, or in support thereof, on the above mentioned matter.

CITY OF BURLINGTON

Dated at Burlington, Wisconsin, this 30th day of August, 2011.

Beverly R. Gill, City Clerk

Published in the Burlington Standard Press
September 1 and 8, 2011



CITY OF BURLINGTON

Department of Public Works
Street & Park Department
2200 South Pine, Burlington, WI, 53105
(262) 539-3770 – (262) (262) 539-3773 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 13A	Date: September 20, 2011
Submitted By: Travis W. Peterson, Kapur Engineering	Subject: Resolution 4495(20) to consider Task Order #81 Additional Engineering Services with the Municipal Landfill.

Details:

Among the responsibilities of owning a landfill the City is required to complete regular monitoring, groundwater sampling and preparation of an annual report for the Burlington Municipal Landfill. Kapur & Associates already provides this service for the city. This task order covers additional work including plan modification for abandonment of the existing gas extraction system, oversight and documentation of a new gas monitoring well, monitoring of blower building disassembly and capping of header pipe 'lateral' for abandonment in-place, evaluation and the preparation of operation and maintenance update report for submittal to DNR. Kapur's expertise has allowed the City to eliminate several samplings and lab tests, and their associated costs, from our annual monitoring. This is the work involved in revising the current monitoring system.

Staff has reviewed and recommends approval of this task order.

Options & Alternatives:

The Common Council could choose to deny the contract change order however, this work is still mandated to be done by the DNR and the city could look for an alternative engineering firm to monitor the site.

Financial Remarks:

The cost of this engineering task order is in the amount of \$8,665 which was budgeted for under the General Fund.

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole meeting and is scheduled for the September 20, 2011 Common Council meeting for consideration.

Resolution Number: 4495(20)
Introduced by: Committee of the Whole

A RESOLUTION APPROVING TASK ORDER NUMBER EIGHTY ONE, A DESIGN ENGINEERING AGREEMENT WITH KAPUR & ASSOCIATES, INCORPORATED TO INSTALL A GAS MONITORING WELL, ABANDON EXISTING WELLS AND SYSTEM COMPONENTS AND ADDITIONAL WORK AS DESCRIBED IN THE SCOPE OF SERVICES FOR THE BURLINGTON MUNICIPAL LANDFILL FOR THE NOT TO EXCEED AMOUNT OF \$8,665

WHEREAS, the City of Burlington has entered into a master agreement for engineering services with Kapur and Associates, Inc.; and,

WHEREAS, the City has requested assistance with installation of a gas monitoring well, abandonment of existing wells and system components, additional work as described in the scope of services and the plan modification request documentation for the Wisconsin Department of Natural Resources (WDNR) Annual Report, which has resulted in a task order, a copy of which is attached hereto and made a part thereof; and,

WHEREAS, said task order is for September 1, 2011 to January, 2012 for the not-to-exceed amount of \$8,665 and has been recommended for approval by the Department of Public Works Director.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Task Order Number eighty-one is hereby approved for the not-to-exceed amount of \$8,665.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Task Order Number Seventy-Seven on behalf of the City.

Introduced: September 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

TASK ORDER NUMBER 81
DESIGN ENGINEERING SERVICES

This Task Order is made as of September 1, 2011, under the terms and conditions established in the MASTER AGREEMENT FOR ENGINEERING SERVICES, (the Agreement), between The City of Burlington (Owner) and Kapur & Associates, Inc. (Engineer). This Task Order is made for the following purpose;

To assist the City of Burlington with the following Tasks regarding the Environmental Monitoring Program including Plan Modification Request data preparation and submittal, Original Gas Extraction System (OGES) abandonment/decommissioning, Gas Well Point Installation and Testing, and Preparation of O&M Status Update Reports to the Wisconsin Department of Natural Resources (WDNR) for the Burlington Municipal Landfill, Milwaukee Avenue in the City of Burlington. This TASK ORDER is for a one-time event/occurrence during 2011.

Section A. – Scope of Services

Engineer shall perform the following Services as described in Attachment A to this Task Order:

1. Prepare and submit final Plan Modification Request documentation to WDNR for abandonment of the Original Gas Extraction System (OGES) no longer located on City property, reducing the number of required sampling points.
2. Oversee the installation of one (1) replacement gas monitoring well (to be located on City property) required by the WDNR as part of the abandonment of the OGES and to replace a damaged gas monitoring point, associated with the active gas extraction system, that currently requires monitoring. This replacement well point will combine two to three well points that would otherwise be required by the WDNR.
3. Monitor OGES abandonment activities including disassembling of system components, breakdown of the blower building and capping of the header pipe 'lateral' for abandonment in-place.
4. Sample newly installed gas monitoring well on a monthly basis for one year and reducing frequency to current sampling program per WDNR requirements.
5. Evaluate the gas monitoring results.
6. Prepare O&M Status Update Reports for submittal to the WDNR including:
 - Summary of OGES abandonment and well installation activities
 - Summary of the methane gas sampling;

Kapur Associates, Inc.
Summary of Staff Hours and Labor Costs

TASK ORDER #81									
Burlington Landfill - Plan Modification Request, Original Gas Control System Abandonment and Well Installation									
CLASSIFICATION	Project Manager		Environmental Scientist		Survey Crew		Total Labor		
	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	
Average Hourly Wage		\$133.00		\$85.00		\$115.75			
TASK DESCRIPTION	ACT. Code								
FOR 2011 through 2012									
Project Coordination			4	\$340.00					\$340.00
Plan Modification Request Data			12	\$1,020.00					\$1,020.00
Gas System / Well Abandonments			8	\$680.00					\$680.00
Gas Monitoring Well Installation			4	\$340.00					\$340.00
Gas Monitoring/Sampling (12 months)			6	\$510.00					\$510.00
Evaluate Data			2	\$170.00					\$170.00
Meetings/Regulatory Correspondence			16	\$1,360.00					\$1,360.00
Prepare Update/Status Report			24	\$2,040.00					\$2,040.00
TOTALS		\$ -	76	\$ 6,460.00				Sub Total:	\$6,460.00
Expenses:									
Project Total:									
\$8,665.00									

Summary of Expenses	Units	Cost	Total
Drilling Contractor (Well Installation)	1	\$1,855.00	\$1,855.00
Drilling Contractor (Well Abandonment)	4	\$175.00	\$350.00
Totals			\$2,205.00



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
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www.burlington-wi.gov

Common Council Item Number: 14B 13B	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4496(21) to consider an agreement with Kapur & Associates for a traffic design study and signalization analysis.

Details:

At the request of the Council, Kapur & Associates drafted an agreement to conduct a traffic study and signalization analysis for several streets in the city. In addition to the main proposal which includes the signal retiming optimization and signal warrant analysis, there are three options covering summer traffic patterns, summer traffic signal timings, and flow reversal of the Chestnut Street one-way segment in the Chestnut Street loop.

The WisDOT 2011 AADT counts for Burlington, which were completed last month, are included in this packet. These counts show a significant decrease in traffic in the downtown area, essentially confirming that the timings of the signals need to be updated.

Options & Alternatives:

The Council could choose to deny this study.

Financial Remarks:

The main agreement is in the amount of \$23,732.38. There are three options that can be added to the agreement in the amounts as follows:

Option 1: An analysis to determine the effect of traffic operation of reversing the flow of traffic on Chestnut Street between Milwaukee Avenue and Pine Street in the amount of \$5,110.88.

Option 2: Conduct peak hour turning movement counts on Pine Street, Bridge Street and Milwaukee Avenue during the summer of 2012 to determine if signal timings should be adjusted in the summer, in the amount of \$6,864.

Option 3: Update the SYNCHRO traffic model with summer 2012 traffic counts and develop timing plans for each of the downtown corridors, in the amount of \$ \$4,508.63.

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole and is scheduled for the Common Council meeting on September 20, 2011.

A RESOLUTION APPROVING AN AGREEMENT FOR ENGINEERING SERVICES FOR TRAFFIC ANALYSIS AND DESIGN, SIGNAL WARRANT ANALYSIS, AND TRAFFIC SIGNAL TIMING ANALYSIS IN THE CITY OF BURLINGTON WITH KAPUR & ASSOCIATES, INC. FOR THE AMOUNT OF \$23,732.38

WHEREAS, the City of Burlington has entered into a master agreement for engineering services with Kapur & Associates, Inc.; and,

WHEREAS, the City has requested engineering services for the collection of traffic data, the creation of base maps, signal warrant analysis, traffic signal timing and operations analysis, preparing a technical memorandum, attending necessary meetings and assisting with field implementation with TAPCO, which have resulted in a Traffic and Signalization Analysis Agreement, a copy which is attached hereto and made a part thereof; and,

WHEREAS, said Agreement is for the amount of \$23,732.38 and has been recommended for approval by the Public Works Director and City Administrator; and,

WHEREAS, the City Engineer has recommended three options to include in traffic and signalization analysis, as listed below:

- Option 1: An analysis be conducted to determine the effect of traffic operation of reversing the flow of traffic on Chestnut Street between Milwaukee Avenue and Pine Street in the amount of \$5,110.88.
- Option 2: Conduct peak hour turning movement counts on Pine Street, Bridge Street and Milwaukee Avenue during the summer of 2012 to determine if signal timings should be adjusted for the summer tourist season, in the amount of \$6,864.
- Option 3: Update the SYNCHRO traffic model with summer 2012 traffic counts and develop timing plans for each of the downtown corridors, in the amount of \$4,508.63.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington enter into a Traffic and Signalization Analysis Agreement with Kapur & Associates, Inc. for the amount \$23,732.38.

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington include Option(s) _____ in the Agreement in the amount of \$ _____.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute the Traffic Analysis Agreement on behalf of the City.

Introduced:
Adopted:

Robert Miller, Mayor

Attest:

Beverly Gill, City Clerk

TASK PM Eng Jr. Eng Tech TOTAL Expenses FEE Multiplier

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 1 - Traffic Data Collection and Base Maps								
Project Management and Administration								
Peak Hour Counts - 19 AM and PM 4-5 included travel								
Pine Street & Dodge/Roberts	8				8	\$ 1,155.00		2.75
Milwaukee & Pine				9	9	\$ -	\$ 522.50	
Bridges & Adams				10	10	\$ 5132	\$ 522.50	
State & Main				9	9	\$ 5132	\$ 522.50	
Pine Street & Chestnut Street				10	10	\$ 5132	\$ 522.50	
12 hour counts - 6am to 6 pm includes travel assumes 3 shifts				9	9	\$ 5132	\$ 522.50	
Pine & Adams	1			18	18	\$ 1,134.38		
Pine & Jefferson				18	18	\$ 980.00		
Compile Counts							\$ 412.50	
Balance thru to 2008 counts at remainder of study area				4	4	\$ -	\$ 412.50	

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 2 - Signal Warrant Analysis - 2 locations								
Pine & Jefferson								
Warrant Analysis - all volume warrants and no crash warrant								
Recommendations	1	10			10	\$ 1,045.00		
					2	\$ 248.88		

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 3 - Traffic Signal Timing and Operations Analysis								
Pine Street Corridor								
Existing Conditions - 4 intersections							\$ 418.00	
update 2008 model with 2011 traffic volumes				4	4	\$ 418.00	\$ 418.00	
optimize model with 2011 volumes				4	4	\$ 303.80	\$ 418.00	
compile queuing and LOS				4	4	\$ 497.86	\$ -	
recommendations	1	3			4	\$ -	\$ -	
Milwaukee Avenue Corridor							\$ -	
Existing Conditions - 5 intersections							\$ 522.50	
update 2008 model with 2011 traffic volumes				5	5	\$ 522.50	\$ 522.50	
optimize model with 2011 volumes				6	6	\$ 627.00	\$ 627.00	
compile queuing and LOS				5	5	\$ 385.00	\$ 385.00	
recommendations	1	4			5	\$ 582.38	\$ 582.38	
Bridges Street Corridor							\$ -	
Existing Conditions - 5 intersections							\$ 522.50	
update 2008 model with 2011 traffic volumes				5	5	\$ 522.50	\$ 522.50	
optimize model with 2011 volumes				6	6	\$ 627.00	\$ 627.00	
compile queuing and LOS				5	5	\$ 385.00	\$ 385.00	
review railroad preemption				8	8	\$ 996.50	\$ 996.50	
recommendations	1	4			5	\$ 592.38	\$ 592.38	

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 4 - Technical Memorandum								
Report Text & Exhibits - Draft							\$ 2,719.75	
Finalize report and submit to City	2	10		14	26	\$ 150	\$ 358.00	

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 5 - Meetings								
Field Assessment							\$ 666	
Council Meeting	1	2			3	\$ 688	\$ 418.38	

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
Task 6 - Field Implementation with TAPCO								
Implementation and fine tuning							\$ 140	
					17	\$ 1,916.50		

AGREEMENT FOR ENGINEERING SERVICES

THIS AGREEMENT is entered into between **Kapur & Associates** (Client) and **Traffic Analysis & Design, Inc.** (Engineer), based upon Client's intention to prepare traffic signal timing plans for various intersections in the City of Burlington, Wisconsin (the Project) and Client's requirement for certain engineering services in connection with the Project (the Services) which Engineer is prepared to provide.

1. Engineer shall provide the Services described in Attachment A, "Scope of Services", according to Attachment A, "Schedule".
2. Client shall pay Engineer in accordance with Attachment A, "Compensation". Invoices shall be due and payable upon receipt. Invoice amounts not paid within 30 days after receipt shall accrue interest at the rate of 1.5% per month (or the maximum rate permitted by law, if less), with payments applied first to accrued interest and then to unpaid principal.
3. The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.
4. Engineer shall not be liable to Client for any consequential damages resulting in any way from the performance of the Services. To the fullest extent permitted by law, Engineer's liability under this Agreement shall not exceed Engineer's total compensation actually received under this Agreement.
5. Engineer and Client waive all rights against each other for damages covered by property insurance during and after the completion of the Services.
6. Notwithstanding anything to the contrary in any Attachments hereto, Engineer has no responsibility for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; or (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to Client or to comply with federal, state, or local laws, regulations, and codes.
7. Engineer does not guarantee that proposals, bids, or actual Project costs will not vary from Engineer's cost estimates or that actual schedules will not vary from Engineer's projected schedules.
8. This Agreement may be terminated upon written notice at Client's convenience or by either party in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. Engineer shall terminate performance of Services on a schedule acceptable to Client, and Client shall pay Engineer for all Services performed and reasonable termination expenses. Paragraphs 4 and 5 shall survive any termination or completion of this Agreement.
9. All documents prepared by Engineer pursuant to this Agreement are instruments of service in respect to the Project. Any use except for the specific purpose intended by this Agreement will be at the user's sole risk and without liability or legal exposure to Engineer. Engineer shall retain its ownership in its data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of Engineer.
10. The Services provided for in this Agreement are for the sole use and benefit of Client and Engineer. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Client and Engineer.
11. Any notice required by this Agreement shall be made in writing to the address specified below:
 - Client:** Kapur & Associates, Inc.
6025 South Pine Street
Burlington, WI 53105
 - Attn:** Mr. Thomas Foht, P.E.

 - Engineer:** Traffic Analysis & Design, Inc.
N36 W7505 Buchanan Street
Cedarburg, WI 53012
 - Attn:** Mr. John A. Bieberitz, P.E., PTOE

IN WITNESS WHEREOF, Client and Engineer have executed this Agreement, effective as of August 12, 2011.

Kapur & Associates, Inc. (Client)

Traffic Analysis & Design, Inc. (Engineer)

By: _____

By: _____

Title: _____

John A. Bieberitz, P.E., PTOE

Date: _____

Date: 8/12/2011

Pine Street Corridor:

- Pine Street & Bridge/Roberts Street
- Pine & Chestnut Street

The Milwaukee Avenue Corridor:

- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

The Bridge Street Corridor:

- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- State Street and Main Street

Peak hour counts will be conducted from 7-9am and 4-6pm. The traffic counts will be conducted on a typical weekday when school is in session and the construction on Chestnut Street is completed.

12 Hour Counts for Signal Warrant Analysis & Traffic Signal Timing

Pine Street Corridor:

- Pine Street & Adams Street
- Pine Street & Jefferson Street

To evaluate if traffic signals are warranted at a particular location, 12 hours of traffic count data is compared to traffic signal “warrants” listed in the *Manual on Uniform Traffic Control Devices*. These warrants are the standard utilized by WisDOT to evaluate if a signal is warranted at a particular location. The data collected for the 12 hour counts will also be used to for the traffic operations analysis and to design traffic signal timings at these intersections. 12 hour counts will be conducted from 6am and 6pm. The traffic counts will be conducted on a typical weekday when school is in session and the construction on Chestnut Street is completed.

Task 2: Signal Warrant Analysis – Pine Street & Jefferson; Pine Street & Adams

The Engineer will compile the 12-hour turning movement counts at the Pine Street intersection with Jefferson Street and Adams Street. The 12-hour count data from these intersections will be compared to the traffic signal warrant thresholds in the 2003 Manual of Uniform Traffic Control Devices (MUTCD) to determine if a traffic signal is warranted. More specifically, traffic volume warrants 1, 2, 3, 4, 5, 8, and the WisDOT Left Turn Conflict Analysis will be evaluated. Warrants 6 (Coordinated Signal System) will not be evaluated. If one or more traffic warrant is met the traffic signal is considered warranted for installation.

Task 3: Traffic Signal Timing and Operational Analysis

The Engineer has met with City staff in the field, driven the downtown corridors, and discussed current complaints the City has received from the public. These comments have been incorporated into the scope for this project. The Engineer has been directed by City staff to collect data, analyze, and prepare improvements for the following intersections within each of the respective downtown corridors:

Improvement Analysis

Engineer will make recommendations to each intersection within the corridor as required to optimize operation of individual intersections and the overall corridor. Level of service and maximum queues will be reported for each scenario. Recommendations for signal phasing and timing will be made based on the peak hour traffic volumes. Maximum queues for each movement will be compared to the existing turn lane storage and adjustments to the signal timing will be made to minimize problematic queues (if feasible).

Bridge Street Corridor Plan

The Bridge Street Corridor includes the following intersections:

- Bridge Street & Pine Street
- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- Bridge Street & Milwaukee Avenue
- State Street and Main Street

Existing Conditions Analysis

Engineer will compile the traffic count data for the weekday AM and PM peak hours to determine the volumes that will be utilized to establish the existing operating conditions of the corridor. Engineer will utilize this information to develop 2011 existing conditions traffic models for the weekday AM and PM peak hours using the SYNCHRO traffic model. The existing conditions model will serve as a base condition.

Improvement Analysis

Engineer will make recommendations to each intersection within the corridor as required to optimize operation of individual intersections and the overall corridor for the weekday AM and PM peak periods. The Engineer will evaluate the intersection of State and Main for new traffic signal timings and recommend if left turn arrows should be added, removed, or the timing adjusted to improve traffic flow. The Engineer will also consult the coverage counts conducted by WisDOT and recommend when this signal should be put into "flash" mode or if it should operate continuously.

The intersections of Bridge Street with Adams Street and Jefferson Street shall be evaluated to determine if left turn phasing is necessary and the traffic signal timings at these intersections will be optimized. The railroad preemption settings will also be reviewed to determine if the clearance phase following a train can be changed from Bridge Street to the side streets.

Task 4 - Technical Memorandum

Engineer will prepare a Technical Memorandum documenting the existing conditions, traffic counts, traffic analysis, recommendations and final timing plans.

Task 5 - Implementation of Traffic Signal Timing Plans

Engineer will coordinate with TAPCO for the field implementation of the traffic signal timing plans. Engineer will be present in the field for the traffic signal timing implementation to fine-tune the offsets as necessary for optimum progression on the corridor. Engineer will spend up to two days with TAPCO in the field for the implementation of the traffic signal timing plans. If additional days in the field are needed, it will be considered as additional services requiring a contract amendment.

Optional Task 1: Improvement Analysis – Chestnut Street One-way Flow Reversal

If authorized, an additional analysis will be conducted to determine the effect of traffic operation of reversing the flow of traffic on Chestnut Street between Milwaukee Avenue and Pine Street. This analysis will involve redistributing existing traffic patterns at the Milwaukee Avenue intersection with Chestnut Street and Pine Street and the Pine Street intersection with Chestnut Street.

The redistributed traffic volumes and revised intersection geometrics would be modeled using SYNCHRO and compared to the existing conditions analysis to determine what improvement if any this alternative is expected to have on the operation of the individual intersections, the Pine Street corridor, and the Milwaukee Avenue corridor.

Optional Task 2: Summer Traffic Counts

If authorized, Optional Task 2 would authorize the Engineer to conduct peak hour turning movement counts during the summer of 2012. The summer traffic pattern would be determined from these counts and the signal timings adjusted for the summer tourist season. The intersections that would be counted are listed below:

Peak Hour Counts for Traffic Signal Timing

Pine Street Corridor:

- Pine Street & Bridge/Roberts Street

The Milwaukee Avenue Corridor:

- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

The Bridge Street Corridor:

- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- State Street and Main Street

Pine Street Corridor:

- Pine Street & Adams Street
- Pine Street & Jefferson Street

Peak hour counts will be conducted from 7-9am and 4-6pm.

Task 3: Summer Traffic Signal Timing Plans

The Engineer will update the SYNCHRO traffic model with summer 2012 traffic counts and develop timing plans for each of the downtown corridors. No report will accompany this analysis. A one page technical memo and signal timing sheets with maximum green times and offsets will be the deliverable for implementation in the field.

Pine Street Corridor:

Pine Street Corridor includes the following intersections:

- Pine Street & Bridge/Roberts Street

AUTHORIZATION FOR OPTIONAL TASK 2: Summer Traffic Counts

Kapur & Associates, Inc. (Client)

By: _____

Title: _____

Date: _____

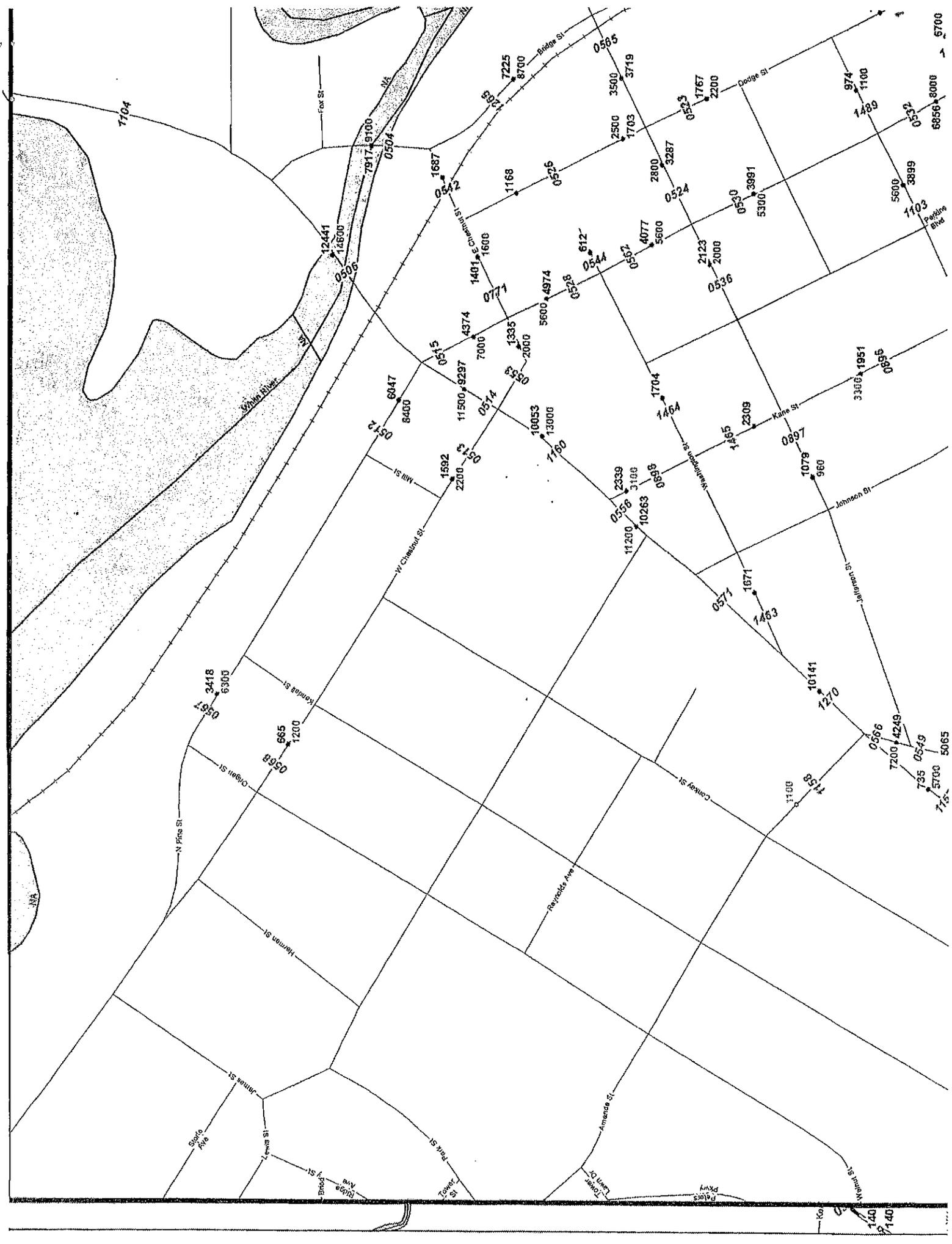
AUTHORIZATION FOR OPTIONAL TASK 3: Summer Traffic Signal Timing Plans

Kapur & Associates, Inc. (Client)

By: _____

Title: _____

Date: _____



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CITY OF BURLINGTON

Administration Department
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(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Item Number: 13C	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4497(62) to consider a lease between the City and Andrew Naber for 756 Maryland Avenue

Details:

Andrew Naber of ASDA Enterprises, approached the City to lease property at 756 Maryland Avenue (the old DPW transfer site) to use the property for a recycling sorting and transferring business. Mr. Naber intends on using the building on the site as well as purchasing the existing compactor.

Per the Council's direction at the September 6th Committee of the Whole meeting, the lease has been amended to a one year term with an automatic one year renewal. After the two year period the tenant or landlord will have the option to terminate the lease with six months notice. The attached amended lease for use of City property is for one year beginning October 1, 2011, with the option to renew, at rate of \$1,000 per month for the first two years.

The Plan Commission approved the Conditional Use Permit to use this property at their September 9th meeting.

Options & Alternatives:

The Council could choose to deny this lease.

Financial Remarks:

The lease is for \$1,000 per month payable to the City for a term of two years. After the two year period the rent shall be increased \$100 per month for each year the property is leased (for example, the third year the monthly rent shall be \$1,200.00 and in the fourth year \$1,300.00 and so on).

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole and is scheduled for the Common Council meeting on September 20, 2011.

**A RESOLUTION AUTHORIZING THE LEASE OF PROPERTY AT 756 MARYLAND AVENUE TO
ANDREW NABER, ASDA ENTERPRISES, FOR A TERM OF ONE YEAR**

WHEREAS, the City owns property located at 756 Maryland Avenue; and,

WHEREAS, Andrew Naber, ASDA Enterprises, seeks to use the land and facilities located at 756 Maryland for the sorting and transporting of recycling materials; and,

WHEREAS, the City of Burlington has desire to lease property at 756 Maryland Avenue to Andrew Naber of ASDA Enterprises; and,

WHEREAS, the term of this lease is for one (1) year with a one year renewal. After the two year period the tenant or landlord will have the option to terminate the lease with six months notice, commencing October 1, 2011 at \$1,000 per month; and,

WHEREAS, a copy of said lease is attached hereto, made a part hereof as if more fully set out therein.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the lease on said property on the terms and conditions set out in the lease by and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to execute such documents.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to prepare and complete such necessary documents as are required by the City of Burlington to close the transaction.

Introduced: September 6, 2011

Approved:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

(Draft: 9/7/11)

TRANSFER SITE LEASE AGREEMENT

This agreement ("Lease" and/or "Agreement") is made and entered into this _____ day of September, 2011, by and between the following parties:

- a) The CITY OF BURLINGTON, WISCONSIN, being a municipal corporation organized under the laws of the State of Wisconsin, with its City Hall located at 300 North Pine Street, Burlington, Wisconsin 53105 (hereinafter referred to as the "Landlord"); and
- b) ASDA ENTERPRISES, INC., being a Wisconsin corporation, with offices located at 33904 White Oak Drive, Post Office Box 178, Burlington, Wisconsin 53105 (hereinafter referred to as "Tenant").

Introduction

Tenant owns and operates a refuse recycling business (the "Business"), and wishes to lease from Landlord the real property (the "Leased Premises") described as follows:

- a) Tax Parcel No.: 206-03-19-29-069-020
- b) Legal Description:

ALL OF LOT 2 OF CSM 3012 AS RECORDED IN THE RACINE COUNTY REGISTER OF DEEDS OFFICE IN VOLUME 30 ON PAGE 6 AS DOCUMENT NUMBER 2274463 LOCATED IN THE SOUTHEAST ¼ AND THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 3 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, STATE OF WISCONSIN.

- c) Site Location: See attached Exhibit A

The Leased Premises are improved with a building (the "Building") that is shown on attached Exhibit A.

Landlord is willing to lease to Tenant the Leased Premises under the terms and conditions contained in this Agreement, and the parties are entering into this Agreement for such purposes.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE ABOVE-NAMED PARTIES HEREBY AGREE AS FOLLOWS:

1. Introduction is Correct. The foregoing "Introduction" is true and correct, and is hereby incorporated into this Agreement by reference.

2. Lease of Property. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Leased Premises.

3. Term. The term of this Lease shall be for a period of One (1) Year, commencing on the date of October 1, 2011, and terminating at midnight on the date of September 30, 2012, unless sooner terminated under other provisions contained in this Lease.

4. Rent. For and as money rent for the Leased Premises, Tenant shall pay to Landlord the sum of One Thousand Dollars (\$1,000.00) for each month during the term of the Lease. Such rent shall be paid by Tenant to Landlord on or before the First (1st) day of each month for each such month during the term of the Lease. During any renewal term(s) of this Lease, the rent due Landlord shall similarly be paid by Tenant on a monthly basis in the manner described above and in the amount(s) described in below Paragraph Number 5.

5. Renewal. Provided that Tenant is not in default under this Agreement, Tenant may renew this Lease for an additional renewal term of One (1) Year. This Agreement shall be

deemed to be automatically so renewed in such manner unless and until the Tenant gives to the Landlord a written notice at least Sixty (60) Days prior to the termination of the then-existing initial one-year term indicating that Tenant will not be renewing the Lease for a further renewal term of One (1) Year. With respect to such a renewal term, the terms and provisions of this present Agreement shall continue in full force during such renewal term, except that (i) the monthly rental payments due hereunder shall be increased One Hundred Dollars (\$100.00) per month for that renewal term, and (ii) this present Paragraph Number 5 (providing for an option to renew) shall no longer be effective.

6. Lease After Initial Term/Renewal Term. If Tenant elects to lease the Leased Premises for both the initial one-year term and also the one-year renewal term (as allowed under above Paragraph No. 5), then Tenant may also, should Tenant so desire, continue to thereafter lease the Leased Premises from Landlord unless and until this Lease is then later terminated by:

- a) Tenant giving a written notice of termination to Landlord (pursuant to the provisions of below Paragraph No. 29) at least Sixty (60) Days prior to the effective date of termination stated in such notice; or
- b) Landlord giving a written notice of termination to Tenant (pursuant to the provisions of below Paragraph No. 29) at least One Hundred Eighty (180) Days prior to the effective date of termination stated in such notice.

Landlord may not give any such 180-day notice of termination to Tenant, however, unless and until Tenant continues to so lease the Leased Premises after the initial one-year term and the one-year renewal term, all as allowed above. (In this fashion, Tenant may, should Tenant so desire, lease the Leased Premises for at least Two (2) Years and Six (6) Months.)

During each Twelve (12) Month time period that Tenant leases the Leased Premises after the initial one-year term and the one-year renewal term, the amount of monthly rent payable by Tenant to Landlord shall be increased One Hundred Dollars (\$100.00) per month (i.e. in the third year the monthly rent shall be \$1,200.00 and in the fourth year \$1,300.00 and so on). The remaining terms and provisions of this Lease shall continue to be in force and apply to Tenant's lease of the Leased Premises. Any reference contained in this Lease to a "renewal term" shall also include any lease of the Leased Premises by Tenant under the provisions of this Paragraph No. 6.

7. Use of Leased Premises. The Leased Premises shall be used by Tenant only for the purpose of operating and conducting its refuse recycling Business. Tenant shall conduct such Business on the Leased Premises:

- a) In full compliance with all applicable laws; and
- b) In a manner so that no illegal activities are conducted on the Leased Premises by Tenant, and/or its employees or agents, and/or by Tenant's patrons or customers;
and
- c) In a manner that does not cause unreasonably loud noise and/or offensive odors, and/or any nuisance; and
- d) In full compliance with its conditional use permit and related site plan approved and issued by Landlord for the Business on the Leased Premises.

8. Signs. Tenant may, at its own cost and expense, install and maintain signs upon the Leased Premises for the advertisement of Tenant's Business. Any such signs, however, shall:

- a) Be in full conformance with any applicable governmental laws and regulation;
and
- b) Be approved by Landlord (prior to installation) as to the nature, type, and location
of each such sign.

Any such sign(s) so installed by Tenant shall, at Tenant's own cost and expense, (i) be kept and maintained by Tenant in a good and aesthetically-pleasing manner, and (ii) be immediately removed by Tenant at the time of the termination of this Lease, with any damage to the Leased Premises caused by such removal to be immediately repaired by Tenant.

9. Alterations and Improvements. Tenant may, at its own cost and expense, remodel, alter, and improve the Leased Premises. Prior to taking any such steps, however, Tenant shall first obtain Landlord's approval of any such remodeling, alterations, or improvements being proposed by Tenant. Any such remodeling, alterations, or improvements shall (i) be done in a good workmanlike manner, in full compliance with all applicable governmental laws, rules, and regulations, and (ii) be fully and timely paid for by Tenant so that no construction liens (or any other type of encumbrance) attaches to the Leased Premises. All such remodeling, alterations, or improvements so made by Tenant (except for Tenant's business fixtures, as hereinafter described) shall be the property of and owned by Landlord.

10. Repairs. Tenant shall, at Tenant's own cost and expense, promptly make all repairs and/or replacements reasonably required to maintain the Leased Premises (including, but not limited to, the Building and its mechanical systems) in a good and tenantable condition. All such repairs and/or replacements shall (i) be done in a good workmanlike manner, in full compliance with all applicable governmental laws, rules, and regulations, and (ii) be fully and timely paid for

by Tenant so that no construction liens (or any other type of an encumbrance) attaches to the Leased Premises.

11. Maintenance. Tenant shall, at Tenant's own cost and expense:

- a) Maintain the interior and the exterior of the Building and the Leased Premises in a clean, neat, and sanitary manner, and with an attractive and aesthetically pleasing appearance.
- b) Repair the doors and secure the Building on the Leased Premises (including the repair or replacement of any broken glass windows or glass doors).
- c) On or before the end of the initial one-year term of this Lease, paint the exterior of the Building, following procedures described in above Paragraph Number 9 of this Lease.
- d) Cut, trim, and keep in a neat fashion the grass, shrubs, trees, and vegetation on the Leased Premises.
- e) Keep the outside grounds of the Leased Premises free and clear of all debris, litter, garbage, and foreign substances, materials, or objects.
- f) Prohibit any outside storage of any vehicles, materials, or other objects on the Leased Premises unless otherwise expressly authorized in the conditional use permit and site plan approved and issued by Landlord for Tenant's Business on the Leased Premises.

12. No Soil Disturbance. Tenant understands that portions of the Leased Premises were previously used by Landlord as a dump and/or waste site. Tenant shall accordingly not undertake, and/or allow any other person or entity to undertake, any activity that disturbs the

subsoil of the Leased Premises without the prior written approval of Landlord, which approval Landlord may grant or deny in its sole discretion.

13. Monitoring of DNR Wells. One or more environmental monitoring wells (the "Wells") required by the State of Wisconsin Department of Natural Resources may exist on the Leased Premises. If such a Well exists on the Leased Premises, Tenant shall allow Landlord to continue to maintain and monitor such Well(s) on the Leased Premises.

14. Indemnification by Landlord for Any Prior Contamination. Landlord shall, and hereby does, indemnify and hold harmless the Tenant from and against all costs, damages, expenses (including, but not limited to, reasonable actual attorneys fees) and liability of any nature that may arise and/or pertain to Landlord's prior use of portions of the Leased Premises as a dump and/or waste site. This indemnification by Landlord shall not apply, however, in the event (i) Tenant fails to comply with the provisions of above Paragraph Numbers 12 and/or 13, and or below Paragraph Number 15, and (ii) such failure(s) by Tenant contributes to and/or causes, in whole or in part, the said cost, damage, expense, or liability in question.

15. No Further Contamination by Tenant. Tenant shall not undertake, and/or allow any other person or entity to undertake, any activity on the Leased Premises that results in (i) any violation of any environmental laws and/or (ii) causes any additional environmental contamination of the Leased Premises as defined in any applicable environmental laws.

16. Personal Property Taxes. Tenant, at its own cost and expense, shall be responsible for the timely payment of any personal property taxes due any governmental body during the lease term and/or renewal term(s) attributable to the conducting of Tenant's Business in the Leased Premises.

17. Real Estate Taxes. Tenant, at its own cost and expense, shall be responsible for the payment of any real estate taxes and/or special assessments due any governmental body for the Leased Premises during the lease term and/or any renewal term(s).

18. Utilities. The Tenant shall timely and fully pay the cost of all utility charges incurred during the lease term and/or renewal term(s) for the Leased Premises. Such charges shall include, but not be limited to, the costs pertaining to providing water, gas, electricity, heat, telephone service, and sanitary sewer service for such Leased Premises.

19. Liability Insurance. Tenant shall, at its own cost and expense, procure and maintain with an insurance company licensed to do business in the State of Wisconsin a policy of public liability insurance providing coverage for any liability to any third persons for any property damage and any bodily injury, including death, arising out of the conducting of the Business being conducted by Tenant. Such policy of liability insurance shall have a minimum policy limit for such coverage of One Million Dollars (\$1,000,000.00), and Landlord shall be named as an additional insured under such policy. During the term of this Lease Agreement, and during any renewal term(s), Tenant shall provide to Landlord a certificate of the insurer showing such coverage to be in effect.

20. Other Insurance. Landlord and Tenant shall, at their own respective cost and expense, procure and maintain such additional policies of insurance providing coverage for the Leased Premises and Business operations as their own respective interests may appear. Landlord shall, at their own cost and expense, procure and maintain a policy of insurance, in an amount equal to or exceeding the fair market value of the Leased Premises, providing coverage against fire and all other similar perils and risks that may cause damage to the Leased Premises. Tenant

shall, at their own cost and expense, procure and maintain a policy of insurance, in an amount equal to or exceeding the fair market value of the same, providing coverage against damage or loss to (i) any equipment, furniture, and other contents and personal property used by Tenant in its Business conducted on the Leased Premises, and (ii) any damage or breakage to any glass windows/glass doors and/or advertising signs in or on the Leased Premises.

21. Waiver of Subrogation Rights. To the extent the same is required to effect a mutual waiver of any subrogation rights by an insurance carrier of either party, each of the undersigned parties releases the other party from all liability, whether for negligence or otherwise, in connection with loss covered by any insurance policies which the releaser carries with respect to the Leased Premises or any interest or property therein or thereon (whether or not such insurance is required to be carried under this Lease), but only to the extent that such loss is collected under said insurance policies. Such release is also conditioned upon the inclusion in the policy or policies of a provision whereby any such release shall not adversely affect said policies or prejudice any right of the releaser to recover thereunder. Each party agrees that its insurance policies will include such a provision so long as the same shall be obtainable without extra cost, or if extra cost shall be charged therefore, so long as the party for whose benefit the clause or endorsement is obtained shall pay such extra cost. If extra cost shall be chargeable therefore, each party shall advise the other thereof of the amount of the extra cost, and the other party, at its election, may pay the same, but shall not be obligated to do so.

22. Damage by Fire or Other Casualty. In the event the Leased Premises are partially and/or wholly destroyed by fire or other casualty, then either party may, at their option, elect to immediately terminate this Lease Agreement.

23. Assignment and Sublease. Tenant shall not assign this Lease Agreement or sublease the Leased Premises without the Landlord's prior written consent, which consent Landlord may or may not, at Landlord's sole discretion, grant or withhold. In the event of such an assignment or subleasing with the consent of Landlord, however, Tenant shall still be liable to Landlord for Tenant's obligations under this Lease Agreement.

24. Insolvency. To the extent permitted by law, if any proceedings in bankruptcy or insolvency or for receivership are filed against Tenant, or if any sale of the leasehold interest hereby created, or any part thereof, should be made under any execution or other judicial process, or if the Tenant shall make any assignment for the benefit of creditors or shall voluntarily institute bankruptcy or insolvency proceedings, the Landlord may, at Landlord's option, terminate this Lease Agreement.

25. Surrender of Premises. Upon termination of this Lease, Tenant shall return the Leased Premises to Landlord in as good condition and repair as when the repairs to the Leased Premises required of Tenant under this Lease are completed by Tenant, except for ordinary wear and tear. All alterations, additions, and improvements made to the Leased Premises shall remain and be the property of Landlord. All trade and decorative fixtures and other equipment and personal property owned by Tenant shall be removed from the Leased Premises by Tenant no later than the termination date. Tenant shall repair any and all damage to the Leased Premises caused by removal of the equipment and property. Any trade and decorative fixtures, equipment, and personal property not removed by Tenant prior to the termination date shall be considered abandoned and shall become the property of Landlord, at the option of Landlord.

26. Inspection and Access. Landlord shall have the right during ordinary business hours, or at any time in case of an emergency, to enter the Leased Premises for the purposes of:

- (i) inspecting the Leased Premises;
- (ii) showing the Leased Premises to prospective tenants, purchasers, or others;
- (iii) performing any of its duties under this Agreement.

27. Covenant of Quiet Enjoyment. So long as Tenant fulfils its obligations under this Lease Agreement, Landlord warrants to Tenant that Tenant shall have full and quiet enjoyment of the Leased Premises, free from hindrance by Landlord or any person claiming through Landlord, during the term of this Agreement.

28. Breach of Lease Agreement. If a party defaults in the payment of rent, or defaults in the performance of any of the terms, covenants, or conditions of this Lease Agreement, such other party may give to the defaulting party written notice of such default, and if the defaulting party does not cure such default within Ten (10) Days after the giving of such written notice (or, if such default, other than the failure to pay rent, is of such a nature that it cannot be completely cured within such Ten (10) Days, if the defaulting party does not commence such curing within such Ten (10) Days and thereafter proceed with reasonable diligence and in good faith to cure such default), then such other party may terminate this Lease Agreement by giving at least Five (5) Days written notice to the defaulting party of its intention to do so, in which event this Lease Agreement shall terminate upon the date specified in such written notice. Such right of termination shall be in addition to any other remedy allowed by law, including, but not limited to, the bringing of any claims for damages, delinquent rent, and loss of future rent. In addition to any such other remedies allowed by law, the defaulting party shall be liable to the other party for

all costs incurred by such other party in enforcing its rights under the Lease Agreement, including reimbursement for actual and reasonable attorneys fees.

29. Notice. Any notice required to be given by either party to the other party shall be in writing, and shall be delivered to such other party either by (i) personal service, or by (ii) certified mail in a postpaid envelope addressed to such party at the address specified above in this Lease, or to such other address as may from time to time be designated in writing by such other party. Delivery by certified mail shall be deemed made and completed upon depositing the said postpaid envelope in the United States mail.

30. Governing Law. This Lease Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Wisconsin. Venue for any legal action or proceeding arising under or pertaining to this Lease shall solely and exclusively be Racine County Circuit Court in Racine County, Wisconsin.

31. Parties Bound. The covenants, terms, conditions, and provisions of this Lease Agreement shall extend to and be binding upon the successors and assigns of the respective parties hereto, except that any assignment of this Lease Agreement or subleasing of the Leased Premises by the Tenant shall require the prior written consent of the Landlord as elsewhere provided in this Lease Agreement.

32. Entire Agreement. This Agreement contains the entire agreement between the parties. Any prior agreements, promises, representations, or understandings made by or between the parties are not a part of this Agreement unless expressly stated in this Agreement.

SPECIAL PROVISIONS

33. Sale/Purchase of Compactor. A refuse compactor (the "Compactor") exists in the Building located on the Leased Premises. Seller shall, and hereby does, sell the Compactor to Tenant, and Tenant shall, and hereby does, purchase the Compactor from Landlord, for a sale/purchase price of One Thousand Dollars (\$1,000.00). Such sale/purchase price monies shall be paid by Tenant to Landlord on or before October 1, 2011. With respect to the sale/purchase of the Compactor:

- a) Tenant is purchasing the same in "AS-IS" and "WHERE-IS" condition, and Landlord is not making any warranties or representations to Tenant regarding its condition.
- b) Landlord does warrant and represent to Tenant that (i) Landlord is the sole owner of the Compactor, and (ii) no liens or encumbrances affect the Compactor.

34. Contingency: Tenant. This Agreement is contingent upon Tenant, at its own cost and expense, obtaining all governmental approvals and permits, of any nature whatsoever, required to lawfully operate the refuse recycling Business being proposed by Tenant on the Leased Premises, all under terms and conditions satisfactory to Tenant.

35. Contingency: Landlord. This Agreement is contingent upon Landlord not being required to pay any commission to any real estate broker as a result of the execution of this Agreement.

36. Landlord Actions. Within Five (5) Business Days (Monday-Friday) after this Lease is executed by all of the parties, the Landlord shall, at its own cost and expense:

- a) Contact the Jay-Cees and have them remove their van from the Leased Premises;
and
- b) Remove from the Leased Premises (i) any personal property owned by the City,
and (ii) the fill inside the Building.

Any such personal property owned by the Landlord and not timely removed by Landlord from the Leased Premises shall be deemed transferred to and owned by Tenant.

37. Advance Access by Tenant. Upon the execution of this Lease by all parties, the Tenant shall have immediate access to the Leased Premises (prior to October 1, 2011) so that it can start taking steps required of Tenant under this Lease regarding the Leased Premises.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the date first written above.

LANDLORD:
City of Burlington, Wisconsin

TENANT:
ASDA Enterprises, Inc.

By: _____
Robert Miller
Mayor

By: _____
Andrew Naber
Chief Executive Officer

Attest: _____
Beverly Gill
Clerk



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI 53105
(262) 342-1161 -- (262) 342-1178 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 4	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4498(23) to consider the sale of General Obligation Refunding Bonds in the amount of \$9.4 million.

Details:

This item would approve the sale of a General Obligation Refunding Bond in the amount of \$9.4 million. The savings from the refunding would result in savings of approximately \$597,000 to Tax Increment Finance Zone #3 and \$74,000 to the Sewer Fund. The new bonds would refund all the available callable debt currently being paid by the City.

Options & Alternatives:

The City could deny the refunding and continue to pay our current debt obligations.

Financial Remarks: The refunding would save the city approximately \$597,000 in TIF #3 and \$74,000 in the Sewer Fund over the next 10 years.

Executive Action:

This item is for discussion at the September 20, 2011 Committee of the Whole meeting and is scheduled for the October 4, 2011 Common Council meeting for consideration.

**RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED
\$9,400,000 GENERAL OBLIGATION REFUNDING BONDS**

WHEREAS, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") is presently in need of an amount not to exceed \$9,400,000 for the public purpose of refunding obligations of the City, including interest on them; and

WHEREAS, it is desirable to borrow said funds through the issuance of general obligation refunding bonds pursuant to Section 67.04, Wis. Stats.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of Bonds. The City shall issue its General Obligation Refunding Bonds in an amount not to exceed \$9,400,000 (the "Bonds") for the purpose above specified.

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Introduced: September 20, 2011

Approved:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



**REPORT ON DEBT REFUNDING
FOR THE
CITY OF BURLINGTON, WISCONSIN
August 29, 2011**

BACKGROUND

- Current interest rates for municipal bonds are within 0.26% of near-historic lows reached on August 18
- The City has 3 bond issues that are callable now or within the next year and, as such, are now viable candidates for either current or advance refunding

SUMMARY

- The City is projected to save in excess of an estimated \$750,000 over the next 10 years, net of refunding expenses, by issuing a combination of G.O. and Water Revenue Refunding Bonds: broken down as follows:
 - \$0 General Fund (see page 4)
 - \$74,000 Sewer Fund (see page 6)
 - \$597,000 TID #3 Fund (see page 8)
 - \$86,000 Water Fund (see page 10)

ANALYSIS

- Page 1 shows the current G.O. debt before refunding.
- Page 2 shows all G.O. debt after taking into account the proposed G.O. refunding
 - The Series 2001A G.O. Bonds would be advance-refunded with new bond proceeds placed in escrow until their 10/1/12 call date
 - The Series 2004 G.O. Bonds would be refunded on a current basis as they are now callable
 - Total net savings are estimated to be approx. \$671,000 using the current 'A' scale
- Pages 3 and 4 show the net debt service payable from the General tax levy before and after the proposed G.O. refunding
 - There is no change resulting because all of the refunding affects non-General funds.
 - Prior to preparation of the 2012 Budget the information found in the footnotes to these pages should be reviewed as to the need to offset certain debt payments with either cash on hand or advances from other funds
- Pages 5 through 8 show the net debt service payable from the Sewer Fund and from the TID #3 Fund, respectively, both before and after the proposed G.O. refunding.
 - Principal payments have been moved up from October 1 and November 1 to April 1 in order to increase savings by about \$100,000
 - No other debt restructuring or use of cash is assumed
- Pages 9 and 10 show the net debt service payable from the Water Fund before and after the proposed Water Revenue Bond refunding
 - It is assumed that the Water Utility is generating adequate net revenues to allow the sale of Water Revenue Refunding Bonds to preserve G.O. debt capacity (currently near 50%)
 - Interest rates are assumed to be 0.25% above the G.O. rates assumed
 - The analysis takes into account the effect of reducing the Water Debt Service Reserve Fund ("DSRF") by approx. \$34,000 and the lost interest earning thereon. No other debt restructuring or use of cash is assumed.

City of Burlington, WI

General Obligation Debt - Base Case Tax Rate Analysis

BEFORE REFUNDING

AS OF February 2, 2011 (with Proposed 2011A Refunding Bonds Added)

Year	Total General Obligation Debt		Less Sewer Utility ¹	Less Water Utility ¹	Less TID No. 3 ^{1,4}	Less TID No. 4 ^{1,5}	Less ER TID No. 1 ^{1,6}	Less BAB Rebates ²	Net Debt Levy	Projected Equalized Value ³	Projected Eq. Rate for Debt Service	Year
	Principal	Interest										
2011	2,079,880	952,101	3,031,981	(21,387)	(1,703,916)	(462,599)	(57,662)	(109,749)	342,987	690,669,600	0.50	2011
2012	2,251,313	916,771	3,178,085	(41,296)	(1,567,585)	(281,876)	(166,271)	(106,504)	323,071	692,442,700	0.47	2012
2013	2,365,926	842,979	3,208,905	(41,071)	(1,889,963)	0	(166,271)	(104,845)	323,586	692,442,700	0.47	2013
2014	2,598,976	765,114	3,364,090	(40,782)	(2,026,613)	0	(166,271)	(102,963)	323,926	692,442,700	0.47	2014
2015	1,707,626	682,309	2,389,934	(61,366)	(40,438)	0	(250,470)	(100,503)	293,813	692,442,700	0.42	2015
2016	1,857,916	621,143	2,479,058	(65,746)	(1,729,709)	0	(253,718)	(98,455)	291,362	692,442,700	0.42	2016
2017	1,638,644	554,183	2,192,827	(64,961)	(1,420,113)	0	(251,700)	(94,153)	322,311	692,442,700	0.47	2017
2018	1,704,516	483,243	2,187,759	(64,096)	(1,411,083)	0	(254,412)	(97,503)	331,570	692,442,700	0.48	2018
2019	1,770,645	406,970	2,177,614	(63,152)	(1,403,546)	0	(251,850)	(80,240)	335,341	883,316,700	0.38	2019
2020	1,862,001	328,356	2,190,357	(62,146)	(1,414,533)	0	(254,044)	(73,402)	343,486	883,316,700	0.39	2020
2021	510,103	242,833	752,936	(65,727)	0	0	(147,366)	(67,807)	395,221	883,316,700	0.45	2021
2022	537,996	218,617	756,613	(60,497)	0	0	(149,101)	(62,500)	395,698	883,316,700	0.45	2022
2023	523,322	192,907	716,229	(59,086)	0	0	(150,571)	(56,799)	358,075	883,316,700	0.41	2023
2024	505,000	167,591	672,591	(57,630)	0	0	(151,770)	(50,703)	323,052	883,316,700	0.37	2024
2025	520,000	142,650	662,650	(61,055)	0	0	(152,709)	(44,231)	317,541	883,316,700	0.36	2025
2026	535,000	116,529	651,529	(58,365)	0	0	(153,398)	(37,359)	306,828	883,316,700	0.35	2026
2027	555,000	89,064	644,064	(62,555)	0	0	(153,833)	(30,030)	300,910	883,316,700	0.34	2027
2028	425,000	63,280	488,280	(60,616)	0	0	(158,894)	(22,148)	147,974	883,316,700	0.17	2028
2029	445,000	39,021	484,021	(63,531)	0	0	(158,548)	(13,657)	147,990	883,316,700	0.17	2029
2030	460,000	13,225	473,225	(66,215)	0	0	(157,897)	(4,629)	147,710	883,316,700	0.17	2030
Totals	24,863,863	7,835,888	32,702,748	(997,293)	(16,210,273)	(734,436)	(3,606,773)	(1,348,203)	6,072,441			

Notes

- 1 Net of BAB rebates on interest on allocable portion of \$6,400,000 GO. Bonds
- 2 Includes BAB rebates on \$6,400,000 G.O. Bonds, Series 2010A and \$342,194 STF Loan dated 8/16/09
- 3 Assumes: no growth and closure of TID 3 prior to 5/15/18
- 4 TID 3 also has other obligations, primarily the CDA Bonds; closure is likely prior to maturity of debt (at which time debt should be called)
- 5 TID 4 was closed out in 2011 and should have cash available and set aside 12/31/11 to make 2012 debt payments
- 6 ER-TID 1 will likely not have sufficient revenues to pay its share of debt service until 2021. Advances from first TID 3 and then, if necessary, General Funds should be planned.

City of Burlington, WI

General Obligation Debt - Base Case Tax Rate Analysis

AS OF February 2, 2011 (with Proposed 2011A Refunding Bonds Added)

AFTER REFUNDING - CASE 1

Year	Total General Obligation Debt		Less Sewer Utility ¹	Less Sew. Util. Share of 2011A Ref. Bonds	Less Water Utility ¹	Less TID No. 3 ^{1,4}	Less TID No. 3 Share of 2011A Ref. Bonds	Less ER TID No. 1 ^{1,6}	Less BAB Rebates ²	Net Debt Levy	Projected Equalized Value ³	Projected Eq. Rate for Debt Service	Year
	Principal	Interest											
2011	2,079,880	952,101	(343,722)		(21,387)	(1,703,816)		(57,862)	(108,749)	342,987	690,689,600	0.50	2011
2012	2,406,313	684,259	(62,685)	(539,631)	(41,296)	(1,236,765)	(272,471)	(166,271)	(106,504)	323,071	692,442,700	0.47	2012
2013	2,495,926	624,298	(62,349)	(604,441)	(41,071)	(859,143)	(958,538)	0	(104,845)	323,566	692,442,700	0.47	2013
2014	2,688,976	582,285	(61,915)	(613,233)	(40,782)	(977,193)	(884,958)	0	(102,983)	323,926	692,442,700	0.47	2014
2015	1,782,626	541,547	(61,398)	(613,233)	(40,438)	(577,743)	(999,809)	0	(100,503)	293,813	692,442,700	0.42	2015
2016	1,907,916	503,133	(65,746)	(65,746)	(40,038)	(650,139)	(1,011,560)	0	(98,455)	291,392	692,442,700	0.42	2016
2017	1,868,644	457,757	(64,961)	(64,961)	(39,589)	(329,218)	(1,024,468)	0	(94,153)	322,311	692,442,700	0.47	2017
2018	1,714,516	407,436	(64,096)	(64,096)	(39,095)	(311,813)	(1,033,463)	0	(87,503)	331,970	692,442,700	0.48	2018
2019	1,760,645	350,779	(63,152)	(63,152)	(43,485)	(298,926)	(1,038,430)	0	(80,240)	335,341	883,316,700	0.38	2019
2020	1,832,001	288,894	(62,146)	(62,146)	(42,786)	(167,413)	(1,177,458)	0	(73,402)	343,468	883,316,700	0.39	2020
2021	510,103	242,833	(85,727)	(85,727)	(56,798)	0	0	(147,386)	(87,807)	395,221	883,316,700	0.45	2021
2022	537,896	218,617	(88,817)	(88,817)	(60,497)	0	0	(149,101)	(82,500)	395,698	883,316,700	0.45	2022
2023	523,322	192,907	(91,699)	(91,699)	(58,088)	0	0	(150,571)	(66,799)	358,075	883,316,700	0.41	2023
2024	505,000	167,591	(89,435)	(89,435)	(57,630)	0	0	(151,770)	(50,703)	323,052	883,316,700	0.37	2024
2025	520,000	142,650	(87,115)	(87,115)	(61,055)	0	0	(152,709)	(44,231)	317,541	883,316,700	0.36	2025
2026	535,000	116,529	(84,576)	(84,576)	(58,365)	0	0	(153,398)	(37,359)	306,828	883,316,700	0.35	2026
2027	555,000	89,064	(96,735)	(96,735)	(62,555)	0	0	(153,833)	(30,030)	300,910	883,316,700	0.34	2027
2028	425,000	63,280	(98,648)	(98,648)	(60,616)	0	0	(158,894)	(22,148)	147,974	883,316,700	0.17	2028
2029	445,000	39,021	(100,295)	(100,295)	(63,531)	0	0	(158,548)	(13,657)	147,990	883,316,700	0.17	2029
2030	480,000	13,225	(96,775)	(96,775)	(66,215)	0	0	(157,897)	(4,629)	147,710	883,316,700	0.17	2030
Totals	25,353,863	6,878,005	(1,841,994)	(1,817,305)	(997,293)	(7,112,268)	(8,501,155)	(3,606,773)	(1,348,203)	6,072,441			
										Net General Debt Service Before Refunding		5,072,441	
										Net General Fund Savings		0	

Notes

- 1 Net of BAB rebates on interest on allocable portion of \$6,400,000 GO. Bonds
- 2 Includes BAB rebates on \$6,400,000 G.O. Bonds, Series 2010A and \$342,194 STF Loan dated 9/16/09
- 3 Assumes: no growth and closure of TID 3 prior to 5/15/18
- 4 TID 3 also has other obligations, primarily the CDA Bonds; closure is likely prior to maturity of debt (at which time debt should be called)
- 5 TID 4 was closed out in 2011 and should have cash available and set aside 12/31/11 to make 2012 debt payments
- 6 ER-TID 1 will likely not have sufficient revenues to pay its share of debt service until 2021. Advances from first TID 3 and then, if necessary, General Funds should be planned.

SCHEDULE OF REVENUE & GENERAL OBLIGATION DEBT OUTSTANDING - SEWER UTILITY
 City of Burlington, WI
 AS OF February 2, 2011 (WITHOUT Proposed 2011A Refunding Bonds)

Callable Debt Highlighted

BEFORE REFUNDING

DATED AMT	MAT	RATE	PURP	CWF Revenue Bonds		G.O. REFUNDING BONDS SERIES 2004		CWF Revenue Bonds		CWF Revenue Bonds		TAXABLE G.O. BONDS (BAB)		TOTAL PRINC	TOTAL INT	PRINCIPAL & INTEREST	LESS B.A.B. REBATE	NET PRINCIPAL & INTEREST
				PRINC	INT	PRINC	INT	PRINC	INT	PRINC	INT	PRINC	INT					
	5/1	3.600%	Loan # 2016-01	1,230,728	22,153	245,000	85,900	41,085	19,560	182,242	104,274	0	50,495	1,699,056	262,382	1,961,437	(17,673)	1,943,764
						570,000	58,795	42,057	18,577	188,975	99,505	30,000	50,286	831,032	227,162	1,058,195	(17,600)	1,040,595
						590,000	40,840	43,052	17,570	193,830	94,588	30,000	49,788	846,882	202,766	1,049,648	(17,419)	1,032,229
						620,000	21,700	44,070	16,540	198,810	88,545	30,000	49,100	892,879	176,885	1,069,764	(17,185)	1,052,579
							15,486	45,112	15,486	203,917	84,372	30,000	48,305	279,029	148,162	427,192	(16,907)	410,285
								46,179	14,406	209,166	79,066	35,000	47,301	290,335	140,773	431,108	(16,555)	414,552
								47,271	13,301	214,529	73,624	35,000	46,094	296,800	133,018	429,818	(16,133)	413,686
								48,389	12,170	220,040	68,042	35,000	44,764	303,429	124,975	428,404	(15,867)	412,537
								49,534	11,012	225,683	62,316	35,000	43,311	310,226	116,639	426,866	(15,159)	411,707
								50,705	9,827	231,491	56,444	35,000	41,763	317,186	108,033	425,229	(14,817)	410,412
								51,904	8,613	237,438	50,420	60,000	39,590	349,342	98,614	447,956	(13,853)	434,103
								53,132	7,371	243,588	44,242	65,000	36,641	381,689	86,255	467,944	(12,824)	455,120
								54,368	6,100	249,794	37,905	70,000	33,363	374,183	77,388	451,570	(11,884)	439,686
								55,675	4,798	256,211	31,406	70,000	29,600	361,866	66,104	427,970	(10,466)	417,504
								56,991	3,466	262,794	24,739	70,000	26,330	389,785	54,535	444,320	(9,216)	435,104
								58,339	2,102	269,545	17,901	80,000	22,428	407,884	42,431	450,315	(7,860)	442,455
								59,719	706	276,469	10,888	85,000	18,054	421,188	29,648	450,836	(6,319)	444,517
								285,572	3,688	285,572	3,688	90,000	13,305	375,572	16,973	392,545	(4,657)	387,888
								95,000	8,146	95,000	8,146	95,000	8,146	95,000	8,146	103,146	(2,851)	100,295
								95,000	2,731	95,000	2,731	95,000	2,731	95,000	2,731	97,731	(956)	96,775
								847,602	181,605	4,150,043	1,032,944	1,076,000	701,683	9,818,874	2,125,620	11,443,994	(245,589)	11,198,405

SCHEDULE OF REVENUE & GENERAL OBLIGATION DEBT OUTSTANDING - WATER UTILITY
 City of Burlington, WI
 AS OF February 2, 2011 (WITHOUT Proposed 2011A Refunding Bonds)

BEFORE REFUNDING

Callable Debt Highlighted

DATED AMT	MAY	RATE	PURP	TAXABLE G.O. BONDS (BAB)		TOTAL PRINC	TOTAL INT	PRINCIPAL & INTEREST	LESS B.A.B. REBATE	LESS DEBT RE- SERVE FUND	NET PRINCIPAL & INTEREST
				5/12/2010 \$6,400,000	5/1 1.40-5.75%						
			Water Revenue Bonds								
3/1/2002 \$2,500,000	10/1	4.0-5.0%	Water Utility								
				Gen/Sew/Wat/TID 3/ERTID							
2011				0	32,903	125,000	131,589	258,589	(11,516)	(608)	244,465
2012				20,000	32,763	155,000	128,136	281,136	(11,467)	(608)	269,062
2013				20,000	32,418	165,000	120,054	285,054	(11,346)	(608)	273,100
2014				20,000	31,973	170,000	113,374	283,374	(11,190)	(608)	271,576
2015				20,000	31,443	180,000	106,244	286,244	(11,005)	(608)	274,631
2016				20,000	30,828	185,000	98,429	283,429	(10,790)	(608)	272,032
2017				20,000	30,138	195,000	90,231	285,231	(10,548)	(608)	274,076
2018				20,000	29,378	205,000	81,378	286,378	(10,282)	(608)	275,488
2019				25,000	28,439	220,000	71,189	291,189	(9,954)	(608)	280,628
2020				25,000	27,333	235,000	60,333	295,333	(9,566)	(608)	285,159
2021				40,000	25,840	260,000	48,340	308,340	(9,044)	(608)	298,689
2022				45,000	23,841	275,000	35,341	310,341	(8,344)	(243,608)	56,389
2023				45,000	21,670	45,000	21,670	66,670	(7,585)		59,086
2024				45,000	19,431	45,000	19,431	64,431	(6,801)		57,630
2025				50,000	17,008	50,000	17,008	67,008	(5,953)		61,055
2026				50,000	14,408	50,000	14,408	64,408	(5,043)		59,365
2027				55,000	11,624	55,000	11,624	66,624	(4,068)		62,555
2028				55,000	8,640	55,000	8,640	63,640	(3,024)		60,616
2029				60,000	5,433	60,000	5,433	65,433	(1,901)		63,531
2030				65,000	1,869	65,000	1,869	66,869	(654)		66,215
				700,000	457,374	2,795,000	1,182,718	3,977,718	(160,081)	(250,290)	3,567,347
				2,095,000	725,344						

SCHEDULE OF REVENUE & GENERAL OBLIGATION DEBT OUTSTANDING - WATER UTILITY
 City of Burlington, WI
 AS OF February 2, 2011 (WITH Proposed 2011 Refunding Bonds)

AFTER REFUNDING

Callable Debt Highlighted

DATED AMT	MAY	RATE	PURP	TAXABLE G.O. BONDS (GAB)		WATER REVENUE REFUNDING BONDS		TOTAL PRINC	TOTAL INT	PRINCIPAL & INTEREST	LESS B.A.B. REBATE	LESS DEBT RE-SERVE FUND	NET PRINCIPAL & INTEREST
				PRINC	INT	PRINC	RATE						
3/1/2002 \$2,500,000	10/1	4.0-5.0%	Water Utility	0	98,686	165,000	1.25%	125,000	131,589	256,589	(11,516)	(608)	244,465
				20,000	32,763	175,000	1.25%	185,000	85,085	270,885	(11,487)	(523)	258,086
				20,000	32,418	175,000	1.25%	195,000	82,678	277,678	(11,346)	(523)	265,809
				20,000	31,973	175,000	1.45%	195,000	80,045	275,045	(11,190)	(523)	263,332
				20,000	31,443	180,000	1.70%	200,000	76,978	276,978	(11,005)	(523)	265,450
				20,000	30,828	180,000	2.05%	200,000	73,303	273,303	(10,790)	(523)	261,980
				20,000	30,138	190,000	2.43%	210,000	68,923	278,923	(10,548)	(523)	267,852
				20,000	29,378	195,000	2.80%	215,000	63,546	278,546	(10,282)	(523)	267,741
				25,000	28,439	200,000	3.14%	225,000	57,147	282,147	(9,954)	(523)	271,671
				25,000	27,333	210,000	3.37%	235,000	49,761	284,761	(9,566)	(523)	274,672
				40,000	25,840	210,000	3.55%	250,000	41,191	291,191	(9,044)	(523)	281,625
				45,000	23,841	210,000	3.76%	255,000	31,737	286,737	(8,344)	(208,523)	68,870
				45,000	21,670			45,000	21,670	66,670	(7,585)		59,086
				45,000	19,431			45,000	19,431	64,431	(6,801)		57,630
				50,000	17,008			50,000	17,008	67,008	(5,953)		61,055
				50,000	14,408			50,000	14,408	64,408	(5,043)		59,365
				55,000	11,624			55,000	11,624	66,624	(4,068)		62,555
				55,000	8,640			55,000	8,640	63,640	(3,024)		60,616
				60,000	5,433			60,000	5,433	65,433	(1,901)		63,531
				65,000	1,869			65,000	1,869	66,869	(654)		66,215
				700,000	457,374	2,090,000		2,915,000	942,061	3,857,061	(160,081)	(215,350)	3,481,625
CALL										Net Water Fund Debt Service Before Refunding			3,667,347
										Net Savings			85,722



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI 53105
(262) 342-1161 – (262) 342-1178 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 5	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4499(24) to consider the sale of Waterworks System Revenue Refunding Bonds in the amount of \$2,090,000.

Details:

Due to historically low interest rates, the City has an opportunity to save approximately \$750,000 in the next ten years by conducting a sale of Refunding Bonds for both Water and General Obligation debt. This item pertains to refunding \$2,090,000 in Water debt that would result in a savings of approximately \$86,000 to the Water Fund.

Options & Alternatives: The Common Council could deny this request, and continue to pay the regularly scheduled payments on the existing city debt.

Financial Remarks:

The estimated savings over 10 years for this item is \$86,000. This refunding will refund the callable debt attributed to the Water Department. The new debt will have a substantially lower interest rate than the current debt issue.

Executive Action:

This item is for discussion at the September 20, 2011 Committee of the Whole meeting and is scheduled for the October 4, 2011 Common Council meeting for consideration.

**RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED
\$2,090,000 WATERWORKS SYSTEM REVENUE REFUNDING BONDS**

WHEREAS, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") is presently in need of an amount not to exceed \$2,090,000 for the public purpose of refunding obligations of the City issued to finance Waterworks System improvements, including interest on them; and

WHEREAS, it is desirable to borrow said funds through the issuance of waterworks system revenue refunding bonds pursuant to Section 66.0621, Wis. Stats.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of Bonds. The City shall issue its Waterworks System Revenue Refunding Bonds in an amount not to exceed \$2,090,000 (the "Bonds") for the purpose above specified.

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Introduced: September 20, 2011

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

Committee of the Whole Item Number: 7	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4501(26) to consider approving a Certified Survey Map for property on S. Pine Street and the Burlington Bypass.

Details:

This item is to consider recommending approval of a Certified Survey Map from FI-L1, LLC for property along S. Pine Street and the STH 11 Bypass. This CSM dated August 22, 2011 seeks to take a 4.63 acre portion of Lot 1 of CSM 1999 (Springbrook Crossing development) and divide it into two lots. Lot 1 would be rezoned to B-1 District while Lot 2 would remain Rm-2/PUD District. Lot 1 would consist of 2.64 acres while Lot 2 would consist of 1.99 acres. This item coincides with Ordinance 1933(10) to rezone the same property.

The Plan Commission recommended approval of this rezone at their September 13th meeting.

Options & Alternatives:

Council may choose to deny this Certified Survey Map and have the property remain divided as currently stated in the Official Map.

Financial Remarks:

N/A

Executive Action:

This item is for discussion at the September 20, 2011 Committee of the Whole and due to the timeliness of the issue is placed on the Common Council meeting the same night for consideration.

Resolution Number: 4501(26)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR THE CITY OF BURLINGTON
FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF S. PINE STREET AND THE
STH 11 BURLINGTON BYPASS**

WHEREAS, the Plan Commission of the City of Burlington has reviewed a Certified Survey Map (CSM) for property described as all of a re-division of Lot 1 of CSM 1999, as recorded in the Racine County Registers of Deeds Office as Document 1602466 and lands located in the Southeast ¼ and South ¼ of the Southwest ¼ of Section 4, Township 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin, and;

WHEREAS, at their September 13, 2011 meeting, the Plan Commission did recommend approval of the CSM based on the information provided with the stipulation that Lot 1 of said CSM be rezoned to B-1, Light Manufacturing District.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the attached CSM prepared on July 28, 2011 by Paul Van Henkelum, RLS, is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk record said CSM with the Racine County Register of Deeds and provide a copy of the recorded CSM to the Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177.

Introduced: September 20, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

CERTIFIED SURVEY MAP NO. _____
 A RE-DIVISION OF LOT 1 OF C.S.M. #1999,
 BEING PART OF THE NE 1/4, NW 1/4, SE 1/4
 AND SW 1/4 OF THE SW 1/4 OF SECTION 4,
 TOWN 2 NORTH, RANGE 19 EAST, CITY OF
 BURLINGTON, RACINE COUNTY, WISCONSIN

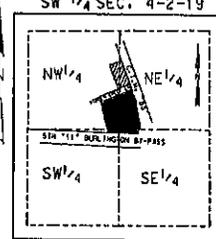


SCALE 1" = 100'

BASIS OF BEARING-
 THE WEST LINE OF LOT 1 OF
 C.S.M. 1999 WAS TAKEN TO
 BEAR N15°19'47"W.

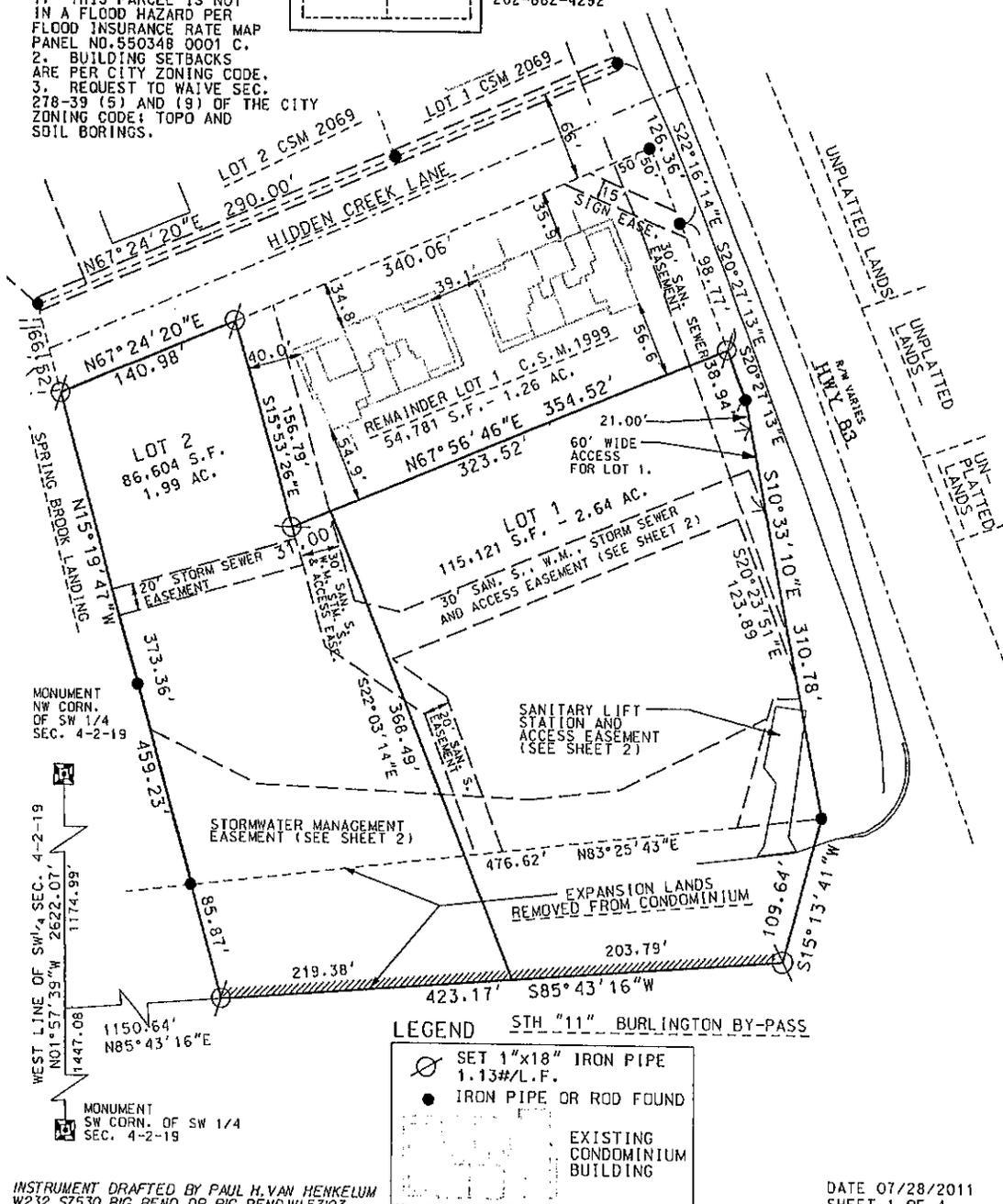
- NOTE:
1. THIS PARCEL IS NOT IN A FLOOD HAZARD PER FLOOD INSURANCE RATE MAP PANEL NO. 550348 0001 C.
 2. BUILDING SETBACKS ARE PER CITY ZONING CODE.
 3. REQUEST TO WAIVE SEC. 278-39 (5) AND (9) OF THE CITY ZONING CODE; TOPO AND SOIL BORINGS.

LOCATION MAP
 SW 1/4 SEC. 4-2-19



OWNER:
 GALESBURG II, LLC.
 565 MILWAUKEE AVE.
 BURLINGTON, WI 53105

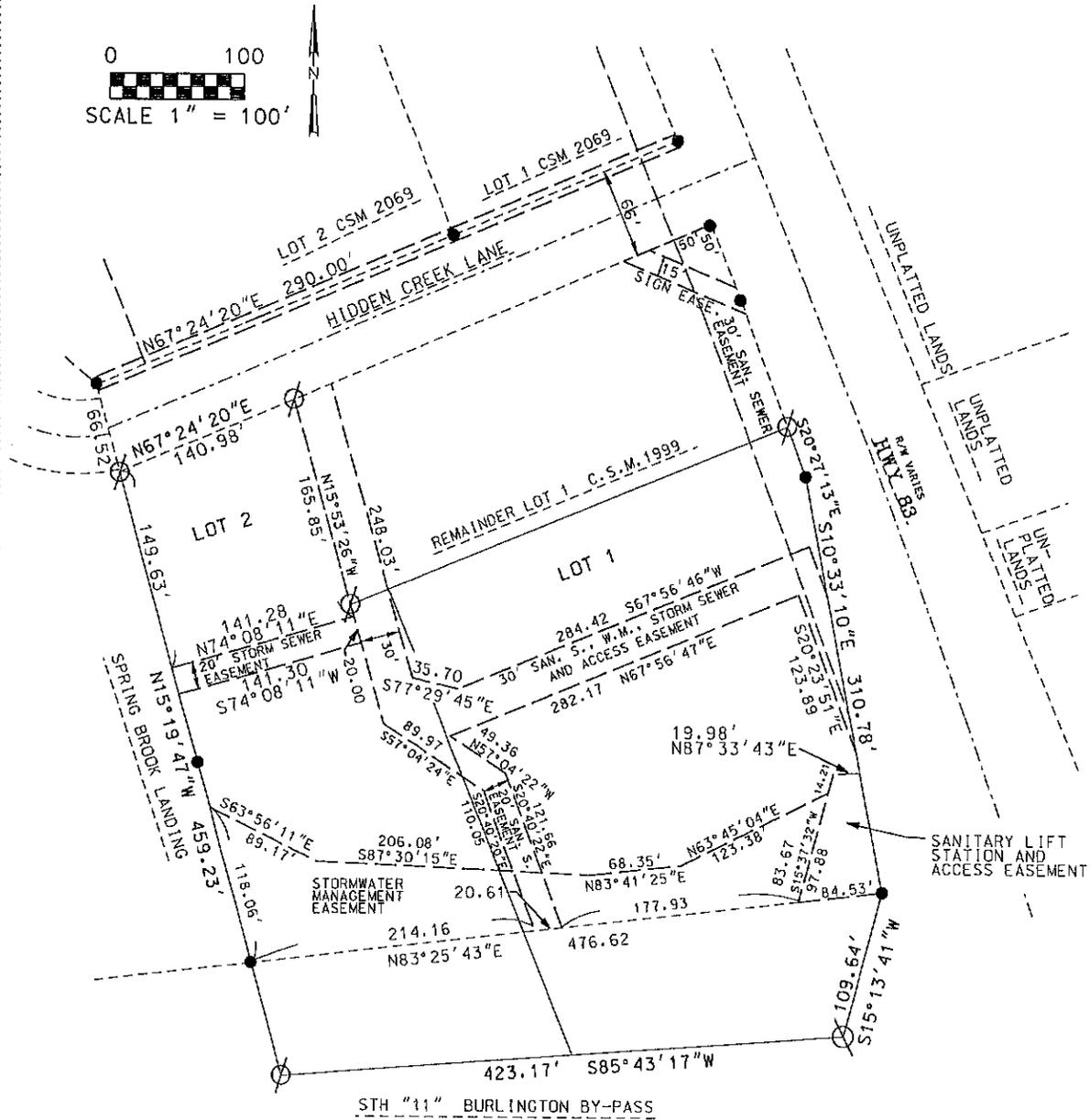
SURVEYOR:
 PAUL VAN HENKELUM
 VAN HENKELUM, LYNCH &
 ASSOCIATES, LLC
 W232 S7530 BIG BEND DR.
 BIG BEND, WI 53103
 262-662-4292



CERTIFIED SURVEY MAP NO. _____

A RE-DIVISION OF LOT 1 OF C.S.M. #1999, BEING PART OF THE NE¹/₄, NW¹/₄, SE¹/₄ AND SW¹/₄ OF THE SW¹/₄ OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN

EASEMENTS



CERTIFIED SURVEY MAP NO. _____

A RE-DIVISION OF LOT 1 OF C.S.M. #1999, BEING PART OF THE NE¹/₄, NW¹/₄, SE¹/₄ AND SW¹/₄ OF THE SW¹/₄ OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN

SURVEYORS CERTIFICATE:

I, PAUL H. VAN HENKELUM, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE FOLLOWING:

BEING A RE-DIVISION OF LOT 1 OF C.S.M. #1999, BEING PART OF THE NE 1/4, NW 1/4, SE¹/₄ AND SW¹/₄ OF THE SW¹/₄ OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF LOT 1 OF C.S.M. # 1999, SAID POINT ALSO BEING THE SE CORNER OF LOT 1, C.S.M. #2069; THENCE WITH THE WESTERLY LINE OF STH "83" S22°16'14"E, 126.36' TO A FOUND IRON PIPE; THENCE CONTINUING WITH THE WESTERLY LINE OF STH "83" S20°27'13" E, 98.77' TO A FOUND IRON PIPE MARKING THE POINT OF BEGINNING; THENCE S20°27'13"E, 38.94' TO A POINT; THENCE S10°33'10"E, 310.78' E TO A POINT; THENCE N15°13'41"W, 109.64' TO A POINT ON THE NORTH LINE OF STH "11 BURLINGTON BY-PASS", THENCE WITH SAID NORTH LINE S85°43'16"W, 423.17' TO A POINT; THENCE LEAVING SAID NORTH LINE N15°19'47"W, 459.23' TO A POINT ON THE SOUTHERLY LINE OF HIDDEN CREEK LANE; THENCE WITH SAID SOUTHERLY LINE N67°24'20"E, 140.98' TO A POINT; THENCE LEAVING SAID NORTH LINE S15°53'26"E, 156.79' TO A POINT; THENCE N67°56'46"E, 354.52' TO THE POINT OF BEGINNING. BOTH PARCELS CONTAIN 4.63 ACRES.

I FURTHER CERTIFY THAT I HAVE MADE THIS SURVEY AND MAP IN ACCORDANCE WITH THE CITY OF BURLINGTON, THE SUBDIVISION CONTROL ORDINANCE OF RACINE COUNTY, THE REQUIREMENTS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES, AND BY THE DIRECTION OF GALESBURG II, LLC OWNER OF SAID LANDS AND THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED.

DATED THIS _____ DAY OF _____, 2011.

PAUL H. VAN HENKELUM, R.L.S.1931

CERTIFICATE OF COUNTY TREASURER:

I, JANE NIKOLAI, BEING DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF RACINE, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR SPECIAL ASSESSMENTS AS OF THIS _____ DAY OF _____, 2011 INCLUDED IN THIS CERTIFIED SURVEY MAP.

JANE NIKOLAI
COUNTY TREASURER



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: 14A	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1931(8) to consider amending the Municipal Code to issue expirations of approvals of various plans and approvals granted by the City.

Details:

Currently the City does not have expiration dates for some zoning approvals and building permits. For example, there is currently no provision in the code for the completion of a structure after a building permit has been approved. The new code provision would require that the building be completed within 24 months.

Additionally, we do not have expirations on Conditional Use Permits, Certificates of Appropriateness, Site Plans and Landscape Plans which have been approved. This could cause an issue in the future when developments have been approved but not yet built and the area around the development changes. Additionally, new zoning regulations could be addressed if a development was approved, but not yet built, under previous rules.

The expiration of these items is fairly common in other cities in Wisconsin. Expiration of permits currently applies only to Zoning Permits, Temporary Use Permits, and Sign Permits in Burlington.

The Plan Commission recommended approval of this ordinance at their August 9, 2011 meeting and the Historic Preservation Commission recommended it at their August 25, 2011 meeting.

Options & Alternatives:

The Council could choose to deny this request and keep the Municipal Code as is.

Financial Remarks:

N/A

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole meeting and Public Hearing and is scheduled for the September 20, 2011 Common Council meeting for consideration.

AN ORDINANCE CREATING NEW SECTIONS 315-8 "BUILDING PERMITS AND/OR OCCUPANCY PERMITS ISSUED," 315-42(E)(5) "REVOCATION AND EXPIRATION OF CERTIFICATE OF APPROPRIATENESS," 315-130(F) "REVOCATION AND EXPIRATION OF CONDITIONAL USE PERMITS," 315-137(F) "LIMITATIONS ON SITE PLAN APPROVAL AND EXPIRATION," AND 315-138(K) "LIMITATIONS ON LANDSCAPE PLAN APPROVAL AND EXPIRATION" OF THE CITY OF BURLINGTON ZONING ORDINANCE

The Common Council of the City of Burlington do hereby ordain as follows:

Part I. The following text (Paragraphs A. and B.) is hereby added as a new Section 315-8 titled "Building Permits and/or Occupancy Permits Issued" to Chapter 315 "ZONING," Article I, of the City of Burlington Municipal Code:

- A. Right to Complete Construction Pursuant to Approved Building and/or Occupancy Permits. Nothing in this Ordinance, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of any structure if a Building Permit (also see Section 315-8(B)) and/or Occupancy Permit for such structure was lawfully and properly issued before the effective date of this Ordinance, or any amendment thereto, and such Building Permit and/or Occupancy Permit had not by its own terms expired before such effective date of this Ordinance or any amendment thereto.
- B. Building Permits. Where a Building Permit for a building or structure has been issued according to law before the effective date of this Ordinance, or any amendment thereto, and if the exterior of the building or structure is completed within twenty-four (24) months of the issuance of said Building Permit, said building or structure may:
 1. Be completed according to the approved plans for which the Building Permit has been issued; and
 2. Upon completion, may be occupied under an Occupancy Permit by the use for which said building or structure was originally designated, subject thereafter to the provisions of Sections 315-84 through 315-89 of this Ordinance.

Part II. The following text is hereby added as a new Section 315-42(E)(5) titled "Revocation and Expiration of Certificate of Appropriateness" to Chapter 315 "ZONING," Article III, of the City of Burlington Municipal Code:

- (5) Revocation and Expiration of Certificate of Appropriateness. In any case where a Certificate of Appropriateness has been granted by the Common Council for alterations in the architectural appearance of any structure within an HPO District and has not been established within one (1) year after the date of granting thereof, then without further action by the Historic Preservation Commission or Common Council, the Certificate of Appropriateness authorization shall be null and void

unless upon the showing of valid cause by the applicant, the Common Council (upon recommendation of the Historic Preservation Commission) may grant an extension of such Certificate of Appropriateness for a period not to exceed one (1) year.

Part III. The following text is hereby added as a new Section 315-130(F) titled "Revocation and Expiration of Conditional Use Permits" to Chapter 315 "ZONING," Article XIII, of the City of Burlington Municipal Code:

F. Revocation and Expiration of Conditional Use Permits. In any case where a conditional use has not been established within one (1) year after the date of the granting of a Conditional Use Permit, then without further action by the Plan Commission, the conditional use authorization and Conditional Use Permit shall be null and void unless upon the showing of valid cause by the applicant, the Plan Commission may grant an extension of such Conditional Use Permit for a period not to exceed one (1) year after the date of the Plan Commission's initial granting of the Conditional Use Permit.

Part IV. The following text is hereby added as a new Section 315-137(F) titled "Limitations on Site Plan Approval and Expiration" to Chapter 315 "ZONING," Article XIII, of the City of Burlington Municipal Code:

F. Limitations on Site Plan Approval and Expiration. Except in the case of approved PUD Planned Unit Developments, no site plan approval shall be valid for a period longer than one (1) year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Permit, Conditional Use Permit, or Occupancy Permit is issued and a use commences within that period.

Part V. The following text is hereby added as a new Section 315-138(K) titled "Limitations on Landscape Plan Approval and Expiration" to Chapter 315 "ZONING," Article XIII, of the City of Burlington Municipal Code:

K. Limitations on Landscape Plan Approval and Expiration. Except in the case of approved PUD Planned Unit Developments, no landscape plan approval shall be valid for a period longer than one (1) year unless installation and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Permit, Conditional Use Permit, or Occupancy Permit is issued and a use commences within that period.

Part VI. Historic Preservation Commission Recommendation. The Historic Preservation Commission recommended to the Common Council the adoption of these proposed amendments and additions to the City of Burlington Zoning Ordinance at its meeting held on _____, 2011.

Part VII. Plan Commission Recommendation. The Plan Commission recommended to the Common Council the adoption of these proposed amendments and additions to the City of Burlington Zoning Ordinance at its meeting held on _____, 2011.

Part VIII. Public Hearings. The Common Council of the City of Burlington held a public hearing

on these proposed amendments and additions to the City Zoning Ordinance pursuant to the requirements of Section 62.23(7) of the Wisconsin Statutes and Section 315-121 of the City of Burlington Zoning Ordinance on _____, 2011.

Part IX. Common Council Approval. The Common Council of the City of Burlington concurred with the recommendations of the Plan Commission and Historic Preservation Commission and proceeded to adopt these proposed amendments and additions to the City of Burlington Zoning Ordinance at its meeting held on _____, 2011.

Part X. Severability. If any provision of this Ordinance is found invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this Ordinance.

Part XI. Effective Date. This Ordinance shall take effect upon passage and adoption by the Common Council and the filing of proof of posting or publication in the Office of the City Clerk. Approved by the Common Council of the City of Burlington this _____ day of _____, 2011.

Introduced:
Approved:

Robert Miller

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: 14B	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1932(9) to consider attaching property to the City of Burlington pursuant to WI Statute 66.0225 and the City-Town Agreement and to permanently zone the attached land.

Details:

An annexation and attachment agreement was entered into between the City of Burlington and the Town of Burlington on September 12, 2001 (Racine County, Case No. 00-CV-0618). The Agreement was entered into for the purpose of settling a then-pending lawsuit filed by the Town against the City regarding the annexation of certain lands to the City, and establishing an agreed-upon future boundary line between the City and the Town in the Highways 36/83 area of our communities.

Under the terms of that Agreement, properties on Teut Road and Timber Lane will be attached to the City on or about September 22, 2011. Properties will then be permanently zoned as either Rs-1, Single Family Residential District, B-1, Neighborhood Business District, or I-1, Institutional District.

Ten properties between Teut Road and Timber Lane are already connected to City sewer and water. There are twelve properties that are not connected yet. Under the terms of the agreement, the remaining twelve properties have until Sept. 30, 2012 to connect to both sewer and water.

Options & Alternatives:

As part of the lawsuit from 2001 this annexation and attachment must occur.

Financial Remarks:

Twenty four properties will pay City real estate taxes beginning January 1, 2013. 2010 rates for an assessed home valued at \$200,000 was \$1,516.44.

Nine properties have not paid assessments toward sewer and water hook up that equal on average \$13,500, plus interest, each.

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole, scheduled for a Public Hearing on September 20 and is scheduled for the Common Council meeting on September 20, 2011.

AN ORDINANCE TO ATTACH PROPERTY TO THE CITY OF BURLINGTON PURSUANT TO WIS. STAT. SECTION 66.0225 AND THE CITY-TOWN AGREEMENT, TO AMEND THE OFFICIAL MAP OF THE CITY, AND TO PERMANENTLY ZONE THE ATTACHED LAND

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

I. The Common Council of the City of Burlington does hereby annex and attach to the City of Burlington, by a two-thirds majority of its members, the real property described in Exhibit A, attached hereto and made a part hereof as though fully set forth herein, pursuant to Wis. Stat. s. 66.0225 and Paragraphs 2.c., 2.d.iii., 5. and 7. of the City-Town Agreement, also known as the Stipulation Settling Litigation, entered into between the Town of Burlington and the City of Burlington in Racine County Circuit Court Case No. 00-CV-0618 and approved by and made a part of the Order of the Court on September 17, 2001.

The population of the property is approximately 48. The property shall be included in existing Ward 2 of the City of Burlington.

II. It is further ordained that, pursuant to section 315-13G of the Code of the City of Burlington, the property set forth in Exhibit A shall be permanently zoned as shown on Exhibit B, attached hereto and made a part hereof, upon the recommendation of the Plan Commission at its September 13, 2011 meeting and the public hearing held by the Common Council at its September 20, 2011 meeting.

III. Pursuant to section 60-4 of the Code of the City of Burlington, the property set forth in Exhibit A shall be added to the official map of the City of Burlington, upon the recommendation of the Plan Commission at its September 13, 2011 meeting and the public hearing held by the Common Council at its September 20, 2011 meeting.

IV. It is further ordained that the Clerk shall cause this Ordinance to be published, along with the above-mentioned Stipulation, as a Class 1 notice. The Clerk shall also perform the filing requirements of Wis. Stat. s. 66.0217(9).

It is further ordained that this ordinance shall be effective on September 22, 2011, upon its public hearing, passage, and publication as required by law.

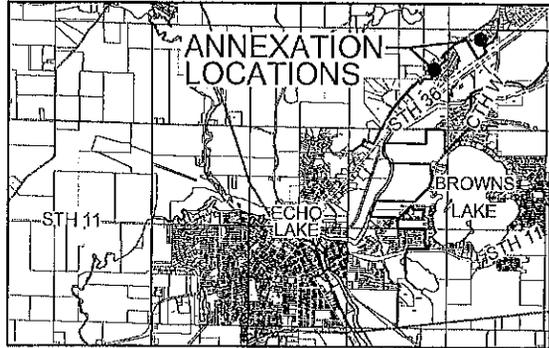
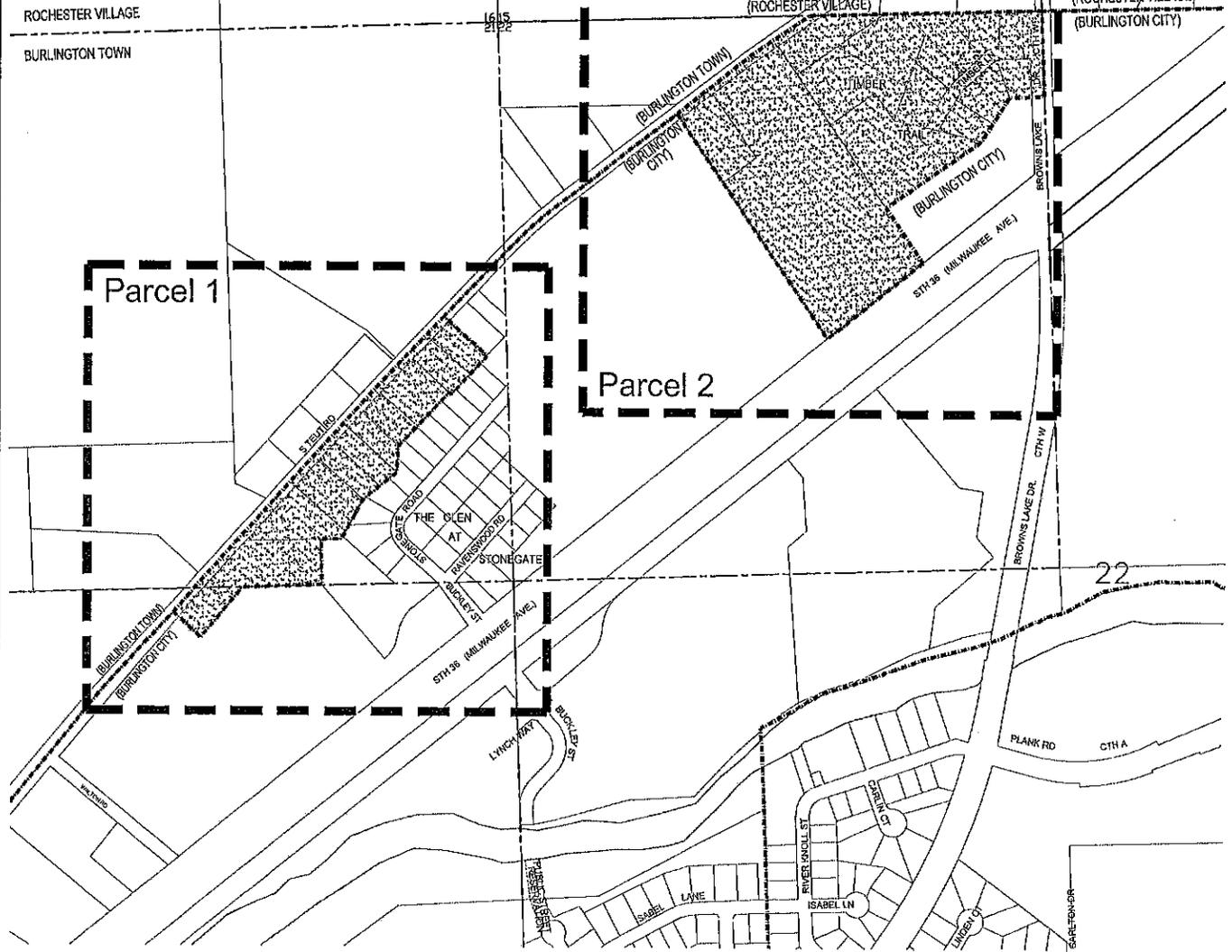
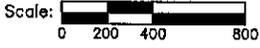
Introduced: September 6, 2011
Adopted: September 20, 2011

Robert Miller, Mayor

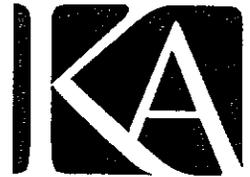
Attest:

Beverly R. Gill, City Clerk

EXHIBIT A CITY OF BURLINGTON ATTACHMENT



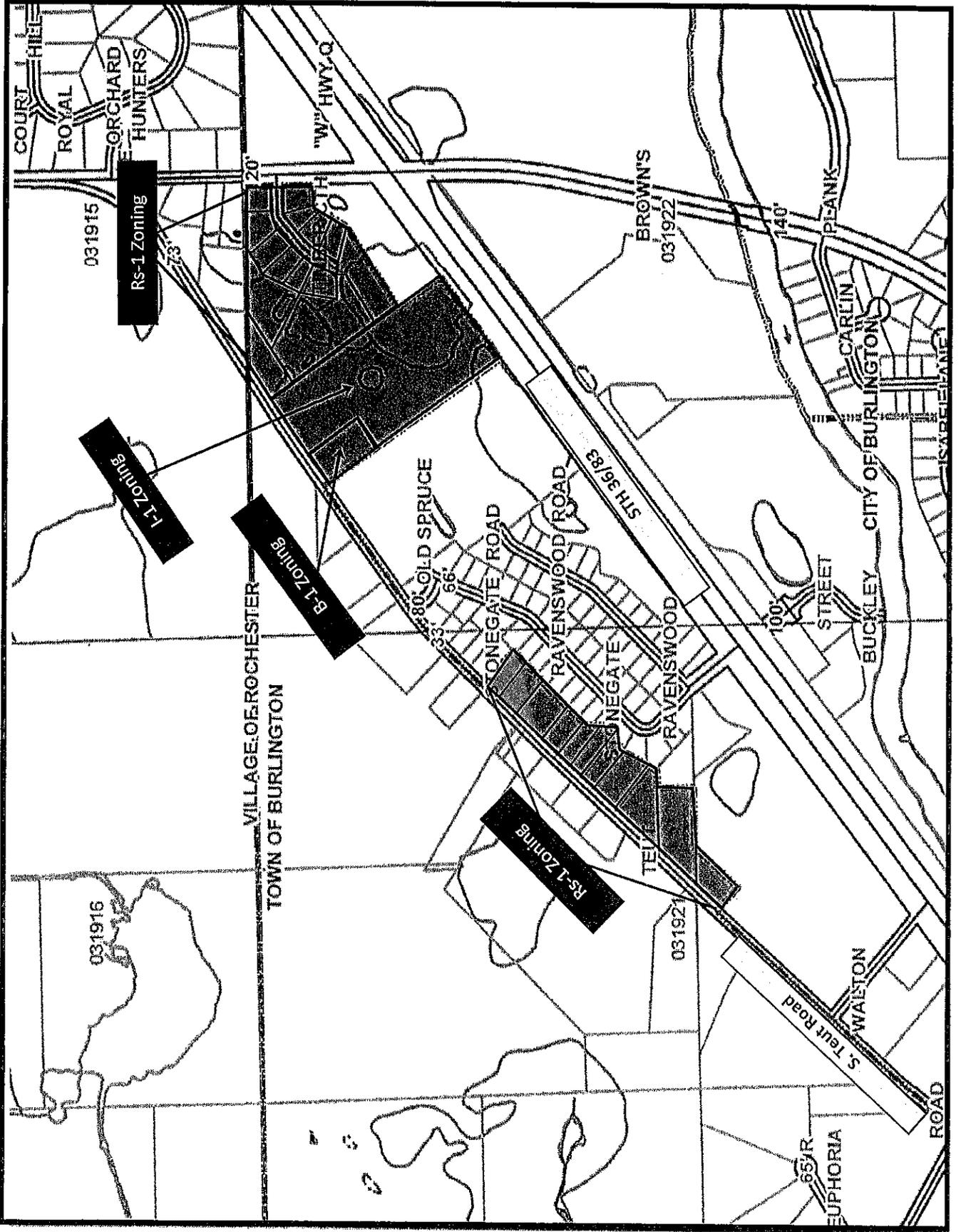
LOCATION MAP



KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
www.kapurengineers.com

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Exhibit B
S. Teut Road & Timber Lane Permanent Zoning





CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 8	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1933(10) to amend the Official Zoning Map for Lot 1 of CSM 1999 (S. Pine Street and the STH 11 Bypass).

Details:

This item is to consider approving a rezone request from FI-L1, LLC for property along S. Pine Street and the STH 11 Bypass. The applicant is requesting to rezone the property from Rm-2/PUD, Multiple-Family Residence District in a Planned Unit Development to B-1, Neighborhood Business District.

This vacant property is currently part of the Springbrook Crossing Condominium development. The applicant would like to separate this parcel from the development and rezone it to commercial to increase sale opportunities. This item will piggyback the Multi-Jurisdictional Comprehensive Plan Amendment for the same property.

The Plan Commission recommended approval of this rezone at their September 13th meeting.

Options & Alternatives:

Council may choose to deny this request and keep the property zoned as Rm-2/PUD.

Financial Remarks:

N/A

Executive Action:

This item is for discussion at the September 20, 2011 Committee of the Whole, scheduled for a Public Hearing on September 20 and due to the timeliness of the issue is placed on the Common Council meeting the same night for consideration.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING LOT 1 OF CSM 1999 (S. PINE STREET) FROM RM-2/PUD, MULTI-FAMILY RESIDENCE DISTRICT IN A PLANNED UNIT DEVELOPMENT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, FI-L1, Agent for Galesburg II, LLC, owner requests part of Lot 1 of CSM 1999, as described in Attachment "A" to be rezoned to B-1, Neighborhood Business District; and,

WHEREAS, this request was heard at, and recommended for approval by the Plan Commission at their September 13, 2011 meeting; and,

WHEREAS, a public hearing was held regarding this matter at the Common Council's _____, 2011 meeting.

NOW THEREFORE BE IT ORDAINED, that the Common Council of the City of Burlington, Racine County and Walworth County, State of Wisconsin does as follows:

Section 1. The district map of the City of Burlington, as it is incorporated by reference and made part of the City Zoning Ordinance, is hereby amended and changed in relation to the zoning classification of land more particularly described as follows:

Owner: Galesburg II, LLC
Applicant: FI-L1, Owner's Agent
Applicant Address: PO Box 365, Burlington, WI
Location of Request: Part of Lot 1, CSM 1999
Proposed Zoning: B-1, Neighborhood Business District
Proposed Use: Commercial

From Rm-2/PUD, Multi-Family Residence District in a Planned Unit Development to B-1, Neighborhood Business District

As shown on Attachment "A"

Section 2. The district map in all other respects shall remain the same.

Section 3. This ordinance shall take effect upon its passage and publication as provided by law.

NOW THEREFORE BE IT FURTHER ORDAINED that the City Clerk shall provide a copy of this ordinance to Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177 and Walworth County Land Use & Resource, 100 W. Walworth Street, P.O. Box 1001, Elkhorn, WI, 53121.

Introduced:
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

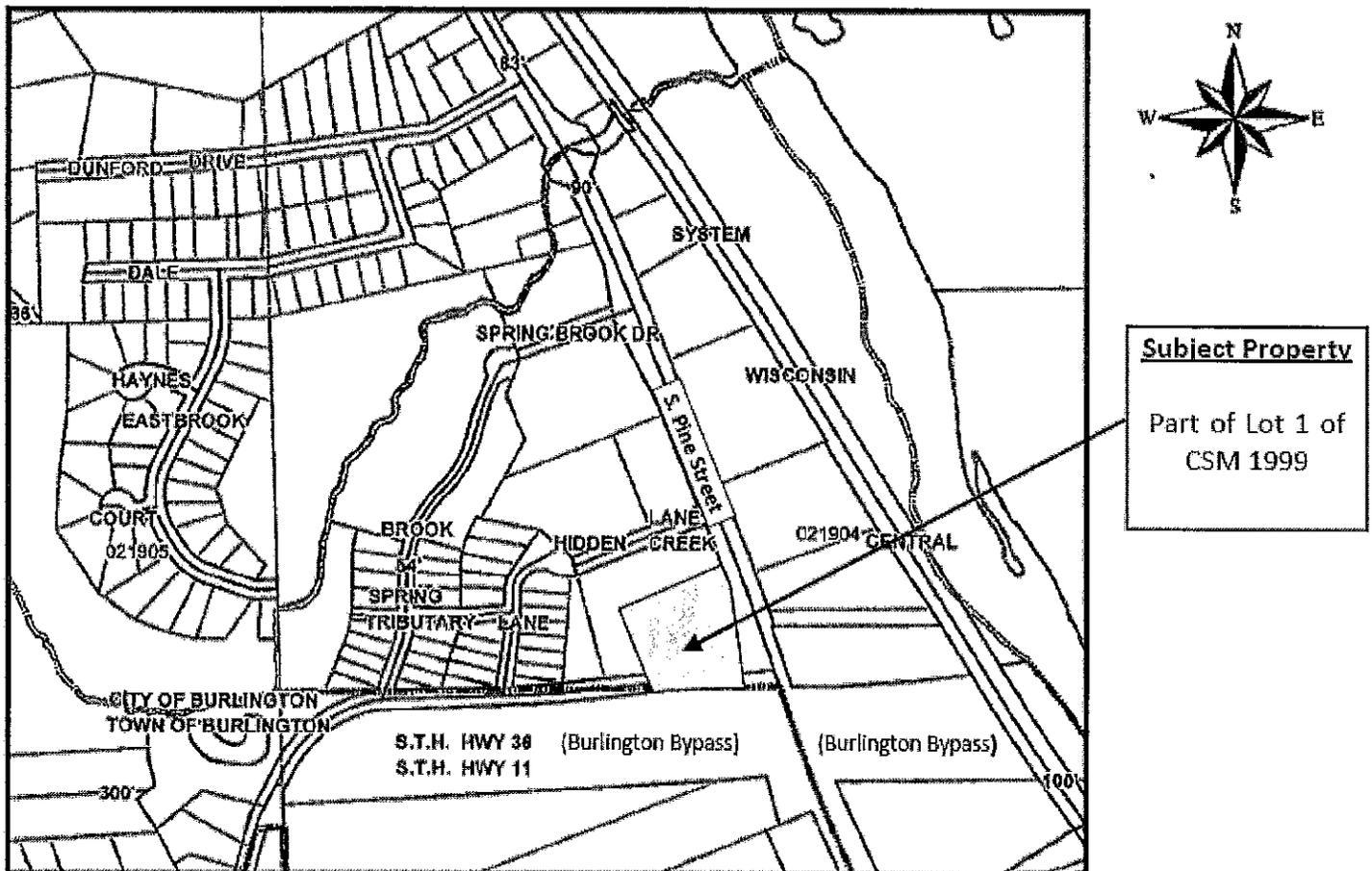
ATTACHMENT A

Legal Description

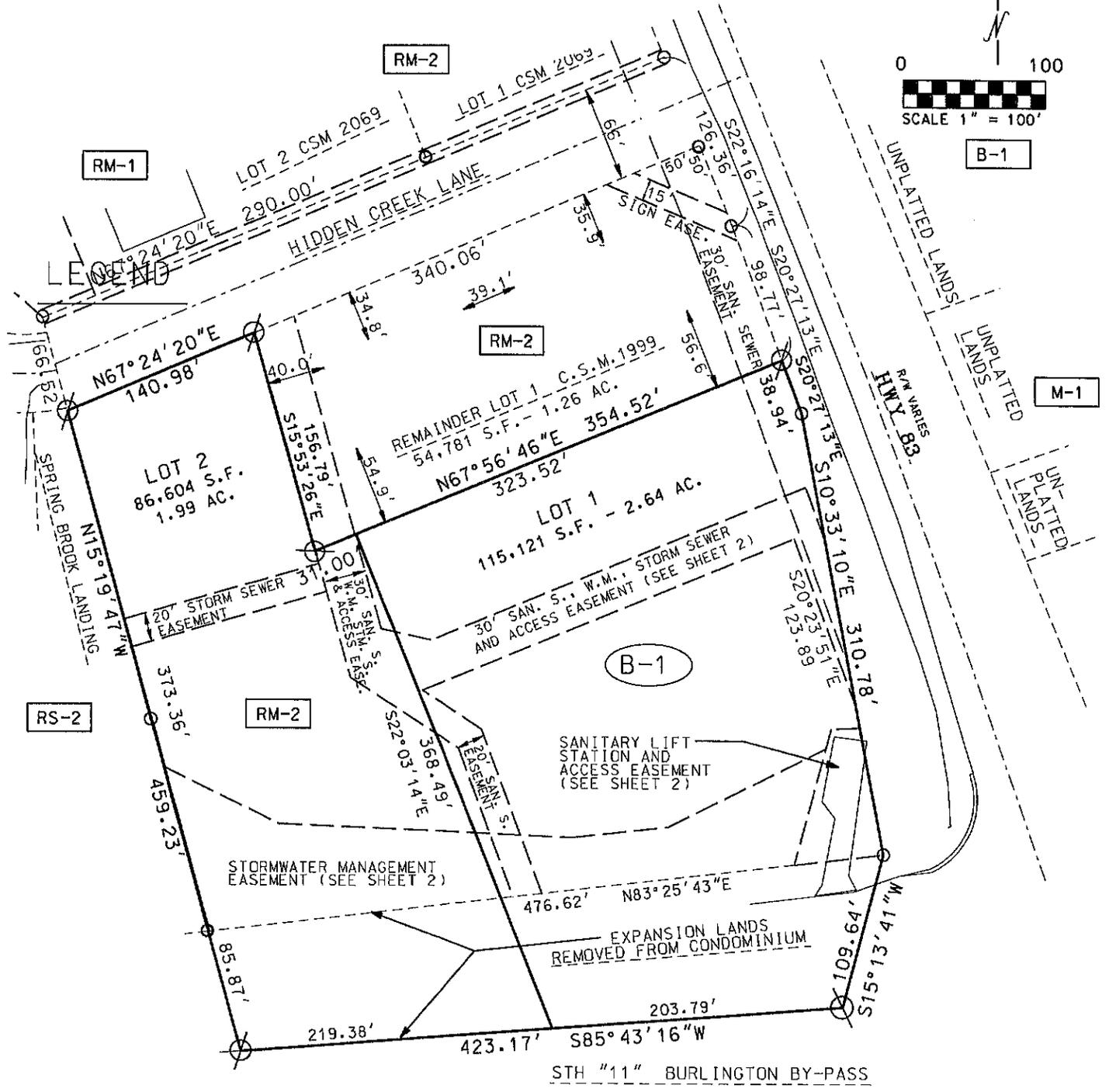
LAND TO BE REZONED TO BUSINESS ZONING IS PART OF THE SE 1/4 AND S 1/4 OF THE SW 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF CSM #1999, RECORDED IN THE RACINE COUNTY REGISTRY AS DOCUMENT 1602466; THENCE WITH THE EAST LINE OF SAID CSM S22°16'14"E, 126.36' TO A FOUND IRON PIPE; THENCE S20027'13"E, 98.77' TO THE POINT OF BEGINNING; THENCE CONTINUING S20027'13"E, 38.94' TO A POINT; THENCE S10033'10"E, 310.78'; THENCE SLSO13'41"W, 109.64' TO A POINT ON THE NORTH LINE OF STH "LL" BURLINGTON BY-PASS; THENCE WITH SAID NORTH LINE S8SO43'16"W, 203.79' TO A POINT; THENCE LEAVING SAID NORTH LINE N22°03'14"W, 368.49'; THENCE N67°56'46"E, 323.52' TO THE POINT OF BEGINNING. SAID LAND BEING IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

SAID PARCEL CONTAINS 2.64 ACRES.



REZONE EXHIBIT



STH "11" BURLINGTON BY-PASS

Land to be Rezoned to Business

Land to be rezoned to Business Zoning is part of the SE 1/4 and S 1/4 of the SW 1/4 of Section 4, Town 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin being more completely described as follows:

Commencing at the northeast corner of CSM #1999, recorded in the Racine County Registry as Document 1602466; thence with the east line of said CSM S22°16'14"E, 126.36' to a found iron pipe; thence S20°27'13"E, 98.77' to the point of beginning; thence continuing S20°27'13"E, 38.94' to a point; thence S10°33'10"E, 310.78'; thence S15°13'41"W, 109.64' to a point on the north line of STH "11" Burlington By-pass; thence with said north line S85°43'16"W, 203.79' to a point; thence leaving said north line N22°03'14"W, 368.49' to the point of beginning.

Said parcel to be rezoned to Business zoning contains 2.64 acres.

Land to be Quit Claimed by W-DOT

Land to be Quit Claimed by W-DOT to Galesburg II, LLC part of the SE 1/4 and S 1/4 of the SW 1/4 of Section 4, Town 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin being more completely described as follows:

Commencing at the southwest corner of CSM #1999, recorded in the Racine County Registry as Document 1602466; thence with the south line of said CSM N83°25'43"E, 476.62' to a point on the west line of STH "83"; thence with said west line S15°13'41"W, 109.64' to a point on the north line of STH "11" Burlington By-pass; thence with said north line S85°43'16"W, 423.17' to a point; thence leaving said north line N15°19'47"W, 85.87' to the point of beginning.

Said parcel to be Quit Claimed contains 0.97 acres.



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI 53105
(262) 342-1161 – (262) 342-1178 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 9	Date: September 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Motion 11-725 to consider an Employee Position and Salary Restructuring Proposal.

Details:

Please see the enclosed memo regarding the proposed changes in positions for the City of Burlington. As noted, the restructuring will save the City approximately \$87,920 per year. The proposal would eliminate an unfilled police officer's position, eliminate a Community Service Officer position and eliminate a part-time custodian position.

The proposal would increase the annual salary of a Police Sergeant by \$4,000. Additionally, we would make these a salaried position, as opposed to an hourly wage position with overtime. The proposal would also bring up the Treasurer/Budget Officer's position up to the minimum salary as outlined in our salary study.

Finally, the restructuring would reduce the hours for the Building Inspector/Zoning Administrator and create a Code Enforcement Officer position.

Options & Alternatives: Several options and alternatives exist in regards to the proposal. Any mix of the above options could be chosen, resulting in a different level of savings and/or cost. We could also choose to keep the current position structure in place.

Financial Remarks: The proposed restructuring as outlined above would save the City approximately \$87,920 annually.

Executive Action:

This item is for discussion at the September 20, 2011 Committee of the Whole meeting and is scheduled for consideration the same night.



CITY OF BURLINGTON

Administration Department

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

To: Mayor and Common Council
From: Kevin M. Lahner, City Administrator
Date: September 1, 2011

Re: Proposed Position/Salary Restructuring

Police Department

The purpose of this memo is to outline a proposed position restructuring within the Police, Administration and Finance Departments that will result in an annual net savings of approximately \$87,920 per year to the General Fund. Additionally, the restructuring will address the compression issues in the Police Department as outlined in Voorhees and Associates July 2010 report.

As noted on the proposed spreadsheet, the proposal would call for the elimination of the current unfilled police officer position. This would bring the total number of police officers down to 21, while not impacting the service levels to our citizens. Police Chief Peter Nimmer has implemented a series of scheduling changes that have eliminated the need for this position. The total salary and benefits savings for eliminating this position is \$66,490.

Additionally, we are proposing eliminating the retiring Community Service Officer's position. We believe that the work performed by the Community Service Officer can be absorbed by existing staff and a new proposed employee we will outline below. The total salary and benefit savings for this position is \$17,504. The total savings to the general fund for these two positions is \$83,995.

At this point in time we are requesting that we change the Police Sergeants to salaried positions without overtime. The salaried Sergeants would provide Chief Nimmer additional flexibility in assigning shifts and assist in reducing overall overtime costs further. However, please note as indicated on the spreadsheet we would propose increasing the Sergeant's base wages by \$4,000 each. The net cost to the city would be approximately \$11,348 annually. (Total wage increase minus estimated overtime.) The increase is requested due to the fact that the difference between a senior patrol officer's base wages plus overtime is very close to the base wages plus overtime of a junior sergeant. (The top paid police officer received \$64,614 in wages vs. a beginning sergeant's wage plus overtime of \$63,648 in 2010). The increase would ensure that sergeants are paid at a higher level than patrol officers, and help preserve the desirability of the position. Additionally, sergeants will be able to be assigned additional hours during peak police activity (major incidents, festivals) without incurring additional costs.

As an additional note significant overtime savings have been achieved by Police Chief Nimmer. In 2009 the police department utilized \$106,047 in overtime. In 2010 \$33,370 dollars were used. This is a savings of \$72,677. (We **did not** include these additional savings in the attached spreadsheet).

Administration/Finance

In addition to the changes above we are proposing reducing the total number of hours for the Building Inspector/Zoning Administrator to 32 hours per week. This proposal is a result of continuing conversations I have had with Building Inspector Pat Scherrer and a reduction in the total number of building inspections. The reduction in hours would result in a salary/benefit savings of approximately \$23,853. We believe that we can structure Mr. Scherrer's hours to accommodate the needs of the public appropriately.

We are also proposing eliminating a part-time custodial position that has remained unfilled for approximately the last three months. The savings would be approximately \$12,415 per year. The duties have been assigned to the Facilities Maintenance Manager, and have been performed appropriately since the retirement of the custodian.

As indicated on the Voorhees and Associates July 2010 Salary Study, the Finance Director/Treasurer current salary is considerably under market. I would propose bringing the salary up to the current minimum for a grade 11 employee as indicated in our salary schedule of \$57,495. Due to the savings achieved by the proposed restructuring I believe it is an appropriate time to bring this salary up to the minimum level for a position of this responsibility. Please note that due to Act 10 implementation and the required contribution to the state's pension fund, the current Finance Director/Treasurer has had the previous increase granted to him at the beginning of the year reduced to 1.44 percent. I believe that we need to address a fairness issue and bring the position up to market at this time.

Finally, we propose adding a new position that would serve as a part-time Code Enforcement Officer/Community Service Officer. This position's primary responsibility would be the enforcement of the property maintenance codes, while also assisting the Police Department as necessary. Budgeted for approximately 15 hours per week, the position would be focused on code enforcement issues such as high weeds and grass, property maintenance violations, junk cars, sign violations, noise violations and similar issues. The position would relieve the Building Inspector of code enforcement duties and place more of a focus on these items. In particular, timely enforcement and follow-up activities. I believe that current economic conditions and an increase in the number of rental properties (particularly in converted homes) warrant the creation of this position at this time.

As outlined above, the proposed restructuring would result in a net savings to the city of \$87,920. It would also solve the compression issue currently occurring in the police department and establish a fair wage for the Finance Director/Treasurer position. Finally it would create an additional employee that would focus on code enforcement issues, increasing our overall effectiveness in this area.

KML

Salary Restructuring Proposal

Police Salary Savings	\$83,995.55
Sgt. Overtime Savings	\$8,651.40
Admin. Salary Savings	\$36,268.43
Total Savings	\$128,915.38

Increase Treasurer	\$8,995.00
Increase Sgt's	\$20,000.00
New P/T Code Enforcement	\$12,000.00
Total Increase	\$40,995.00

Net Salary Savings	\$87,920.38
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