



## CITY OF BURLINGTON

### Administration Department

300 N. Pine Street, Burlington, WI, 53105

(262) 342-1161 – (262) 763-3474 fax

[www.burlington-wi.gov](http://www.burlington-wi.gov)

**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Robert Miller, Mayor**  
**Beverly R. Gill, City Clerk**  
**January 17, 2012**

**1. CALL TO ORDER/ROLL CALL**

Mayor Bob Miller called the meeting to order at 6:31 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Student Representatives: Dale Morrow, Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Fire Chief Richard Lodle, Utility Director Connie Wilson, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Tom Foht of Kapur Engineering

**2. CITIZENS COMMENTS AND QUESTIONS**

None

**3. APPROVAL OF MINUTES FOR DECEMBER 20, 2011**

A motion was made by Bob Prailes with a second by Vos to approve the minutes from December 20, 2011. With all in favor, the motion carried.

**4. DISCUSSION REGARDING THE POTENTIAL RESURFACING OF THE ALLEY IN ELMHURST SUBDIVISION BETWEEN NORTH MAPLE AVENUE AND NORTH ELMWOOD AVENUE**

The mayor opened the discussion on the alley resurfacing. He stated the resurfacing of this alley was prompted by a request from a resident of the neighborhood. The mayor stated that the abutting property owners share one-hundred percent of the cost.

Simenson commented that one of the houses does not have a need for an alley as they do not have a garage in the back of the property. Lahner replied that how the house is situated does not have a bearing on the assessment for the alley.

Johnson questioned what prompts an alley to be resurfaced. Lahner replied the alleys are done "as needed" or by requests from residents. This particular alley repair was requested by property owners. Lahner said the last alley that had been resurfaced was Randolph Street with one-hundred percent of the cost paid by the residents.

Mr. Gary Jagodzinski, 157 North Elmwood whose property abuts the alley and has one of the highest assessments did not think the frontage assessment process was fair as he rarely uses the alley.

Mr. Jack Schlick, 416 Summit Avenue whose property also abuts the alley but has a lower frontage cost felt there should be a fairer apportionment of the resurfacing.

Alderman Bob Prailes questioned if there couldn't be a fairer way to distribute the resurfacing costs. Lahner replied that anything could be changed but, it would be very difficult to take a standard assessment and customize it for every alley across the city.

Hintz said he sympathized with the residents but to change the process of assessing and to customize every situation would be very difficult. He could foresee the residents from previously resurfaced alleys to also want their assessment process to be changed.

Vos said he could not remember how the alley assessment came to be shared by the abutting property owners rather than a cost sharing basis as sidewalks are assessed.

Atty. Bjelajac said the city does have some flexibility as long as a "reasonable basis" is used and doesn't have to stay with the strict front footage.

Johnson questioned how many alleys are done in a year. Lahner replied that it is rare because people do not like the assessments, but there are times when the alleys have deteriorated to such a point that they have to be done.

The mayor discussed the most recently resurfaced alley near Randolph Street had abutting property owners share the same concerns.

Simenson asked if this was a poor year to be bidding out work on an alley as there will be no street work done in the city. Lahner replied that the estimate was based on last year's bid price and he felt it was a conservative estimate.

Simenson further questioned if the bid price came in high would the abutting property owners be able to delay the project until there is a more favorable price. Lahner said this information this evening was in addition to the actual assessment process that is determined by council and there would be more opportunities for the public to speak.

Atty. Bjelajac said the assessments do get revised based on the actual bid process. If the final bids come in low that cost is then passed on to the property owner and if the bid is higher, the city absorbs the additional cost.

Vos asked if utility repairs are deemed necessary in an alley, who then is responsible for the restoration. Lahner replied that as part of the permit process, the contractor is required to restore the alley.

Simenson questioned if the two properties that are not currently using the alleys would have the ability to construct a garage as she was concerned they would never have full use of the alley. Lahner said it would be more than likely but, he did not have the setbacks that would be required.

Vos mentioned the "corner lot" credit and if something like that could be applied to the two property owners who do not have any direct benefit from the alley. Lahner said he was not aware of any such credit.

The mayor said another issue to consider is the potential use by the two property owners to build garages. If the assessment process is reconfigured to allow for the lack of use of the alley by the two property owners, what then would be the fair assessment if the use changes.

Bob Prailes suggested that alley reconstruction should be looked at by a case by case situation and then do what is fair.

Lahner cautioned council that there is no perfect assessment process and to customize assessments for every project would be difficult.

Atty. Bjelajac offered a solution by amending the current ordinance to add a policy of reasonable basis rather than a strict front footage assessment. The consensus among council members was to follow the advice of the city attorney.

The mayor then spoke regarding the difficulties that council members will face in trying to create fair assessments for every project.

Bob Prailes said that he felt that it was the council's job to be fair.

Fischer said it appears that there are two issues. The first issue is that two of the property owners out of eight will be paying twice as much as the other six because of their square footage. The second issue is that the other six don't think it is fair either and are willing to pay more of their share. Fischer added that if there is something the council can do, then do it.

Jim Prailes added that he thought a solution might be to divide the costs evenly between the numbers of lots abutting the alley.

Simenson said if a homeowner could not because of city codes use the alley, it wasn't fair to make them pay; if there was a possibility of using the alley, the homeowner should then pay their share.

Hintz said that if it were equally divided among the eight lots, 432 Summit would be paying a larger amount than under the current proposal.

Atty. Bjelajac noted that flexibility in any ordinance change would be necessary because tailoring assessments on a case by case basis would be difficult.

Mr. John Olisar, 424 Summit Avenue suggested that if a property owner has a garage that opens on to an alley, then the homeowner should be assessed.

Lahner said that it appears that council wants options and that will be provided to them at a future meeting. He further stated that no system will be one-hundred percent perfect. Any changes that council will propose will also affect this alley resurfacing.

**5. RESOLUTION 4516(41) "A RESOLUTION TO CONSIDER APPROVING A CONTRACT FOR SLUDGE HAULING AND APPLICATION WITH PAT'S SANITARY SERVICES, INC. FOR A THREE YEAR TERM"**

The mayor introduced Resolution 4516(41) to the council for consideration. He stated this service is now being done by the city but with personnel changes it may be cost effective to contract out this service.

Simenson questioned what the employee will now do if he will not be hauling sludge. Wilson replied that the city now has a journeyman electrician, plumber and a certified welder. Wilson said those man hours would be more wisely spent in doing maintenance for the city rather than hauling sludge. Wilson also commented that the proposals also include the sale of the specialized equipment which is only used for sludge hauling and spreading. With the approval of this resolution, Wilson stated that the city would be out of the sludge hauling business forever.

Vos would like to be provided with proof that the city is actually saving money by utilizing staff for maintenance issues around the city but understood that information might be difficult to obtain. The mayor said the tracking system that will be implemented by Jensen is not far enough along to provide the information.

At this time, Fischer called the question as he felt the conversation was off the main point. Fischer questioned Wilson if it were accurate to say there is a \$60,000 annual operating cost for the program. Wilson stated it was operating costs only and not equipment replacement. Fischer asked Wilson if the annual estimated cost for equipment replacement would be \$10,000. Wilson thought that was a fair calculation. Fischer further stated that if the operating costs were added in with the sale of an asset then the amount of money brought in would fund the first year's program. Wilson said that was correct.

Simenson said that she hoped by the fourth year that the program would be evaluated to see if it were worthwhile. The mayor said that at that time the city would no longer have any equipment and would have to factor in the cost of new.

Vos wanted to be assured that during that period of time if the rate were to go up, that there has been enough of a savings so the city doesn't have to go back in and start hauling sludge.

Lahner said the city is one of the few relics left that still haul their own sludge.

This resolution is scheduled for the February 7, 2012 Common Council meeting.

**6. RESOLUTION 4517(42) "A RESOLUTION TO CONSIDER AUTHORIZING FEE ASSESSMENTS FOR WEIGHTS AND MEASURES LICENSE HOLDERS FOR JULY 1, 2010 THROUGH JUNE 30, 2011"**

The mayor introduced Resolution 4517(42) to the council for consideration. The mayor explained the State of Wisconsin provides the service which is then billed to the city in the amount of \$6,400.00 per year. The city then bills that amount to those that require the service.

This resolution is scheduled for the February 7, 2012 common council meeting.

**7. RESOLUTION 4518(43) "A RESOLUTION TO CONSIDER APPROVING CONTRACT CHANGE ORDER #2 FOR RIVERSIDE PARK SHORELINE & IMPROVEMENTS REFLECTING FINAL QUANTITIES AND REDUCING THE FINAL CONTRACT AMOUNT BY \$14, 984.62"**

The mayor introduced Resolution 4518(43) to the council for consideration. There was no discussion.

This resolution is scheduled for the January 17, 2012 common council meeting.

**8. RESOLUTION 4519(44) "A RESOLUTION TO CONSIDER APPROVING CONTRACT CHANGE ORDER #2 FOR THE 2011 STREET & SIDEWALK IMPROVEMENT PROJECT, REFLECTING FINAL QUANTITIES AND REDUCING THE FINAL CONTRACT AMOUNT BY \$5,237.15"**

The mayor introduced Resolution 4519(44) to the council for consideration.

Johnson asked if the bids are coming in high and that is why there are refunds coming back to the city. Lahner replied that final change orders are always done once the actual quantities are known.

This resolution is scheduled for the January 17, 2012 common council meeting.

**9. RESOLUTION 4520(45) "A RESOLUTION TO CONSIDER APPROVING A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE"**

The mayor introduced Resolution 4520(45) to the council for consideration.

Vos questioned if any borings had been done. Lahner replied they are only doing Phase One, as they are using the test results from the city and there didn't appear to be any red flags from their environmentalist. Lahner expects the city to receive the full value.

This resolution is scheduled for the February 7, 2012 common council meeting.

**10. RESOLUTION 4521(46) "A RESOLUTION TO CONSIDER THE PURCHASE OF AN INTERCOM/RECORDING SYSTEM FOR THE POLICE DEPARTMENT FROM GENERAL COMMUNICATIONS IN THE AMOUNT OF \$14,990"**

The mayor introduced Resolution 4521(46) to the council for consideration. There was no discussion.

This resolution is scheduled for the January 17, 2012 common council meeting.

**11. RESOLUTION 4522(47) "A RESOLUTION TO CONSIDER THE PURCHASE OF TWO 2013 FORD POLICE UTILITY VEHICLES FROM MILLER MOTOR SALES IN THE AMOUNT OF \$53,000"**

The mayor introduced Resolution 4522(47) to the council for consideration.

Lahner pointed out these are utility vehicles with only a slight increase in cost.

Bob Prailes questioned the fuel mileage. Nimmer replied the utility vehicles were actually better than some of the cars.

This resolution is scheduled for February 7, 2012 Common Council meeting.

**12. RESOLUTION 4523(48) "A RESOLUTION TO CONSIDER APPROVING A THREE-YEAR LEASE AGREEMENT WITH RJC DISTRIBUTION, LLC FOR PROPERTY LOCATED AT 508 SHELDON STREET"**

The mayor removed this resolution from this evening's agenda as there was a need to change the contract language.

**13. ORDINANCE 1940(17) "AN ORDINANCE TO CONSIDER CONFIRMING THE PROVISION OF SECTION 187-14B OF THE MUNICIPAL CODE REGARDING RETAIL CLASS A SALES OF ALCOHOLIC BEVERAGES"**

The mayor introduced Ordinance 1940(17) to the council for consideration. The mayor stated he had received two requests from Class A establishments to change the opening time from 8:00 a.m. to 6:00 a.m.

Simenson asked if there was any problem with changing the time period. Lahner said there have been requests from retail establishments to make the time earlier, but there was also a request from Partners II not to change the start time.

Hintz commented that convenience could be an issue for early morning shoppers.

Nimmer said a tavern could sell a six-pack of beer at 6:00 a.m. whereas a grocery store could not sell packaged goods at that hour.

Vos did not see a problem with a change of hours and did not think it was an unreasonable request.

Simenson asked if there was something specific that Partners II was against and perhaps they should attend the next council meeting to explain their position. Nimmer replied that Partners II is opposed to any increase in the availability of alcohol.

A consensus of opinion was to bring the ordinance back with a 6:00 a.m. start time.

This ordinance is scheduled for the February 7, 2012 Common Council meeting.

**14. ADJOURNMENT**

A motion was made by Rauch with a second by Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 7:51 p.m.

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