



AGENDA
COMMON COUNCIL

Tuesday, March 6, 2012

**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

Student Representatives:

Sarvpal Dhillon, Burlington High School
Dale Morrow, Burlington High School

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 February 21, 2012. (*P. Hintz*)
6. Letters and Communications: None
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-6: (*T. Vos*)
 - Report 1 – Library Board minutes, January 24, 2012
 - Report 2 – Park Board minutes, January 26, 2012
 - Report 3 – Airport Committee minutes, January 26, 2012
 - Report 4 – Historic Preservation Commission minutes, January 27, 2012
 - Report 5 – Committee of the Whole minutes, February 21, 2012
 - Report 6 – Spring Primary Election Report, February 21, 2012
9. Payment of Vouchers. (*S. Rauch*)
10. Licenses and Permits. (*K. Simenson*)
11. Appointments and Nominations: (*J. Fischer*)
 - A. Appointment of Election Inspectors for the 2012 elections.

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear comments and concerns regarding the proposed floodplain zoning ordinances that create Chapter 119, “Floodplain” and amend multiple provisions of Chapter 315, “Zoning” in the Code of the City of Burlington. *(R. Prailes)*

13. **RESOLUTIONS:**

- A. Resolution 4528(53) to adopt a Post Issuance Compliance Policy to monitor tax exempt or tax advantaged obligations. This item was discussed at the February 21, 2012 Committee of the Whole meeting. *(E. Johnson)*
- B. Resolution 4529(54) to award the bid to replace the roof on the Fire Department at 165 W. Washington Street to Carlson Racine Roofing in the amount of \$21,960. This item was discussed at the February 21, 2012 Committee of the Whole meeting. *(R. Prailes)*
- C. Resolution 4530(55) to approve a Certified Survey Map for property located at 180 Industrial Drive. This item was discussed at the February 21, 2012 Committee of the Whole meeting. *(J. Prailes)*
- D. Resolution 4531(56) to approve a contract between the City of Burlington and DigiCorp for Information Technology (IT) support services. This item was discussed at tonight’s Committee of the Whole meeting. *(P. Hintz)*
- E. Resolution 4534(59) to consider approving a Memorandum of Understanding with Racine County to provide county counter services at City Hall. This item was discussed at tonight’s Committee of the Whole meeting. *(T. Vos)*

14. **ORDINANCES:**

- A. Ordinance 1942(19) to create Chapter 119, “Floodplain” in the Municipal Code. This item was discussed at the February 21, 2012 Committee of the Whole meeting. *(S. Rauch)*
- B. Ordinance 1943(20) to amend sections of Chapter 315 in the Municipal Code referencing floodplains. This item was discussed at the February 21, 2012 Committee of the Whole meetings. *(K. Simenson)*

15. **MOTIONS:**

- A. Motion 12-735 to approve a Certificate of Appropriateness Application and Sign Application in the HPC Overlay District for 100 E. Chestnut Street. This item was discussed at tonight’s Committee of the Whole meeting. *(J. Fischer)*

16. **ADJOURN INTO CLOSED SESSION** (R. Prailes)

1. **Wis. Stats 19.85(1)(c)**, considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
 - Consideration of employee compensation

17. **RECONVENE INTO OPEN SESSION** (E. Johnson)

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (J. Prailes)

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: March 6, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from February 21, 2012 Common Council meeting. 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 March 6, 2012 Common Council meeting.



City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
February 21, 2012

1. **CALL TO ORDER - ROLL CALL**

Mayor Bob Miller called the meeting to order at 7:43 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch, Jeff Fischer and Katie Simenson.

Student Representatives present: 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, Library Director Gayle Falk, Supervisor Streets and Parks Dan Jensen, 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**

None

5. **APPROVAL OF COMMON COUNCIL MINUTES FOR FEBRUARY 7, 2012 AND FEBRUARY 14, 2012**

A motion was made by Rauch with a second by Simenson to approve the Common Council minutes of February 7 and February 14, 2012. With all in favor, the motion carried.

6. **LETTERS AND COMMUNICATIONS**

A request was made by Simenson to enter the two communications as filed only as both aldermen were in attendance.

7. **REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS**

Alderman Vos stated he received a letter from National Appraisal regarding his property being reassessed but didn't know the City was reassessing at this time. Administrator Lahner stated there are Requests for Proposals (RFP) out for a new City Assessor however there has been no decision made to reassess the city at this time.

Alderman Bob Prailes stated that City Treasurer Steve DeQuaker has created a method of presenting the Park Board their funds in a much better way. He went on to say there is currently \$157,000 in the Park Board Fund. He further stated the Park Board revised the Park Development Application where applications will be voted on in October by the board to receive funds for projects.

Alderman Simenson stated the Health Department is offering pet vaccinations on March 10 at the Rochester Village Hall. She further stated that Love, Inc. is providing a service for people that need help with their taxes and that there will be a medicine collection service at the Clean Sweep on April 28.

Administrator Lahner stated he will be going to Madison on February 22 to support a bill that would exempt full service restaurants from the city's liquor license.

Police Chief Nimmer stated there has been an arrest and confession made regarding the Dollar Tree hold up last week. He further stated the perpetrator involved in the incident near the Dog Park last year has received a twelve year sentence. He commemorated his staff on an excellent job done on both cases.

8. REPORTS 1-3

A motion to approve Reports 1-3 was made by Fischer with a second by Rauch. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by R. Prailes with a second by Johnson to approve vouchers, pre-paid and reimbursements in the amount of \$273,479.72. Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson; Nay: None; Motion carried 8-0.

10. LICENSES AND PERMITS

A motion was made by Hintz with a second by Jim Prailes to approve the licenses and permits as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARINGS

None

13. RESOLUTIONS

A. RESOLUTION 4525(50) " A RESOLUTION TO APPROVE A PRELIMINARY RESOLUTION TO DECLARE INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS FOR RECONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS"

A request for a second reading and a motion to approve was made by Vos with a second by Fischer.

Discussion: Alderman Simenson questioned if letters were sent to residents on Beth Court regarding this as she received some complaints. Administrator Lahner stated he would look into it. Attorney Bjelajac stated official correspondence and a public hearing notice will be forthcoming to residents affected and that special assessments have not been levied yet.

Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson; Nay: None; Motion carried 8-0.

B. RESOLUTION 4527(52) "A RESOLUTION TO APPROVE A RATIFYING RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,044,276 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2012, AND COVENANTS WITH RESPECT THERETO"

A request for a second reading and a motion to approve was made by Rauch with a second by Jim Prailes.

Discussion: Alderman Vos asked for confirmation that the out of pocket cost for the city is not \$2 million, but \$1.8 million. Administrator Lahner confirmed this stating the bond is for the full amount of \$2 million however once the principal forgiveness is deducted the net indebtedness with the Clean Water Fund Loan will be roughly \$1.8 million.

Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson; Nay: None; Motion carried 8-0.

14. ORDINANCES

A. ORDINANCE 1941(18) TO AMEND CHAPTER 17 PERTAINING TO THE MUNICIPAL COURT JUDGE.

A request for a second reading and a motion to approve was made by Fischer with a second by Johnson.

Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson; Nay: None; Motion carried 8-0.

B. ORDINANCE 1944(21) TO AMEND THE PROVISIONS OF SECTION 187-14B OF THE MUNICIPAL CODE REGARDING RETAIL CLASS A SALES OF ALCOHOLIC BEVERAGES BEGINNING AT 8 A.M.

A request for a second reading and a motion to approve was made by Simenson with a second by Hintz.

Discussion: Alderman Fischer questioned what would happen if this ordinance was voted down. Mayor Miller stated the city would need to go by the state rule of 6 A.M.

Roll Call Aye: Johnson, Jim Prailes, Hintz, Vos, Rauch, Simenson; Nay: Bob Prailes, Fischer; Motion carried 6-2.

15. MOTIONS: None

16. ADJOURNMENT

A motion was made by R. Prailes with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 8:04 p.m.



Recording Secretary

Megan E. Johnson

Assistant to the City Administrator



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
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Common Council Agenda Item Number: 8	Date: March 6, 2012
Submitted By: City Staff	Subject: Reports 1-6

Details:

Attached please find the following reports:

- Report 1 – Library Board minutes, January 24, 2012
- Report 2 – Park Board minutes, January 26, 2012
- Report 3 – Airport Committee minutes, January 26, 2012
- Report 4 – Historic Preservation Commission minutes, January 27, 2012
- Report 5 – Committee of the Whole minutes, February 21, 2012
- Report 6 – Spring Primary Election Report, February 21, 2012

Options & Alternatives:

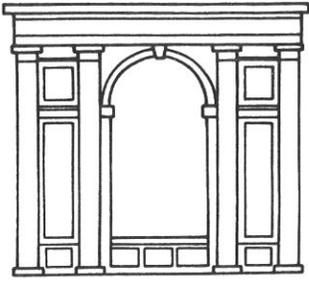
N/A

Financial Remarks:

None.

Executive Action:

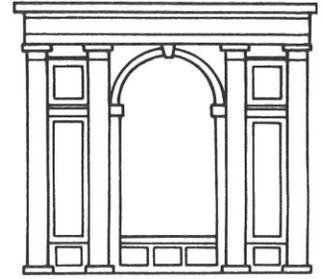
Staff recommends that the Council accept these reports at the March 6, 2012 Common Council meeting.



Burlington Public Library

166 East Jefferson Street • Burlington, Wisconsin 53105
(262) 763-7623 • Fax (262) 763-1938

www.burlingtonlibrary.org



Minutes of the Burlington Public Library Board of Trustees

The Burlington Public Library Board of Trustees met on Tuesday, January 24, 2012 in the Burlington Public Meeting Room. Present were Penny Torhorst, Steve Rauch, Pat Hurley, Pat Hoffman, Dr. David Moyer, Kay Pockat, Dianne Boyle, and Mike Kelly. Excused was Scott Johnson. Also present were Library Director Gayle Falk, Administrative Assistant Linda Berndt, and high school representative Miranda Meyers.

Torhorst called the meeting to order at 4:00.

Minutes of the December 20, 2011 meeting were approved. Hurley moved, and Rauch seconded. Motion passed.

The Late December 2011 General Fund Bills, Prepays, Reimbursements, January 2012 General Fund Bills, Prepays, Reimbursements, and December 2011 General Fund Deposits were discussed and approved. Kelly moved approval and Hoffman seconded. Motion passed.

Kelly moved and Hoffman seconded the motion to approve the January 2012 Trust Fund Bills and the December 2011 Trust Fund Deposits. Motion passed.

Committee Reports:

Personnel Committee: Pat Hoffman will discuss the director's evaluation in closed session, later in the meeting.

Federated Library Report: No report at this time.

Old Business:

Dr. Moyer asked if the library had received comments about being closed an additional two days at Christmas for carpet installation. Falk said all comments were supportive of getting new carpeting.

New Business:

Patron Internet Access: Falk is on a newly formed LLS committee trying to standardize libraries' Internet access policies.

Hygiene issues for library: Falk reported that we worked with the health department to learn how to handle suspected cases of bed bugs affecting returned materials.

Partnership for computer classes: The Racine Literacy Council would like to partner with the library to offer basic computer classes for English and Spanish speaking individuals.

Winter Programming: Upcoming adult programs include women's heart health and couponing. Children's programs will continue our popular therapy dog program, which has children reading to therapy dogs.

Falk discussed the partnership with the Plaza Theater for film and book discussions. Although the theater has scheduled movie/discussions and distributed publicity, the library did not participate in any of the planning. After discussion, the board decided we should not partner with the theater at this time. If in the future the program could be jointly planned and presented, the Board would be open to again participating.

Children's grant: Joy had written a grant to complement the summer program theme of "Dream Big". The grant would bring Tony Romo to the library for a program. Hoffman moved and Hurley seconded the motion to submit the grant at this time. Motion passed.

Directors Report:

Monthly Report: Despite the holiday/carpet installation closing, circulation figures are up for 2011. Walk in count is down slightly.

BPL in the news: There were several calendar events in the newspaper this past month.

Public Communication to the Board: There were several thank you notes from the staff. Additionally, the Wisconsin Department of Public Instruction sent a copy of Falk's Public Librarian Certification renewal to the Board.

Falk showed the Board two framed pictures donated by patrons in the past month.

Falk handed out a sheet that explained the many accomplishments that the library has had this year.

At 4:40 p.m. Hoffman moved and Rauch seconded the motion to adjourn into executive session. Motion passed. Falk, Berndt, and Meyers left at this time.

Dr. Moyer moved to reconvene into open session to take action on Falk's evaluation. Rauch seconded the motion and the motion passed. There was discussion on Falk's evaluation. Dr. Moyer moved to approve Falk's evaluation, and Rauch seconded the motion. Motion passed.

Meeting was adjourned at 4:55 p.m. Dr. Moyer moved and Torhorst seconded. Motion passed.

Our next meeting will be on Tuesday, February 28th at 4:00 p.m. in the Burlington Public Library meeting room.

Respectfully submitted,



Steve Rauch
Aldermanic Representative



Department of Public Works
Street & Park and Water Departments
2200 S. Pine Street, Burlington, WI 53105
(262) 539 -3770 (262) 539-3773
www.burlington-wi.gov

CITY OF BURLINGTON PARK BOARD MINUTES
THURSDAY, JANUARY 26, 2012
2200 S. Pine Street, Burlington, WI 53105

Chairman Darrel Eisenhardt, Commissioners Clay Brandt, Tom Follis, Kelly Kamlager, Jon Schultz, Peter Turke, Alderman Bob Prailes, DPW Supervisor Dan Jensen, P.E., Chase Robers, Student Representative

Chairman Darrel Eisenhardt called the meeting to order at 6:30 P.M.

Roll Call: Present: Commissioners Clay Brandt, Tom Follis, Jon Schultz, Peter Turke, Alderman Bob Prailes, DPW Supervisor Dan Jensen and Chase Robers, Student Representative. Excused: Kelly Kamlager.

Approval of November 17, 2011 Minutes: Chairman Eisenhardt entertained a motion to approve the November 17, 2011 Minutes. Motion to approve made by Commissioner Follis. Seconded by Alderman Bob Prailes. All voted aye, motion carried.

Citizens Comments: None

Aldermanic Report: Alderman Bob Prailes reported the balance of Park Board Funds at \$66,391.03, plus \$25,000 for 2012 that has not been posted to the account. The Commissioners were all in agreement that better reports were needed to show when invoices were being paid from Park Board Funds. Alderman Prailes said he would talk to Steve DeQuaker, Treasurer and ask if this could be provided.

Alderman Prailes also stated part of the grant money would be reimbursed into Park Board Funds for in kind service at Riverside Park. Dan Jensen, DPW Supervisor stated he would check with Kevin Lahner, City Administrator to verify what process needs to be completed for grant reimbursement.

DPW Supervisor Report: Dan Jensen, DPW Supervisor reported that the City would be receiving \$1400.00 from DuPont for the 18 Evergreen Park trees that were impacted by the use of Imprelis. Trees will be replaced, with smaller trees. Aaron DeGrave, Park Foreman, will determine what areas would be best for placement.

Dan Jensen also reported there was a water leak along the bike path at Riverside Park. Repairs to be made and payment to be processed through Water Department funds. The remainder of the restoration of Riverside Park would be completed in early spring.

New Business:

Todd Greene Music Studios: Mr. Greene had indicated he wanted to come back before the Park Board as he had stated to Deb Rintamaki, DPW Administrative Assistant that the scope of the project was changing and he thought they should not have to pay fees previously approved. Mr. Greene had stated either himself or a committee representative would be present. No one was present for the meeting.

The approved Park Board Minutes from September stated Mr. Greene was to provide a business plan, to be reviewed on a yearly basis. Deb Rintamaki stated she would send a letter to Mr. Greene asking for this information.

Old Business

Park Development Policy and Application: The Commissioners discussed the Park Development Policy and Application. Alderman Bob Prailes apologized as he had forgotten to speak to Kevin Lahner, City Administrator, regarding the changes. He stated he would do so and report back at February's meeting. Item to be placed on February 2012 Agenda.

Other Items

There being no further items for discussion, Chairman Eisenhardt entertained a motion to adjourn. Motion to adjourn made by Alderman Prailes. Seconded by Commissioner Brandt. All voted aye and Chairman Eisenhardt adjourned the meeting at 7:41 P.M.

Minutes respectfully submitted by:

Deb Rintamaki

Depart of Public Works

Minutes

City of Burlington – Airport Committee
Burlington Municipal Airport
Burlington, WI

Date: January 26, 2012

Meeting was called to order at 6:00 p.m.

Present:

Gary Meisner
Kevin Remer
David Uhen
Jerry DeLay

Excused:

Alderman Jim Prailes
Arlene Runkel
John Hotvedt

Motion was made by Uhen, seconded by Remer, to approve the October 27, 2011 minutes as written.
Motion carried.

There were no open floor comments.

Airport Manager's Report:

Meisner and City Administrator Lehner plan a trip to Madison to confer with the local administrator of Wisconsin DOT's Bureau of Aeronautics concerning the six year plan for BUU.

There being no further business, motion was made by Meisner seconded by Uhen, to adjourn the meeting.
Motion carried.

Meeting was adjourned at 6:15 p.m.

Next meeting date is tentatively February 23, 2012 at 6:00 p.m.

Respectfully submitted by:


Jerry DeLay
Committee Chairman



**HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
THURSDAY, JANUARY 27, 2012**

Call to Order

The meeting was called to order by Chairman Stelling at 6:30 p.m.

Roll Call

Present: Chairman Tom Stelling, Commissioners Jeff Erickson, Peter Hintz, and Judy Stone, and Maria Veronico-Ventura, Student Representative Katie Hart and Building Inspector/Zoning Administrator Patrick Scherrer were present. Commissioners John Lynch and Joel Weis were excused. Also present was Stephanie Schulte of Racine County Economic Development Corporation.

Citizen Comments

There were no citizen comments.

Approval of October 31, and November 2, 2011 Minutes

Chairman Stelling entertained a motion. Commissioner Erickson moved to approve the minutes of October 27, 2011 meeting and Commissioner Veronico seconded. After being informed of an error in the date, Commissioner Erickson revised his motion to approve the minutes of the October 31, 2011 meeting and Commissioner Veronico seconded. All aye. Motion carried. Commissioner Erickson then seconded to approve the minutes of the November 2, 2011 minutes. Commissioner Veronico seconded. Recording secretary June Bobier stated that there was an error in the adjournment time of 7:05 p.m. and thought it should be later. Commissioner Erickson stated that it should be 7:21 p.m. and revised his motion to reflect this and Commissioner Veronico seconded. All aye. Motion carried.

481 Milwaukee Ave., Bigelow Refrigeration, Certificate of Appropriateness

Dennis Spankowski of Burl Signs was present and explained the proposed plan for the signage and awning. Commissioner Erickson moved to recommend approval to the Common Council for the Certificate of Appropriateness subject to the following conditions:

1. The application and various other attached materials submitted to the City by the applicant for the "Certificate of Appropriateness" to be in compliance with Sections 315-42B. and E. and 315-139 of the City of Burlington Zoning Ordinance.
2. The drawing submitted by the applicant notwithstanding, the proposed awning cannot extend more than four (4) feet from the building.
3. The drawing submitted by the applicant notwithstanding, the location of the top edge of the proposed awning will be above the transom window; and will meet the requirement of the City Zoning Ordinance that the height of the awning will be greater than 7.5 feet above the sidewalk.

Commissioner Veronico seconded. All aye. Motion carried. All aye. Motion carried.

Sign Permit Application

Commissioner Veronico moved to recommend approval to the Common Council for the Sign Permit Application and Commissioner Stone seconded. All aye. Motion carried.

Façade Grant Application

Chairman Stelling entertained a motion. Commissioner Erickson motioned to grant the \$4,650 in façade grant monies for the sign, awning and painting of second floor exterior window shutters as long as the three contingences in RCEDC's memo are met as follows:

- Applicant will provide invoices and/or receipts and lien waivers to the HPC to ensure compliance with the original application.
- Applicant will wait to perform this work until Common Council takes final action on approval.
- If the project is not completed and if the façade grant is not disbursed within six months, the HPC reserves the right to rescind the allotted grant amount.

Commissioner Hintz seconded the motion. A roll call vote was taken: Stelling: Aye; Lynch: Excused; Erickson: Aye; Hintz: Aye; Stone: Aye; Veronico: Aye; Weis: Excused. All aye. Motion carried.

109 E. Chestnut St., MPC Property Management, Certificate of Appropriateness

Commissioner Erickson motioned to recommend approval to the Common Council of the Certificate of Appropriateness for the two vinyl window signs. Recording secretary June

Bobier stated that the color of the signs will be green rather than white. Commissioner Hintz seconded. All aye. Motion carried.

Sign Permit Application

Commissioner Erickson motioned to recommend approval to the Common Council of the Sign Permit Application for the two vinyl window signs. Commissioner Hintz seconded. All aye. Motion carried.

Discussion of Current Projects and Response Team Visits.

Dennis Spankowski stated that Oldenburg Insurance (100 E. Chestnut St.) wants to redo or replace their canvas awning. He was advised that this will need to come before the board since different colors will be used. The commission agreed that the El Burrito and RCOC projects could come off the list. The MPC project (109 E. Chestnut St.) is in progress. Pat Scherrer stated that he will contact Dale Bruesewitz in the Spring about getting the roof railing at 148 W. Chestnut St. painted red.

Review of Grant Funding Status

There is \$30,000 in grant fund monies, of which \$13,503.12 is unobligated. There is \$28,753.12 remaining in Façade Granting Funding #4. Commissioner Erickson stated that according to the chart for Façade Grant Funding #4, there appears to be some notes missing at the bottom of the page regarding the Mike Sullivan project at 256 E. Chestnut St. and MPC Property Management project at 109 E. Chestnut St. Stephanie stated that this would be addressed.

Historic Intensive Survey Update by Jennifer Lehrke of LJM Architects.

Jennifer Lehrke of LJM Architects stated that their team looked at 400 buildings and structures. She explained that they identified two historic districts, nine areas and six complexes.

She stated that a “district” is a “cluster” of unrelated buildings that purvey a sense of style, time and place and a “complex” is an area related by use or ownership and that there were 46 “individual” properties identified.

She presented a map on a power point presentation that displayed the nine “areas” of interest:

1. Existing Downtown District
2. Turn of the Century Residential District

3. Revival Style Residential District
4. St. Mary's Church Complex
5. God's Acre Cemetery Complex
6. St. Charles Borromeo Church Complex
7. Rainbow Motel Complex
8. Burlington Cemetery Complex
9. St. Francis Friary Complex

The Commission discussed with Jennifer about a possible Mormon Road project.

Jennifer informed the commission that a further update would be forthcoming.

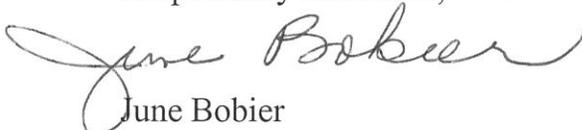
Discussion Concerning Potential/Future Projects and Notices of Violations in the Historic Preservation Overlay District

Chairman Stelling brought up the subject of the large painted signs on the side of the former Bigelow Refrigeration building at 457 Milwaukee Ave. He wanted the Commission's input on whether they should be removed or whether they are historic in nature and should remain. He further stated that this building is not considered a "contributing" building even though it is in the Historic District. Zoning Administrator Pat Scherrer stated that off premises advertising is not permitted by the code since Bigelow Refrigeration is relocating to 481 Milwaukee Ave. Chairman Stelling stated that there are four options: 1. Dr. Fait, the new owner could paint his own signs on the side of the building, 2. the existing signs could be removed completely, 3. the signs could be restored to the original "Humphrey Chevrolet" signs or 4. the sign could be whited out to read "City Official Historic District". Chairman Stelling indicated that he wanted the commissioners to further consider the options and he would talk to Dr. Fait about it and get his input.

Adjournment

Chairman Stelling entertained a motion. Commissioner Erickson moved to adjourn the meeting and Commissioner Stone seconded. All aye. Motion carried. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,



June Bobier
Administrative Assistant
City of Burlington



CITY OF BURLINGTON

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: March 6, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

Operator's Licenses

Benkendorf, Joe D.
Boehm, Cheryl L.
Hill, Curtis J.
Lorono, Athena L.
Nillo, Erika L.
Richard, Amanda C.

Financial Remarks:

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

Executive Action:

Staff recommends the Common Council accept the presented licenses at the March 6, 2012 Council meeting.



CITY OF BURLINGTON

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Common Council Agenda Item Number: 11	Date: December 6, 2011
Submitted By: City Clerk	Subject: Election Inspector Appointments

Details:

Election Inspector Appointments

Iselin, Karen
Karpinski, Jean
Karpinski, Louis
Schlitz, Deborah
Umnus, Judy
Weber, Ginny
Weber, Jerry

Options & Alternatives:

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these appointments at the March 6, 2011 Common Council meeting.



CITY OF BURLINGTON

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(262) 342-1161 – (262) 763-3474 fax
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Common Council Number: 12A	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Public Hearing for Ordinances 1942(19) and 1943(20) to consider amending the Municipal Code regarding floodplain provisions.

Details:

A Public Hearing has been scheduled to hear public comment regarding proposed floodplain zoning ordinance revisions that are required by state and federal law. These ordinances create Chapter 119, "Floodplain" and amends multiple provisions of Municipal Code Chapter 315, "Zoning" in the Code of the City of Burlington. These revisions govern development in mapped floodplain areas, including those currently shown on the Zoning Map as FW Floodway District, FC Floodplain Conservancy District, and FFO Floodplain Fringe Overlay District.

Options & Alternatives:

N/A

Financial Remarks:

N/A

Executive Action:

For public comment only.

STATE OF WISCONSIN)
)
COUNTY OF RACINE)

The Common Council in and for the City of Burlington

NOTICE OF PUBLIC HEARING – CITY OF BURLINGTON FLOODPLAIN ORDINANCE

PUBLIC NOTICE is given to all persons that a public hearing will be held to solicit comments on proposed floodplain zoning ordinance revisions that are required by state and federal law. This ordinance creates Chapter 119, "Floodplain" and amends multiple provisions of Municipal Code Chapter 315, "Zoning" in the Code of the City of Burlington. These revisions govern development in mapped floodplain areas, including those currently shown on the Zoning Map as FW Floodway District, FC Floodplain Conservancy District, and FFO Floodplain Fringe Overlay District. The proposed regulations are intended to protect life, health and property in floodplain areas and will govern uses permitted in mapped floodplains. Activities such as dredging, filling, excavating and construction of buildings are allowed, but may be restricted according to which flood zone the property is in. A copy of the proposed ordinance will be on file and open for public inspection in the office of the City Clerk for a period of two weeks prior to this public hearing. All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to: City of Burlington Common Council, 300 North Pine St., Burlington, WI 53105.

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

TUESDAY, MARCH 6, 2012
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.

Dated at Burlington, Wisconsin, this 14th day of February 2012.

City of Burlington
Beverly Gill
City Clerk

Published in the Burlington *Standard Press* February 16th and 23rd, 2012



Finance Department

300 N. Pine Street, Burlington, WI 53105
(262) 342-1170 – (262) 342-1178 fax
www.burlington-wi.gov

Common Council Item Number: 13A	Date: March 6, 2012
Submitted By: Steve DeQuaker, Treasurer	Subject: Resolution 4528(53) to consider adopting a Post Issuance Compliance Policy to monitor tax exempt or tax advantaged obligations.

Details:

This is a maintenance item. The City of Burlington issues Tax Exempt and/or Tax Exempt obligations in the form of loans or bonds. Current IRS regulations require a Post Issuance Compliance Policy to be in place to monitor the sale, payout of proceeds, expenditure of funds, tracking of private activity, arbitrage (investment earnings on proceeds), IRS reporting and other areas related to those tax exempt issues.

At the recommendation of Bond Counsel, the attached Post Issuance Compliance Policy has been created to comply with IRS regulations.

Additionally staff recommends designating the Treasurer as Compliance Officer noted in the Policy Document and to designate the Director of Public Works as additional coordinator relative to Utility Issues.

Options & Alternatives:

This is an IRS requirement and allows for proper tracking and reporting of tax exempt or tax advantaged issues.

Financial Remarks:

This policy will help the City issue tax exempt bonds, receive rebates on bond interest and avoid penalties.

Executive Action:

This item was discussed at the February 21, 2012 Committee of the Whole meeting and is placed on the March 6, 2012 Common Council meeting for consideration.

**A RESOLUTION ADOPTING A POST ISSUANCE COMPLIANCE POLICY
TO MONITOR TAX EXEMPT OR TAX ADVANTAGED OBLIGATIONS**

WHEREAS, the City of Burlington issues Tax Exempt or Tax Advantaged obligations,

WHEREAS, the City of Burlington desires to comply with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations"). and

WHEREAS, the City of Burlington desires this written Policy to establish a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings. and

WHEREAS, the City of Burlington recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the Issuer's debt management. and

WHEREAS, the City of Burlington , understands the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the City of Burlington accountants and/or financial advisors.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the written Post Issuance Compliance Policy designates that the Treasurer (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance issues. For utility issues, the Compliance Officer will coordinate with the Director of Public Works with respect to monitoring post-issuance compliance.

Introduced: February 21, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT
AND TAX-ADVANTAGED OBLIGATIONS**

Adopted: _____

Statement of Purpose

This Post-Issuance Compliance Policy (the “Policy”) sets forth specific policies of the City of Burlington, Wisconsin (the “Issuer”) designed to monitor post-issuance compliance of tax-exempt obligations or tax-advantaged obligations (“Obligations”) issued by the Issuer with applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder (“Treasury Regulations”).

The Policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the Issuer and the post-closing compliance checklist provided by bond counsel with respect to that issue. This Policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings.

The Issuer recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the Issuer’s debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the Issuer’s accountants.

General Policies and Procedures

The following policies relate to procedures and systems for monitoring post-issuance compliance generally.

- A. The Treasurer (the “Compliance Officer”) shall be responsible for monitoring post-issuance compliance issues. For utility issues, the Compliance Officer will coordinate with the Director of Public Works with respect to monitoring post-issuance compliance.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service (“IRS”) requirements, such as those contained in Revenue Procedure 97-22.
- D. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Regulations and the Treasury’s Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

Issuance of Obligations - Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

Arbitrage

The following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.

- M. Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity Concerns

The following polices relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;
 - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 - 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
 - 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
 - 5. Joint-ventures, limited liability companies or partnership arrangements;
 - 6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
 - 7. Development agreements which provide for guaranteed payments or property values from a developer;
 - 8. Grants or loans made to private entities, including special assessment agreements; and
 - 9. Naming rights arrangements.Monitoring of private use should include the following:
 - 1. Procedures to review the amount of existing private use on a periodic basis; and
 - 2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer’s bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Qualified Tax-Exempt Obligations

If the Issuer issues “qualified tax-exempt obligations” in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements and conduit financings on behalf of 501(c)(3) organizations) to assure that the \$10,000,000 “small issuer” limit is not exceeded.

Federal Subsidy Payments

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

Reissuance

The following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following policies relate to retention of records relating to the Obligations issued. The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 1. The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
 2. Documentation evidencing expenditure of proceeds of the issue;
 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.
 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 5. Documentation evidencing all sources of payment or security for the issue; and
 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the “Rule”), underwriters are required to obtain an agreement for ongoing disclosure in connection with the public offering of securities in a principal amount in excess of \$1,000,000. Unless the Issuer is exempt from compliance with the Rule as a result of certain permitted exemptions, the Transcript for each issue of Obligations will include an undertaking by the Issuer to comply with the Rule. The Compliance Officer of the Issuer will monitor compliance by the Issuer with its undertakings, which may include the requirement for an annual filing of operating and financial information and will include a requirement to file notices of listed “material events.”

Conduit Bond Financings

In conduit bond financings, such as industrial revenue bonds or Midwestern Disaster Area Bonds, the Issuer is not in a position to directly monitor compliance with arbitrage requirements and qualified use requirements because information concerning and control of those activities lies with the private borrower. The Issuer’s policy in connection with conduit financings is to require that the bond documents in such financings impose on the borrower (and trustee or other applicable party) responsibility to monitor compliance with qualified use rules and arbitrage and other federal tax requirements and to take necessary action if remediation of nonqualified bonds is required.



Fire Department

165 W. Washington Street, Burlington, WI, 53105
(262) 763-7842 – (262) 767-8602 fax
www.burlington-wi.gov

Common Council Item Number: 13B	Date: March 6, 2012
Submitted By: Richard Lodle, Fire Chief	Subject: Resolution 4529(54) to consider authorizing the contract for fire station reroof project with Carlson Racine Roofing for \$21,960.

Details:

The original building was constructed in 1969. The addition on the west side was constructed in 1992 and all existing roofs were redone at that time. Severe leakage necessitated the reroofing of the east side of the building (meeting room, kitchen, and offices) in 2007. Severe leakage on the west side (training room and offices) resulted in reroofing that section in 2008. The remaining center section (apparatus bays) has been inspected every year since to monitor the condition. Leakage is now starting in that section. The roof is a “twenty year roof” and is currently twenty years old. All warranties have expired.

Specifications were submitted to contractors to obtain a contract price for the reroofing of the center section over the apparatus bays. Carlson Racine Roofing of Racine, WI has submitted the lowest contract price at \$21,960. It should be noted that if any insulation has to be replaced because of deterioration, it will be done on a square foot additional cost basis. There should be minimal, if any, deterioration if the roof is redone this spring. This is a flat roof consisting of stone ballast on a rubber membrane.

Options & Alternatives:

The council could choose to deny the project at this time. Further leakage will cause damage to the insulation and metal decking under the roof if allowed to continue. This will significantly add to the cost when repairs are made. Water leakage can also cause electrical short circuiting in the lighting fixtures below.

Financial Remarks:

This item was included in the approved 2012 budget. The contract price is approximately 61% of the budgeted amount.

Executive Action:

This item was discussed at the February 21, 2012 Committee of the Whole meeting and is placed on the March 6, 2012 Common Council meeting for consideration.

**A RESOLUTION APPROVING THE AWARD OF THE BID FOR
REPAIRING A PORTION OF ROOFING FOR THE BURLINGTON FIRE STATION TO
CARLSON RACINE ROOFING FOR THE NOT-TO-EXCEED AMOUNT OF \$21,960**

WHEREAS, on June 1, 2004 the Common Council did approve Resolution 3812(18) a Resolution Adopting a Purchasing Policy for the City of Burlington; and,

WHEREAS, the Purchasing Policy requires that all construction related contracts exceeding \$15,000 to be reviewed and approved by the Common Council; and,

WHEREAS, the construction shall be let by contract to the lowest responsible bidder pursuant to Wis. Stat. §62.15 and 66.0901; and,

WHEREAS, the City of Burlington did advertise for bids for replacement roofing for the Burlington Fire Department on January 24, 2012; and,

WHEREAS, three bids were received by the Fire Department and were opened and reviewed by the Fire Chief; and,

WHEREAS, the Fire Chief, Richard Lodle has recommended acceptance of the lowest, most responsive bid from Carlson Racine Roofing for the not-to-exceed price of \$21,960.

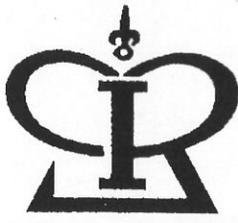
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the bid for repair of a portion of the roof at the Burlington Fire Station, 165 W. Washington Street be awarded to the lowest and most responsive bidder, Carlson Racine Roofing, for the not-to-exceed amount of \$21,960.

Introduced: February 21, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Carlson Racine Roofing & Sheet Metal, Inc.

2401 Eaton Lane

Racine, WI 53404

Phone (262) 632-5920

Fax (262) 632-0958

ROOFING CONTRACT

Date: February 9, 2012

City of Burlington Fire Department
Attn: Mr. Richard A. Lodle
165 W. Washington Street
Burlington, WI 53105

Job Site: Reroofing areas B, C and D.

Carlson Racine Roofing, Inc. will furnish all materials and perform all the labor necessary to complete the following:

1. Remove and dispose of existing stone ballast.
2. Remove and dispose of existing gravel stop fascia and rubber roofing saving waterdam clip for reuse.
3. Inspect existing insulation and replace any wet or deteriorated at on a unit basis of \$2.50/square foot.
4. Install new 60-mil EPDM roofing system over existing insulation in accordance with manufacturers warrantable specifications.
5. Install 2 x 2 concrete pavers around roof hatch and HVAC unit on slip sheet.
6. Install new stone ballast @ 10 lbs. per square foot over field of roof.
7. Fabricate and install new 24 gauge prefinished gravel stop fascia.
8. Furnish 15 year manufacturers warranty on labor and materials.

All of the above work to be completed in a substantial and workmanlike manner according to standard practices for the sum of **TWENTY ONE THOUSAND NINE HUNDRED SIXTY DOLLARS (\$21,960.00) base price.**

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

Carlson Racine Roofing

BY:

Greg C. Petersen, Vice President

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which Mr. Richard A. Lodle, Agent for City of Burlington Fire Dept., agrees to pay the amount mentioned in the above contract, according to the terms thereof.

City of Burlington Fire Dept.:

Mr. Richard A. Lodle, Agent

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.



Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1171 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Item Number: 13C	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4530(55) to consider approving a Certified Survey Map for property located at 180 Industrial Drive.

Details:

This item is to consider recommending approval of a Certified Survey Map from LDV, Inc. for property located at 180 Industrial Drive. This CSM dated February 2, 2012 seeks to combine a 3.05 acre portion of property to be identified as Lot 1 and combine a 5.69 acre portion of the property to be identified as Lot 2. This CSM is necessary to combined existing lots into Lots 1 and 2 as a portion of the approved building addition for LDV and the existing main building for LDV cross over parcel lines.

Plan Commission recommended approval of this CSM at their February 14, 2012 meeting.

Options & Alternatives:

The Council may choose to deny this CSM which would ultimately reject the approved building addition plans.

Financial Remarks:

N/A

Executive Action:

This item was discussed at the February 21, 2012 Committee of the Whole meeting and is placed on the March 6, 2012 Common Council meeting for consideration.

Resolution Number:
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP IN THE CITY OF BURLINGTON
FOR PROPERTY LOCATED AT 180 INDUSTRIAL DRIVE**

WHEREAS, the Plan Commission of the City of Burlington has reviewed a Certified Survey Map (CSM) for property described as being a redivision of Lots 6, 7, 8 and 9 of Burlington Industrial Complex First Addition in part of the NE ¼ and the SE ¼ of the NE ¼ of Section 5, Township 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin, and;

WHEREAS, at their February 14, 2012 meeting, the Plan Commission did recommend approval of the CSM.

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 February 2, 2012 by Kenneth B. Mehring, WLS, 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: February 21, 2012
Adopted:

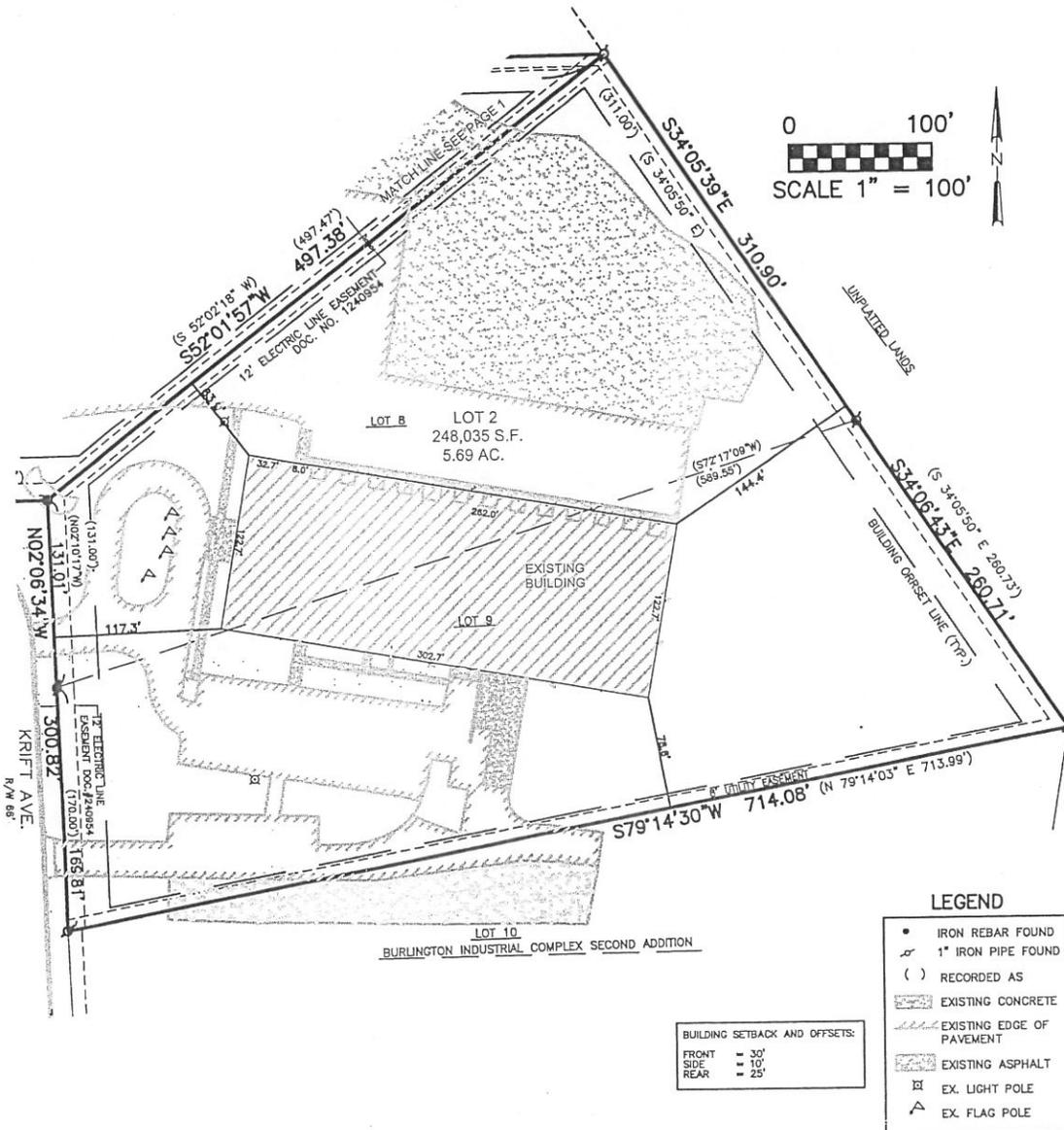
Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOTS 6, 7, 8 AND 9 OF BURLINGTON INDUSTRIAL COMPLEX FIRST ADDITION IN PART OF THE NE ¼ AND SE ¼ OF THE NE ¼ OF SECTION 5, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN



PRELIMINARY

INSTRUMENT DRAFTED BY KENNETH B. MEHRING S-2838
5482 S. WESTRIDGE DR. NEW BERLIN, WI 53103

DATE 2-2-2012
SHEET 2 OF 4
PROJ. 12-001

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOTS 6, 7, 8 AND 9 OF BURLINGTON INDUSTRIAL COMPLEX
FIRST ADDITION IN PART OF THE NE ¼ AND SE ¼ OF THE NE ¼ OF SECTION 5, TOWN
2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, KENNETH B. MEHRING, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT
I HAVE SURVEYED, COMBINED, AND MAPPED THE FOLLOWING LAND HEREIN DESCRIBED:

BEING A REDIVISION OF LOTS 6, 7, 8 AND 9 OF BURLINGTON INDUSTRIAL COMPLEX FIRST ADDITION IN PART
OF THE NE ¼ AND SE ¼ OF THE NE ¼ OF SECTION 5, TOWN 2 NORTH, RANGE 19 EAST, CITY OF
BURLINGTON, RACINE COUNTY, WISCONSIN. BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID NE ¼ SECTION 5, TOWN 2 NORTH, RANGE 19 EAST;
THENCE WITH THE EAST LINE OF SAID NE ¼ S01°53'28"E, 1223.13' TO A POINT; THENCE S88°06'31"W,
896.00' TO THE POINT OF BEGINNING; THENCE WITH THE WEST LINE OF LOT 8 OF SAID BURLINGTON
INDUSTRIAL COMPLEX FIRST ADDITION S34°05'39"E, 310.90' TO A FOUND IRON PIPE; THENCE S34°06'43"E
260.71' TO A FOUND IRON PIPE; THENCE WITH THE SOUTH LINE OF LOT 9 OF SAID BURLINGTON INDUSTRIAL
COMPLEX S79°14'03"W, 714.80' TO A FOUND IRON PIPE ON THE EAST LINE OF KRIFT AVE.; THENCE WITH SAID
EAST LINE N02°06'34"W, 300.82' TO A ROUND IRON BAR; THENCE WITH THE NORTH LINE OF INDUSTRIAL DRIVE
S89°07'10"W, 242.09' TO A FOUND IRON PIPE; THENCE WITH THE WEST LINE OF SAID LOT 6 N02°10'42"W,
299.99' TO A POINT ON THE NORTH LINE SAID LOTS 6, 7 AND 8; THENCE WITH SAID NORTH LINE
N89°07'10"E, 645.65' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 8.74 ACRES MORE OR LESS.

I FURTHER CERTIFY THAT I HAVE MADE SAID SURVEY, LAND COMBINATION, AND PLAT BY
THE DIRECTION OF DAVID J. & JUDITH A. LYNCH, OWNERS OF SAID LAND. THAT SUCH PLAT
IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED
AND THE COMBINATION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE
WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE SAME IN
SURVEYING, DIVIDING, DEDICATING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 2012.

KENNETH B. MEHRING
REGISTERED LAND SURVEYOR, NO.2838

SHARED CROSS ACCESS AND PARKING EASEMENT:

THERE SHALL BE A SHARED JOINT ACCESS AND PARKING EASEMENT FOR LOTS 1 AND 2 ACROSS, ON
OR OVER ALL THE EXISTING PAVEMENT AS SHOWN ON THIS CERTIFIED SURVEY MAP. INDIVIDUAL ACCESS
TO INDUSTRIAL DRIVE AND KRIFT AVE. FROM LOTS 1 AND 2 WILL REMAIN THE SAME. ALL MAINTENANCE
AND COSTS RELATED TO THE ASPHALT WILL BE SHARED EQUALLY BY THE OWNERS OF LOTS 1 AND 2.

PRELIMINARY

INSTRUMENT DRAFTED BY KENNETH B. MEHRING S-2838
5482 S. WESTRIDGE DR. NEW BERLIN, WI 53103

DATE 2-2-2012
SHEET 3 OF 4
PROJ. 12-001

CERTIFIED SURVEY MAP NO. _____
BEING A REDIVISION OF LOTS 6, 7, 8 AND 9 OF BURLINGTON INDUSTRIAL COMPLEX
FIRST ADDITION IN PART OF THE NE ¼ AND SE ¼ OF THE NE ¼ OF SECTION 5, TOWN 2
NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BURLINGTON ON THIS _____ DAY
OF _____, 2012

ROBERT MILLER, CHAIRMAN

SECRETARY

BURLINGTON CITY COUNCIL APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON ON THIS _____ DAY
OF _____, 2012

ROBERT MILLER, MAYOR

BEVERLY R. GILL, CITY CLERK

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 UNPAID SPECIAL ASSESSMENTS
AS OF THIS _____ DAY OF _____, 2012 INCLUDED IN THIS CERTIFIED SURVEY MAP.

JANE NIKOLAI, COUNTY TREASURER

OWNER'S CERTIFICATE:

WE, DAVID J. & JUDITH A. LYNCH, HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED
ON THIS PLAT TO BE SURVEYED, COMBINED, AND MAPPED AS REPRESENTED ON THIS PLAT.

AS OWNERS, WE, FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE
SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

- 1.) CITY OF BURLINGTON
- 2.) WISCONSIN DEPARTMENT OF ADMINISTRATION

DATED THIS _____ DAY OF _____, 2012.

DAVID J. LYNCH, TRUSTEE

JUDITH A. LYNCH, TRUSTEE

STATE OF WISCONSIN) ss
COUNTY OF RACINE)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2012 THE ABOVE NAMED
DAVID J. & JUDITH A. LYNCH, TRUSTEES OF LYNCH TRUST, TO ME KNOWN TO BE THE PERSONS WHO
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
*THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OWNER.

NOTARY PUBLIC

*MY COMMISSION EXPIRES: _____

PRELIMINARY

DATE 2/02/2012
SHEET 4 OF 4
PROJ#2-001



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 Number: 4	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4531(56) to consider a contract with DigiCorp, Inc. for technical computer support.

Details:

The City has a contract Information Technology support provider. Currently, Badgerland Computers provides us our technical support for all items related to our information technology needs, including computer equipment, server support and virus monitoring.

Earlier this year, the staff initiated a competitive Request for Proposal process in order to better evaluate our level of service and compare pricing. We sent RFP's to 12 companies throughout the greater Racine and Milwaukee area and received back five proposals. Based upon the RFP's and an interview with the company, City staff recommends a three-year agreement with DigiCorp. DigiCorp has provided us support for our phone system for many years, and was the firm most closely aligned with our needs.

Options & Alternatives:

The Council may choose to deny this request and have staff advertise for new IT support proposals.

Financial Remarks: The contract is to provide service for \$100 per hour during normal business hours, and during remote monitoring and access. Special projects will be negotiated separately. We expect the service to cost about \$40,000 annually. This is comparable to our current annual costs. The hourly rate is higher than we pay our current provider (\$70 per hour) however we believe there will be several enhancements available through DigiCorp that will increase the efficiency of the service.

Executive Action:

This item is for discussion at the March 6, 2012 Committee of the Whole meeting and due to the timeliness it is scheduled for the Common Council meeting the same night for consideration.

**Resolution No.
Introduced by: Committee of the Whole**

**A RESOLUTION AUTHORIZING A CONTRACT WITH
DIGICORP, INC. FOR TECHNICAL COMPUTER SUPPORT**

WHEREAS, the City of Burlington, a corporation, whose principal place of business is located at 300 N. Pine Street, Burlington, Wisconsin; is in need of technical computer support services, and

WHEREAS, Digicorp, Inc. is offering a technical support agreement (a copy of which is attached and made a part of this resolution) for the purpose of taking care of technical support services for said corporation,

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington does hereby approve of the Technical Support Agreement as attached.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

(Draft: 3/2/12)

INFORMATION TECHNOLOGY SUPPORT
AGREEMENT WITH DIGICORP, INC.

This Agreement ("Agreement") is made and entered into this 7th day of March, 2012 by and between the following parties:

- a) The CITY OF BURLINGTON (hereinafter referred to as the "City"), being a Wisconsin municipal corporation with its offices located at the City of Burlington City Hall, 300 North Pine Street, Burlington, Wisconsin 53105; and
- b) DIGICORP, INC. (hereinafter referred to as "Digicorp"), being a Wisconsin corporation with offices located at 3315 North 124th Street, Suite E, Brookfield, Wisconsin 53005.

This Agreement is being entered into for the purpose of (i) the City retaining the services of Digicorp, and (ii) Digicorp providing services to the City, for information technology support ("IT Services") under the terms and provisions contained in this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE ABOVE-NAMED PARTIES, THROUGH THEIR DULY AUTHORIZED UNDERSIGNED OFFICERS, HEREBY AGREE AS FOLLOWS:

1. IT Services to be Provided by Digicorp. Digicorp shall provide to the City such IT Services, as described below, that the City may from time to time request. The IT Services to be provided to the City, upon the request of the City, shall include, but not be limited to, the services described in attached Exhibit A (such Exhibit A being an excerpt from the written

proposal, entitled "Information Technology Support Proposal for the City of Burlington", dated January 20, 2012, submitted by Digicorp to the City). Digicorp shall provide its IT Services to the City in a good, proper, and competent manner, and in keeping with the highest standards of the Information Technology industry. The IT Services and related information contained in attached Exhibit A are included in this Agreement for informational and guideline purposes only. Digicorp shall only provide the IT Services that the City may from time to time request, as stated above, and shall only charge the City those costs and rates expressly stated in this Agreement (excluding Exhibit A rate/cost information).

2. Term of Agreement. Unless sooner terminated under the provisions of Paragraph 7 of this Agreement, this Agreement shall have a term of Three (3) Years, commencing on the date of March 7, 2012, and ending at midnight on the date of March 6, 2015.

3. Compensation Arrangement. The monies due Digicorp under this Agreement, and the payment procedures to be followed by the City for the payment of such monies to Digicorp, are as follows:

- a) \$20,000.00 Every Six Months. The City shall pay to Digicorp the sum of Twenty Thousand Dollars (\$20,000.00) on or before the beginning of each Six (6) Month period of time during the term of this Agreement. The first such payment shall be paid on or before March 7, 2012, and each such subsequent Six (6) Month payment shall be paid on or before that calendar date which is Six (6) Months after the prior payment due date. The City, however, shall have a grace period of Ten (10) extra days in which to make each Six (6) Month payment to Digicorp.

- b) Immediate Use of Funds. Digicorp may immediately use the monies paid to it by the City for its own purposes, and such monies, when paid by the City to Digicorp, shall not be deemed trust funds or escrow funds.
- c) Credit to the City. Upon the payment by the City of each \$20,000.00 Six (6) Month payment to Digicorp as described above, the City shall have a \$20,000.00 credit with Digicorp which the City can then apply toward the cost of the IT Services that Digicorp may thereafter provide to the City under this Agreement.
- d) Unused Credit. In the event the City has an amount of unused accrued credit for a particular Six-Month time period, then that unused credit shall be rolled over to the next Six-Month time period, and the next scheduled \$20,000.00 payment will be reduced by the amount of the rollover unused credit. (Example: If there is an unused credit of \$3,000.00 at the end of a Six-Month time period, the City would roll over that \$3,000.00 credit to the next Six-Month time period, and then only pay Digicorp \$17,000.00, rather than the full \$20,000.00 payment, for the said next Six-Month time period.)
- e) Short-fall of Credit. In the event the IT Services provided to the City by Digicorp have a cost that exceeds the then-existing credit of the City for the Six-Month time period in question, then the City shall pay Digicorp for such extra IT Services on a monthly basis until the City's credit is again reestablished for the next Six-Month time period. The cumulative charges and costs payable by the City to Digicorp for a particular Six-Month time period, however, shall not exceed the payment amount due Digicorp for the said time period (presently

\$20,000.00) unless the City expressly and in writing authorizes Digicorp to provide IT Services in excess of the said Six-Month credit amount.

- f) IT Service Rates. Digicorp shall charge the City the following rates and costs for the IT Services that Digicorp provides to the City under this Agreement.
- 1) One Hundred Dollars (\$100.00) per hour (billed in increments of a quarter of an hour) for IT Services performed during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (“Normal Business Hours”).
 - 2) One Hundred Twenty-five Dollars (\$125.00) per hour (billed in increments of a quarter of an hour) for IT Services performed outside of Normal Business Hours.
 - 3) The hours billed the City shall not include any time the employees of Digicorp spend traveling, and Digicorp shall not charge the City for any travel costs. Additionally, as described in attached Exhibit A, Digicorp shall not charge the City for attending and conducting the monthly Technical Advisory meetings.
 - 4) Digicorp may unilaterally change the hourly rates described above by giving a written notice to the City of such changed rates at least One Hundred Twenty (120) Days prior to the effective date of the changed rates.
- g) Accountings. Digicorp shall provide a written accounting to the City of the then-existing charges and costs payable by the City to Digicorp under this Agreement, and the then-existing amount of the City’s credit toward such charges/costs. Such an accounting shall be provided to the City on or before the end of each month

during the term of this Agreement, and also at such other time(s) as the City may request.

- h) Modification of Payment Amount by City. At the end of the second and fourth Six-Month time periods, the City may modify and change the payment amount due Digicorp for the next Six-Month time periods. When and if the City elects to so modify the said payment amount, the City shall provide to Digicorp a written notice of such changed payment amount prior to the end of the first and/or third Six-Month time periods.

4. Availability of IT Services. Digicorp shall, upon the request of the City, provide its IT Services to the City Twenty-four (24) Hours a day, each day of the year. When so requested by the City, the response time by Digicorp in commencing its IT Services on site in Burlington, Wisconsin shall not be less than One (1) Hour.

5. Purchase of Equipment. Whenever it is necessary for the City to purchase equipment, hardware, software, or other items to keep its IT system in good working order, the City shall be the party responsible for approving and making such purchases.

6. Insurance. During the term of this Agreement, Digicorp shall obtain and keep in force policies of insurance issued by an insurance company licensed to do business in the State of Wisconsin, such policies of insurance to provide the coverage described in attached Exhibit B (such Exhibit B being another excerpt from Digicorp's written proposal described in above Paragraph 1 of this Agreement). The City shall be named as an additional insured on those portions of the insurance coverage that pertain to "commercial general liability" and "umbrella liability". Digicorp shall provide written proof from the insurance company of the existence of

such coverage, with a notice to be given by the insurance company to the City when and if the said insurance coverage lapses or is canceled.

7. Termination of Agreement. Either party may terminate this Agreement during the term of this Agreement under the following circumstances and in the following manner:

- a) Without Cause. By giving a written notice to the other party of the termination of the Agreement, at least Ninety (90) Days prior to the effective date of termination stated in the written notice.
- b) With Cause. If a party is in default under this Agreement, as defined and stated in below Paragraph 8 of this Agreement, then the non-defaulting party may immediately terminate this Agreement by giving written notice of such immediate termination to the defaulting party.
- c) Reconciliation of Credits and Charges. Upon the termination of this Agreement (whether without cause or for cause), the City and Digicorp shall determine (i) the amount of the charges and costs due Digicorp as of the date of termination, and (ii) the credit accrued to the City as of the date of termination. The City shall then pay to Digicorp any final charges or costs due Digicorp and/or Digicorp shall refund to the City any unused amount of credit.
- d) Reconciliation at End of Term. The reconciliation of charges/costs and credits described in above Subparagraph 7(c) shall also occur at the end of the term of this Agreement (if this Agreement is not sooner terminated).

8. Default. If a party fails to make any payment of monies due under this Agreement, or fails to perform any of the terms, covenants, or conditions of this Agreement, such other party may give to the failing party written notice of such failure, and if the failing party does not cure

such failure within Ten (10) Days after the giving of such written notice (or, if such failure, other than the failure to make payment, is of such a nature that it cannot be completely cured within such Ten (10) Days, if the failing party does not commence such curing within such Ten (10) Days and thereafter proceed with reasonable diligence and in good faith to cure such failure), then the failing party shall be in default under this Agreement and the non-defaulting party may terminate this Agreement under the provisions of Paragraph 8 of this Agreement. 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. 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 Agreement, including reimbursement for actual and reasonable attorneys fees.

9. Governing Law. This 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 Agreement shall solely and exclusively be Racine County Circuit Court in Racine County, Wisconsin.

10. Parties Bound. The covenants, terms, conditions, and provisions of this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement, and shall not be assigned by a party hereto to any third party.

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

12. Required Approvals and Effective Date. This Agreement shall become effective and in full force when and if (i) this Agreement is approved by the City of Burlington Common

Council, and (ii) then signed by the City and Digicorp. Notwithstanding the date of such approval and/or signing, however, the effective date of this Agreement shall be deemed to be March 7, 2012.

IN WITNESS WHEREOF, the above-named parties, either personally or through their duly authorized undersigned officers/partners/agents, have executed this Agreement as of the date indicated above.

CITY:
City of Burlington

DIGICORP:
Digicorp, Inc.

By: _____
Robert Miller
Mayor

By: _____
Stefani Seidemann
Operations Manager

Attest: _____
Beverly Gill
City Clerk

DIGICORP

Improving the Productivity of Communication

Information Technology Support Proposal

For

The City of Burlington



Presented By:

Digicorp, Inc
3315 N. 124th Street, Suite E
Brookfield, WI 53005
262-402-6100 Main
262-402-6101 Fax

Stefani Seidemann
Operations Manager
sseidemann@digicorp-inc.com

January 20, 2012

Proposal Valid for 90 Days



SECTION 3

Digicorp Approach to IT Support Engagement for the City of Burlington

The following provides an outline for the proposed level of Support that may be implemented for the City. Our engagement assumes that the City assigns an individual to serve as the primary contact for Digicorp personnel. Digicorp will direct a majority of our communications to and through this contact person. Digicorp's role can be segmented into the following categories:

A. Initial Assessment

The purpose of the initial phase is to review, inventory, and document the Burlington IT environment, address and provide corrective action for any immediate network concerns or needs. This phase is intended to provide a baseline point from which we will establish an on-going support schedule, and stabilize the current environment as needed. This stage, given what we already understand about the current infrastructure, may last from a few days to a few weeks.

The Initial Assessment will incorporate the following elements:

- Meet with Responsible IT Representative to document current network environment
- Review Network Infrastructure, including remote access options
- Prepare Network Documentation including Devices, IP Addresses, Contacts, Network Topology Diagram & Passwords and Log Book
- Meet with Responsible IT Representative to develop long and short term Needs Assessment, provide recommendations on upgrades to network infrastructure as appropriate
- Prepare Budget as needed for Priority Projects from Needs Assessment with Not-to-Exceed Labor costs quantified
- Develop Project Implementation Plan as needed for Approved Priority Projects

B. Scheduled Work

We recommend regular, scheduled on-site support as detailed in the Estimate. Our assumption is that in addition to on-going maintenance support, a portion of hours will also be utilized for Project work. Resources involved in both on-going Maintenance and Project deployment will coordinate efforts to provide The City with a comprehensive level of expertise to address tasks at all levels. The on-site technical resource will serve as user "Help Desk" support, as well as provide needed Maintenance of systems and associated documentation. The functions associated with this stage are (but are not limited to):



- Maintenance of LAN/WAN hardware and software (patches/upgrades, etc.)
- Maintenance and review of system security and antivirus strategies
- New/upgrade system deployment projects
- User support and training
- Creation and maintenance of system documentation
- Serve as a knowledge resource for the organization's Users, hardware and software vendors. Provide support for 3rd Party applications
- Engage in technology planning discussions, development of new strategies for efficiency and growth
- Provide EOS (End of Shift) reporting on a regular basis to key City contacts, as well as internal Digicorp Support Team,

C. On-Demand Response—Service and Project related

We understand the criticality of a high-response approach to The City's network needs. Emergencies can occur when a Digicorp engineer is not on site. In order to meet these demands, we provide 24X7X365 Support through our Central Support Center and off-hours Emergency System. With a local Data Operations Manager and 10 local, certified engineers, we can assure an initial response in less than 30 minutes, with remote or on-site support dispatched as required (1 hour response). In addition, Digicorp stocks approximately \$350,000 of inventory for supporting our customers' immediate equipment needs in emergency situations. Although we cannot guarantee a particular part is always in stock, Digicorp at a minimum can replicate the functionality of the network design and restore functionality to an acceptable level to support the City's needs.

D. Network Monitoring and IT Support Tools

As an optional, but recommended, aspect of our methodology, we will review and recommend ideas for new tools as appropriate. Digicorp has several distinct product sets which we can utilize for Network Monitoring, including Solarwinds network management and reporting software, and a suite of cloud-based solutions, DigiNetVision. These product sets can enhance the IT Support experience by providing tools for detailed network performance monitoring, active bandwidth monitoring and QoS verification, as well as remote site traffic and flow analysis. Deployment of select monitoring tools will provide assistance with visibility (24X7) into the network, problem identification/notification and resolution, as well as analysis to identify and design future projects.

In addition to optional Network Monitoring tools, Digicorp offers options for an IT HelpDesk software program that would provide a "portal" for viewing and monitoring all IT Help-Desk inquiries, open Ticket status, case assignments, and more. IT Help Desk options range from subscription based products, to Freeware solutions, and should the City have interest in utilizing this type of tool, Digicorp can assist with determining best solutions and implementation strategies.



E. Monthly Technical Advisory Review

Digicorp's service includes a monthly meeting (with selected City Leaders and Digicorp Management) to review performance for the past 30 days, set objectives for the next 30 days, evaluate individual staff performance, and gain feedback from the Burlington team. This practice promotes quality support, ensures compliance with client needs and industry best practices, and maintains a collaborative relationship between The City of Burlington and Digicorp, Inc. Additional benefits include assistance with capital budgeting, decision support, technology investment analysis, vendor relationship management and tactical/strategic IT planning This is a service that is greatly valued by the organizations with whom we work, and there is no charge for this service.



SECTION Estimate of Hours**IT Support Plan Labor Hours Estimate: 400 Hours Annual Engineering Labor (Total Block Contract)**

An Annual Block of (400) Labor hours is recommended. The anticipated breakout of hours per type of work is provided below. Until the Phase 1 Assessment is complete, it is difficult to predict exact requirements for Administration versus On Demand/Project work. Our approach of flat rate hourly block hours will accommodate the flexibility that may be needed during this engagement, and will provide a simplified approach for the City to manage costs.

Initial Assessment: 48 Hours (One Time)

- Meet with Responsible City Representative(s) and or/third-party Vendors as needed to document current network environment
- Review Network Infrastructure, identify any areas of concern requiring immediate attention
- Prepare detailed, user-friendly Network Documentation including inventory of all Devices, IP Addresses, Contacts, Network Topology Diagram & Software Levels and Passwords
- Meet with City to develop long and short term Needs Assessments based on initial Network review
- Assist City with Budget preparation for Priority Projects from Needs Assessment with Not-to-Exceed Labor costs quantified
- Develop Project Implementation Plan for Approved Priority Projects

Scheduled Work: Network Administration 208 Hours (Annual Estimate)

- Network Administrator/Help Desk Support—Network Maintenance, routine updates, User Support
- 4 On-site Scheduled Hours Per Week (or 8 Hours bi-weekly)
- At the end of Annual Term, any unused hours will be carried forward or applied to Priority Projects
- Hours will be logged and End- Of- Shift Report will be provided with detailed description of work in 30 minute increments.

On Demand/Project Work: 144 Hours (Annual Estimate)

- Digicorp recognizes not all network support can be planned or scheduled. On Demand/Emergency Support will be provided as described under this agreement on an as-needed basis.
- On-Demand hours may cover Project Work not covered under standard Maintenance/Administration scope, or be applied to non-scheduled/Service related tasks



Scheduled Work: Special Projects: Hours to be Determined

- Digicorp will provide Engineering resources as needed for any new technology deployments, Major system upgrades (Domain upgrades for example) and any other work that falls outside of the Maintenance and On-Demand scope. Digicorp to provide Not-to-Exceed Labor for implementation of City approved Priority Projects at an Hourly Labor Rate of \$ 100.00 per hour (Standard Business Hours).

SECTION 5**Pricing Proposal/Not to Exceed Support Hours**

Based on the proposed Engineering Labor Block of (400) hours, the proposed costs are as follows:

(400) Remote/On-Site Engineering Labor hours X \$100.00 = \$ 40,000.00 Annual Cost

Anticipated 36 Month Project Pricing = \$120,000.00

Hours are based on portal to portal logged time, cover Maintenance/Support work 24X7, and will be tracked in quarter hour increments. Special Projects/New Technology deployment hours will be billed separately under same per hour rate of \$100 per hour, M-F, 8:00-5:00. Special Project labor outside of Normal Business Hours will be billed at rate of \$125 per hour.

Should any factors dictate changes to proposed Hour Blocks and/or Hourly Rates, Digicorp will review within the scope of the Monthly Technical Advisory Review. No changes to proposed blocks or rate would occur without a minimum notice of 90 days.





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 Number: 7	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4534(59) to consider a Memorandum of Understanding (MOU) with Racine County.

Details:

The City of Burlington and Racine County have been in discussions regarding the sharing of services between the two entities. The proposed Memorandum of Understanding would establish a system where the City would begin taking tax payments, issuing death and birth certificates, and issuing marriage licenses. In exchange, the County would provide a Human Resources analyst to the City for eight hours per week. They would also provide additional clerical support to collect taxes during the month of July.

The agreement would build a partnership with the County and reduce duplicate services that are offered. It would also maintain County services in the City.

The agreement is open to modification from both parties after reviewing the service levels and determining where changes need to be made. Reviewing the hours required, we believe that current city staff can handle the additional workload without adding more personnel.

The Racine County board has reviewed and approved the MOU.

Options & Alternatives:

The Council may choose to deny the MOU. This would maintain the current services the City offers. It would, however, reduce services currently offered by the County.

Financial Remarks:

Human Resource and staffing assistance will be provided by Racine County in exchange for services provided by the City. There is no direct cost to the City. We add additional expertise in personnel issues with no additional costs.

Executive Action:

This item is for discussion at the March 6, 2012 Committee of the Whole meeting and due to the timeliness it is scheduled for the Common Council meeting the same night for consideration.

Resolution No.
Introduced by the Committee of the Whole

**A RESOLUTION TO ADOPT A MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF BURLINGTON AND RACINE COUNTY**

WHEREAS, the City of Burlington and Racine County wish to enter into an agreement to provide County counter services under the authority of the County Clerk, County Treasurer and Register of Deeds at City Hall; and,

WHEREAS, said agreement ensures continuation of high quality services while avoiding unnecessary costs; and,

WHEREAS, Racine County seeks provide limited Human Resource and staffing assistance in exchange for this as outlined in the attached *Memorandum of Understanding*.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, Racine County, State of Wisconsin hereby adopts the attached *Memorandum of Understanding* between the City of Burlington and Racine County.

NOW, THEREFORE, BE IT FUTHER RESOLVED that the Mayor is hereby authorized to execute this Memorandum of Understanding on behalf of the City.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**MEMORANDUM OF UNDERSTANDING CONCERNING
COLLABORATION AND RECIPROCAL ASSISTANCE
IN PROVISION OF SERVICES**

Pursuant to Section 66.0301 of the Wisconsin Statutes, this Memorandum of Understanding (MOU) is entered into by and between the County of Racine, Wisconsin (hereinafter referred to as **COUNTY**), a quasi-municipal corporation with its principal office located at 730 Wisconsin Avenue, Racine, Wisconsin 53403, and the City of Burlington, Wisconsin (hereinafter referred to as **CITY**), a municipal corporation with its principal office located at 300 North Pine Street, Burlington, Wisconsin 53105, for the purpose of collaboration and partnership in cost-effective delivery of services to their citizens.

Whereas, **COUNTY** has traditionally provided counter service to its citizens, at the Western Racine County Service Center in **CITY**, for certain matters under the authority of the County Clerk, County Treasurer, and County Register of Deeds; and

Whereas, for budgetary reasons, **COUNTY** can no longer employ the staff necessary to provide such counter service at the Western Racine County Service Center, but desires that its citizens continue to have access to such services in **CITY**; and

Whereas, **CITY** has no human resources professionals on its staff, but desires to have the benefit of professional human resources services on a part-time basis; and

Whereas, **COUNTY** and **CITY** are able to assist each other with respect to these matters, thereby ensuring continuation of high quality services to their citizens while avoiding duplication of effort and unnecessary cost; and

Whereas, to that end, **COUNTY** and **CITY** hereby establish the terms and conditions under which each will make available to the other, at no cost, one or more of its employees to provide, consistent with the employees' primary responsibilities to the respective party, services as described herein.

Now therefore, it is agreed by and between **COUNTY** and **CITY** that:

1. **COUNTY** will make available to **CITY**, at no cost, one or more professionals from its Human Resources Department to provide Human Resources services on behalf of **CITY** under the following terms and conditions:
 - a. Services shall normally be provided to **CITY** on its premises on a part-time basis during normal working hours on such day or days as are mutually acceptable to **COUNTY** and **CITY**. It is anticipated that such services will average eight (8) hours per week, but this estimate is subject to review and adjustment by the parties as conditions may require.
 - b. **CITY** shall provide such **COUNTY** Human Resources professional(s) adequate space and facilities, as well as all administrative support, necessary for proper provision of services. Such administrative support shall include, in addition to clerical support, supplies, and equipment, assistance in familiarization with **CITY** bargaining agreements, policies, and procedures.

- c. Except for compensation of the assigned **COUNTY** Human Resources professional(s), **CITY** shall bear all costs associated with the services provided.
 - d. **COUNTY** and **CITY** recognize the desirability of continuity of staffing, but **CITY** understands that this agreement does not guarantee services by any particular **COUNTY** Human Resources professional(s).
 - e. **COUNTY** Human Resources professionals providing services under the provisions of this MOU shall not be deemed to be **CITY** employees or, except to the extent required for carrying out their Human Resources functions, agents of **CITY**.
 - f. Notwithstanding the foregoing, **CITY** shall hold **COUNTY** harmless for any injuries, losses, damages, costs or expenses allegedly arising from the performance by **COUNTY** Human Resources professionals of Human Resources functions under the provisions of this MOU.
2. **CITY** will make available to **COUNTY**, at no cost, members of **CITY** staff to provide counter service, at City Hall, on behalf of the County Clerk, County Treasurer, and County Register of Deeds, under the following terms and conditions:
- a. Except when infeasible due to adverse weather or other factors beyond the control of **CITY**, services shall be provided by **CITY** staff during normal working hours on normal **CITY** working days. Services shall be provided on a walk-in basis.
 - b. It is anticipated that the total time devoted by **CITY** staff to providing such services will average less than eight (8) hours per week. During periods in which service demands are expected to peak (e.g., the period immediately preceding the deadline for second property tax installments), **COUNTY** shall assign staff to the Burlington City Hall to assist with the increased workload.
 - c. At no cost to **CITY**, **COUNTY** shall provide internet access from **CITY** computers to **COUNTY** information systems as required for providing the services described herein; such access shall include access to systems for recording and accounting for receipts of funds. **CITY** agrees that it shall limit such access to **CITY** staff members who require it in order to provide the services described herein.
 - d. **COUNTY** shall supply **CITY**, at no cost, specialized materials and supplies required for providing the services described herein; such materials and supplies shall include, but not be limited to, application forms, special paper for vital records certificates, and stamps or seals.
 - e. **COUNTY** shall provide, through the respective elected officials—County Clerk, County Treasurer, and County Register of Deeds—or their representatives, initial and refresher training of all **CITY** staff members that will be responsible for providing the services described herein. **COUNTY** shall also provide, through the respective elected officials or their representatives, telephonic or email advice and assistance, as needed in individual situations.

- f. Counter services to be provided for the offices of the respective **COUNTY** elected officials shall be as follows:
 - i. County Clerk: accept applications and fees for, and issue, marriage licenses.
 - ii. County Treasurer: accept second installments of property taxes and payments on delinquent property taxes.
 - iii. County Register of Deeds: accept real estate documents for recordation and fees therefor; accept and process applications and fees for birth certificates and issue birth certificates; accept and process applications and fees for death certificates and issue death certificates; and accept and process applications and fees for marriage certificates and issue marriage certificates.
 - iv. As part of the foregoing services, **CITY** staff shall appropriately account for, handle, and safeguard tax payments, fees, and other funds received, and shall turn over such funds to **COUNTY** from time to time on such schedule as shall be agreed between **COUNTY** and **CITY**. **COUNTY** shall implement such schedule through regular visits by a member of its staff to the Burlington City Hall.
 - g. Except for compensation of the assigned **CITY** staff, **COUNTY** shall bear all costs associated with the services provided.
 - h. **COUNTY** and **CITY** recognize the desirability of continuity of staffing. **COUNTY** understands that this agreement does not guarantee services by any particular **CITY** staff member(s), except that, where statutory requirements apply, certain services may only be provided by qualified **CITY** staff members (e.g., marriage licenses may only be issued by **CITY** staff members who are notaries public and are sworn as Deputy County Clerks, tax payments may only be accepted by **CITY** staff members who are sworn as Deputy County Treasurers).
 - i. **CITY** staff members providing services under the provisions of this MOU shall not be deemed to be **COUNTY** employees or, except to the extent required for carrying out their functions on behalf of the respective **COUNTY** elected officials, agents of **COUNTY**.
 - j. Notwithstanding the foregoing, **COUNTY** shall hold **CITY** harmless for any injuries, losses, damages, costs or expenses allegedly arising from the performance, under the provisions of this MOU, by **CITY** staff members of functions on behalf of the respective **COUNTY** elected officials, except that **COUNTY** shall not hold **CITY** harmless for any intentional misconduct by **CITY** staff members. **CITY** agrees to include **COUNTY** as an additional insured on its insurance coverage for intentional misconduct by its employees.
3. This Memorandum of Understanding shall remain in force indefinitely. However, it may be terminated at any time upon notice of either party, and it may be amended at any time upon the agreement of both parties. Notice of intent to terminate or to amend shall be sent to the following officials:

RACINE COUNTY:

Wendy Christensen County Clerk
730 Wisconsin Avenue Racine, WI 53403

CITY OF BURLINGTON :

Kevin Lahner City Administrator
300 N. Pine St. Burlington, WI 53105

Done this _____ day of _____, 2012.

FOR RACINE COUNTY:

FOR CITY OF BURLINGTON:

Signature

Signature

Name/Title

Name/Title

Signature

Signature

Name/Title

Name/Title

February 14, 2012

RESOLUTION NO. 2011-

**RESOLUTION BY THE FINANCE AND HUMAN RESOURCES COMMITTEE
AUTHORIZING RACINE COUNTY TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING WITH THE CITY OF BURLINGTON CONCERNING
COLLABORATION AND RECIPROCAL PROVISION OF SERVICES**

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED by the Racine County Board of Supervisors that Racine County is hereby authorized to enter into a Memorandum of Understanding with the City of Burlington, as set forth in Exhibit "A" that is attached hereto and incorporated herein, under which Racine County will provide Human Resources services for the City of Burlington and, in turn, the City of Burlington will provide counter services at its City Hall, on behalf of the Racine County Clerk, Racine County Treasurer, and Racine County Register of Deeds.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that said Memorandum of Understanding shall incorporate such terms and conditions as the Corporation Counsel and the Finance Director deem necessary and appropriate.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that any two of the County Clerk, the County Executive and/or the County Board Chairman are authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading _____

**FINANCE AND HUMAN RESOURCES
COMMITTEE**

2nd Reading _____

BOARD ACTION

Robert N. Miller, Chairman

Adopted _____

For _____

Against _____

Absent _____

Mark M. Gleason, Vice-Chairman

VOTE REQUIRED: Majority

Thomas Pringle, Secretary

Prepared by:
Corporation Counsel

Robert D. Grove

Q. A. Shakoor, II

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John A. Wisch

Pamela Zenner-Richards

10 The foregoing legislation adopted by the County Board of Supervisors of
11 Racine County, Wisconsin, is hereby:

12 Approved: _____
13 Vetoed: _____ Date: _____,
14

15
16
17 _____
James A. Ladwig, County Executive

18 **INFORMATION ONLY**

19
20
21 **WHEREAS**, Racine County has traditionally provided counter service to its citizens,
22 at the Western Racine County Service Center in the City of Burlington, for certain matters
23 under the authority of the County Clerk, County Treasurer, and County Register of Deeds;
24 and

25 **WHEREAS**, for budgetary reasons, Racine County can no longer employ the staff
26 necessary to provide such counter service at the Western Racine County Service Center,
27 but desires that its citizens continue to have access to those services in Burlington; and

28 **WHEREAS**, Burlington has no human resources professionals on its staff, but
29 desires to have the benefit of professional human resources services on a part-time basis;
30 and

31 **WHEREAS**, Racine County and Burlington are able to assist each other with
32 respect to these matters, thereby ensuring continuation of high quality services to their
33 citizens while avoiding duplication of effort and unnecessary cost.



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: 14A	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1942(19) to create Chapter 119, "Floodplain" in the Municipal Code.

Details:

A Letter of Final Determination notifying the City that the new Flood Insurance Rate Maps have been approved was sent to the City on November 22, 2011. The City was notified at that time that their floodplain ordinance can now be updated to include the new maps. The City was also notified that the current floodplain ordinance is a nonstandard format.

The current format took the information from the Wisconsin Department of Natural Resources 'Model Floodplain Ordinance' and merged it into the existing zoning ordinance (Chapter 315) – this was acceptable at the time.

FEMA and the DNR require a separate floodplain ordinance and require the ordinance be updated to comply with the January 2012 'Model Ordinance'. The new ordinance is required to be approved prior to May 2, 2012 for the City to remain in the National Flood Insurance Program.

The new Chapter 119 is the new 'stand alone' Floodplain Ordinance for the City. It has been reviewed by the DNR and given preliminary approval. Upon completion of Plan Commission approval, Public Hearing and Common Council approval, this ordinance will be sent to the DNR and FEMA for their review and approval.

Options & Alternatives:

It is required by the DNR and FEMA that the City amend the floodplain provisions within the Municipal Code. Creating Chapter 119 streamlines the code and will ease any future amendments that may be required.

Financial Remarks:

N/A

Executive Action:

This item was discussed at the February 21, 2012 Committee of the Whole meeting and is placed on the March 6, 2012 Common Council meeting for consideration.

AN ORDINANCE CREATING CHAPTER 119, "FLOODPLAIN" OF THE CODE OF
THE CITY OF BURLINGTON

WHEREAS, the City of Burlington seeks to update the provisions of the Floodplain Code of the City of Burlington to reflect regulatory changes in the Wisconsin Department of Natural Resources (WDNR) and Federal Emergency Management Agency (FEMA) National and State Codes; and,

WHEREAS, the Common Council has determined that these changes are necessary in order to protect the health, safety, welfare and convenience of the public:

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington as follows:

Part I. Chapter 119 of the Code of Burlington, Racine and Walworth Counties, Wisconsin, entitled "Floodplain," is hereby created, attached hereto and made a part hereof as though fully set forth herein, is hereby recreated and adopted.

Part II. Plan Commission Recommendation. The Plan Commission recommended to the Common Council the adoption of this proposed amendment to Chapter 315 "Zoning" of the City of Burlington Municipal Code at its meeting held on February 14, 2012.

Part III. Public Hearing. The Common Council of the City of Burlington held a public hearing on this proposed creation Chapter 119 "Floodplain" of the City of Burlington Municipal Code on March 6, 2012.

Part IV. Common Council Approval. The Common Council of the City of Burlington concurred with the recommendations of the Plan Commission and proceeded to adopt this proposed creation of Chapter 119 "Floodplain" of the City of Burlington Municipal Code at its meeting held on March 6, 2012.

Part V. 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 VI. 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 6th day of March, 2012.

Introduced: February 21, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

Administration Department
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Common Council Item Number: 14B	Date: March 6, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1943(20) to amend Chapter 315 in the Municipal Code to align with State and FEMA mandated floodplain provisions.

Details:

A Letter of Final Determination notifying the City that the new Flood Insurance Rate Maps have been approved was sent to the City on November 22, 2011. The City was notified at that time that their floodplain ordinance can now be updated to include the new maps. The City was also notified that the current floodplain ordinance is a nonstandard format.

FEMA and the DNR require a separate floodplain ordinance and require the ordinance be updated to comply with the January 2012 'Model Ordinance'. The new ordinance is required to be approved prior to May 2, 2012 for the City to remain in the National Flood Insurance Program.

With the creation of Chapter 119 many sections of Chapter 315 needed to be amended to remove reference to floodplain provisions and eliminate duplications within the Code.

Options & Alternatives:

Council may chose to keep Chapter 315 as is however there will be many duplications which may cause confusion to those using the Code.

Financial Remarks:

N/A

Executive Action:

This item was discussed at the February 21, 2012 Committee of the Whole meeting and is placed on the March 6, 2012 Common Council meeting for consideration.

**AN ORDINANCE TO AMEND THE SECTIONS OF THE CHAPTER 315, "ZONING" OF THE
CODE OF THE CITY OF BURLINGTON TO REPEAL THE STATE AND FEMA MANDATED
FLOODPLAIN PROVISIONS**

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

Part I. Chapter 315 of the Municipal Code of the City of Burlington, Racine County, Wisconsin, Zoning, Multiple Sections as specifically listed below, are hereby amended, created or repealed as follows:

315-3. Is repealed and recreated as follows:

315-1 Purpose. The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the City of Burlington, Wisconsin.

315-4.I. Is hereby repealed.

315-7.B. Is hereby repealed.

315-11.F. Is repealed and recreated as follows:

315-11.F. No river or stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of Chapter 119.

315-12.1.B(3) Is repealed and recreated as follows:

315-12.1 B(3) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance requirements - Chapter 119.

315-12.2. Is hereby repealed.

315-13.D. Is amended as follows

315-13.D Boundaries of the FW Floodway District, the GFP General Floodplain District and the FFO Floodfringe Overlay District shall be determined as set forth in Chapter 119-1.5.

315-13.G. Is repealed and recreated as follows:

315-13.G. Annexations or consolidations with the City subsequent to the effective date of this chapter shall be placed in the A-1 Agricultural/Holding District, unless the annexation ordinance temporarily or permanently places the land in another district. When annexed land is temporarily zoned, the City Plan Commission shall evaluate and recommend a permanent classification to the Common Council within one year of the annexation. Annexations or consolidations containing floodlands and shorelands shall be placed in an appropriate district, including overlay districts where applicable, and the use of the land shall further meet the floodland and/or shoreland restrictions contained in this chapter and Chapter 119.

315-38. Is repealed and recreated as follows.

315-38. FW Floodway District. Development in the FW shall adhere to Chapter 119-3.0.

315-39. Is repealed and recreated as follows.

315-39. GFP General Floodplain District. Development in the GFP shall adhere to Chapter 119-5.0.

315-40. Is repealed and recreated as follows.

315-40. FFO Flood Fringe Overlay District. Development in the FFO shall adhere to Chapter 119-4.0.



Administration Department

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Committee of the Whole Item Number: 13	Date: March 6, 2012
Submitted By: Patrick Scherrer, Building Inspector	Subject: Motion 12-735 to approve a Certificate of Appropriateness Application and Sign Permit in the HPC Overlay District for 100 E. Chestnut (Oldenburg Insurance).

Details:

The Historic Preservation Commission (HPC) recommends approval of the Certificate of Appropriateness Applications and Sign Permit for the project located at 100 E. Chestnut Street.

The proposed project consists of:

- Awning (canopy) signage with white lettering on the two existing maroon awnings stating, "Oldenburg Insurance".

These Certificate of Appropriateness and Sign Permit Applications were reviewed and approved at the February 23, 2012 HPC meeting.

Options & Alternatives:

The alternative would be to not approve this request and request a different proposal.

Financial Remarks:

The approved items will be paid 100% by the business owner/building owner.

Executive Action:

This item is for discussion at the March 6, 2012 Committee of the Whole meeting and per common practice it is scheduled for the Common Council meeting for consideration the same night.



30 12:27PM