



AGENDA
COMMON COUNCIL
Wednesday, April 4, 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 March 20, 2012. (*P. Hintz*)
6. Letters and Communications:
 - A. Arbor Day Proclamation and invitation to the April 27, 2012 ceremony. (*T. Vos*)
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-4: (*S. Rauch*)
 - Report 1 – Burlington Housing Authority minutes, January 5, 2012
 - Report 2 – Airport Committee minutes, February 23, 2012
 - Report 3 – Historic Preservation Commission minutes, February 23, 2012
 - Report 4 – Committee of the Whole minutes, March 20, 2012
 - Report 5 – 2011 Annual Police Department Report
9. Payment of Vouchers. (*K. Simenson*)
10. Licenses and Permits. (*J. Fischer*)
11. Appointments and Nominations: None.
12. Public Hearings: None.

13. **RESOLUTIONS:**

- A. Resolution 4540(65) to consider authorizing an Agreement with Ehlers Investment Partners for investment advisor services. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*R. Prailes*)
- B. Resolution 4542(67) to consider approving the award of the 2012 City Improvements Project to R. R. Walton & Co., LTD for the amount of \$106,504.75. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*E. Johnson*)
- C. Resolution 4543(68) to consider approving a Change Order Number Two with Scherrer Construction Company, Inc. for the Radium Removal Project with Wells 9 and 10 in the amount of \$29,597.26. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*J. Prailes*)
- D. Resolution 4544(69) to consider approving Amendment Number Three to the Planned Unit Development (PUD) Agreement for Falcon Ridge Condominiums to extend the deadline to install the second lift of asphalt. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*P. Hintz*)
- E. Resolution 4545(70) to consider approving a two-year contract with Municipal Services, LLC to provide part-time build inspections services. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*T. Vos*)
- F. Resolution 4546(71) to consider approving Amendment Number Five to the Planned Unit Development (PUD) Agreement for Lynch Ventures, LLC for site and sign modifications to Taco Bell. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*S. Rauch*)
- G. Resolution 4547(72) to consider the initial resolution authorizing General Obligation Bonds in an amount not to exceed \$3,190,000 for street improvement projects. This item was discussed at tonight's Committee of the Whole meeting. (*K. Simenson*)
- H. Resolution 4548(73) to consider directing publication of the Notice to Electors for General Obligation Street Improvement Bonds. This item was discussed at tonight's Committee of the Whole meeting. (*J. Fischer*)
- I. Resolution 4549(74) to consider providing for the sale of \$3,190,000 General Obligation Street Improvement Bonds. This item was discussed at tonight's Committee of the Whole meeting. (*R. Prailes*)

14. **ORDINANCES:**

- A. Ordinance 1945(22) to consider repealing Section 187-15 and 187-16 from the Municipal Code and recreating Section 187-15. This item was discussed at the March 20, 2012 Committee of the Whole meeting. (*E. Johnson*)
- B. Ordinance 1946(23) to consider amending the Official Traffic Map by creating No Parking Zones in the Burlington Industrial Park. This item was discussed at tonight's Committee of the Whole meeting. (*J. Prailes*)

15. **MOTIONS:**

- A. Motion 12-737 to consider an Airport Hangar Lease with Robert Dillman at 1516 Mike Taxiway for a term of 29 years at \$285 per year. This item was discussed at tonight's Committee of the Whole meeting. (*T. Vos*)

- B. Motion 12-738 to consider approving a Certificate of Appropriateness Application in the HPC Overlay District for 166 E. Jefferson Street. This item was discussed at tonight's Committee of the Whole meeting. (*S. Rauch*)

- C. Motion 12-739 to consider approving a Certificate of Appropriateness Application and Sign Application in the HPC Overlay District for 492 N. Pine Street. This item was discussed at tonight's Committee of the Whole meeting. (*K. Simenson*)

16. **ADJOURN INTO CLOSED SESSION** (*J. Fischer*)

1. Wis. Stats 19.85(1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons requiring a closed session.
 - Consideration to purchase property.
 - Consideration on sale of property.

17. **RECONVENE INTO OPEN SESSION** (*R. Prailes*)

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (*E. Johnson*)

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.



CITY OF BURLINGTON

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

Common Council Agenda Item Number: 5	Date: April 4, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from March 20, 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 April 4, 2012 Common Council meeting.



CITY OF BURLINGTON

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**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
March 20, 2012**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch and Katie Simenson. Excused: Ed Johnson and Jeff Fischer.

Student Representatives Present: Dale Morrow and Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Public Works Supervisor Dan Jensen, Library Director Gayle Falk and City Engineer Tom Foht.

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 MARCH 6, 2012

A motion was made by Rauch with a second by Hintz to approve the Common Council minutes of March 6, 2012. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Simenson with a second by Hintz to approve the Correspondence A regarding Alderman Johnson's absence from this evenings meetings. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Connie Wilson informed the Council that both of the radium removal systems are up and running with readings well below the minimum compliance levels.

8. REPORTS 1-3

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

9. PAYMENT OF VOUCHERS

A motion was made by Bob Prailes with a second by Hintz to approve vouchers, pre-paid and reimbursements in the amount of \$409,280.55. Roll Call Aye: Bob Prailes, Jim Prailes, Hintz, Vos, Rauch, Simenson Nay: None Motion carried 6-0.

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None.

12. PUBLIC HEARINGS

"A PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING CITY OF BURLINGTON'S INTENTION TO EXERCISE ITS POLICE POWER IN ACCORDANCE WITH §66.0703, WIS. STATS., AND §274-3 OF THE CODE OF THE CITY OF BURLINGTON TO LEVY SPECIAL ASSESSMENTS UPON PROPERTY AS DESCRIBED IN RESOLUTION 4535(60) FOR RECONSTRUCTION OF VARIOUS SIDEWALKS"

Mayor Miller opened the meeting at 8:38 p.m. There were no comments. A motion was made by Hintz with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 8:39 p.m.

13. RESOLUTIONS

A. RESOLUTION 4532(57) "A RESOLUTION TO CONSIDER AUTHORIZING THE EXTENSION OF DEADLINES FOR INSTALLING STREET TREES AND PUBLIC SIDEWALKS AT THE GLEN AT STONEGATE SUBDIVISION, ADDITION ONE"

A request for a second reading and a motion to approve was made by Vos with a second by Rauch. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

B. RESOLUTION 4533(58) "A RESOLUTION TO CONSIDER AUTHORIZING THE EXTENSION OF DEADLINES FOR INSTALLING FINAL LIFT OF ASPHALT AND WATER MAIN LOOP AT THE GLEN AT STONEGATE SUBDIVISION, ADDITION ONE"

A request for a second reading and a motion to approve was made by Rauch with a second by Hintz. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

Simenson questioned if M&I Bank can request to extend this deadline later if needed. Administrator Lahner stated they could.

C. RESOLUTION 4535(60) "A RESOLUTION TO CONSIDER DECLARING 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 Simenson with a second by Hintz. Roll Call: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

D. RESOLUTION 4536(61) "A RESOLUTION TO CONSIDER THE PURCHASE OF A PICK UP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS FROM EWALD AUTOMOTIVE GROUP IN THE AMOUNT OF \$18,729"

A request for a second reading and a motion to approve was made by Hintz with a second by Simenson. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

E. RESOLUTION 4537(62) "A RESOLUTION TO CONSIDER THE PURCHASE OF AN AERIAL TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS FROM DUECO, INC. IN THE AMOUNT OF \$199,585"

A request for a second reading and a motion to approve was made by Bob Prailes with a second by Vos. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

G. RESOLUTION 4538(63) "A RESOLUTION TO CONSIDER THE PURCHASE OF TWO ZERO-TURN RADIUS LAWN MOWERS WITH POLAR TRAC UNITS FOR THE DEPARTMENT OF PUBLIC WORKS FROM REINDERS IN THE AMOUNT OF \$81,783.63"

A request for a second reading and a motion to approve was made by Jim Prailes with a second by Bob Prailes. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

H. RESOLUTION 4541(66) "A RESOLUTION TO APPROVE A LETTER OF AGREEMENT FOR THREE YEARS WITH ACCURATE APPRAISAL FOR ASSESSMENT SERVICES IN THE AMOUNT OF \$13,500 PER YEAR"

A request for a second reading and a motion to approve was made by Vos with a second by Simenson. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson; Nay: None; Motion carried 6-0.

Vos questioned when this contract would begin. Lahner responded an exact date hasn't been determined yet.

Vos questioned why the cost is so low. Lahner responded that Accurate Appraisal had a very competitive bid with pricing and service options. Lahner further stated that the cost of a reassessment is not calculated in this amount, which would come to Council at a later date for proposed options from Accurate Appraisal.

14. ORDINANCES

None.

15. MOTIONS

A. MOTION 12-736 "A MOTION TO APPROVE THE BOOKING AND PAYMENT OF \$10,000 TO BARTOLOTTA FIREWORKS COMPANY, INC. FOR THE FIREWORKS DISPLAY ON JULY 4, 2012"

A motion to approve was made by Rauch with a second by Hintz. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos; Nay: Rauch, Simenson; Motion carried 4-2.

16. ADJOURN

A motion was made by Bob Prailes with a second by Jim Prailes to adjourn the meeting. With all in favor the meeting adjourned at 8:50 p.m.



Recording Secretary
Megan E. Johnson
Assistant to the Administrator



CITY OF BURLINGTON

Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 6A	Date: April 4, 2012
Submitted By: Dan Jensen, DPW Supervisor	Subject: Arbor Day Proclamation.

Details:

Attached is a copy of the proclamation requested to be read at the planting of trees at Riverside Park on April 27, 2012, in celebration of Arbor Day. All over the world, people are planting trees in their yards and in their communities, caring for them and learning about their value. The idea of Arbor Day, started with Julius Sterling Morton after he moved to Nebraska City, in the Nebraska Territory in 1854. Mr. Morton missed the trees he loved in Michigan and as the editor of Nebraska's first newspaper, he promoted tree planting and in 1872 submitted to the Nebraska State Board of Agriculture a resolution to "to set aside one day to plant trees, both forest and fruit." With their acceptance of Mr. Morton's resolution, the first Arbor Day was born. Now Arbor Day is celebrated in all 50 states and around the world. In Wisconsin, Arbor Day is celebrated on the last Friday in April.

The City of Burlington will renew its Tree City Status with our application for 2013. Being a Tree City USA member is also important as the city applies for a \$25,000 Wisconsin Urban Forestry Grant Program to start a tree inventory in August of this year.

Options & Alternatives:

N/A

Financial Remarks:

There is not a financial impact of this celebration.

Executive Action:

This item is for discussion at the April 4, 2012 Council Meeting.



City of Burlington



Proclamation by The Mayor of the City of Burlington

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

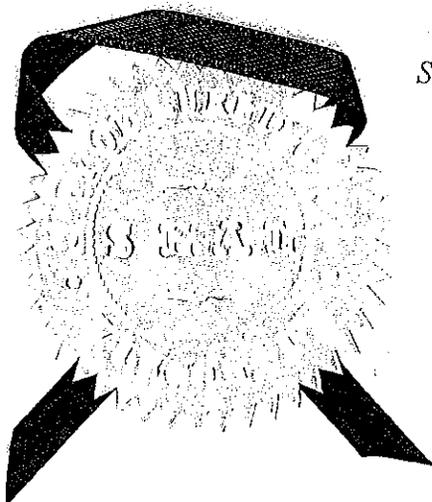
WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, I, Robert Miller, Mayor of the City of Burlington, hereby proclaim April 27, 2012 as ARBOR DAY in the City of Burlington, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

I further call upon all citizens of the City of Burlington to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Burlington to be affixed this 29th day of March 2012



Robert Miller
Robert Miller, Mayor



CITY OF BURLINGTON

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

Common Council Agenda Item Number: 8	Date: April 4, 2012
Submitted By: City Staff	Subject: Reports 1-5

Details:

Attached please find the following reports:

- Report 1 – Burlington Housing Authority minutes, January 5, 2012
- Report 2 – Airport Committee minutes, February 23, 2012
- Report 3 – Historic Preservation Commission minutes, February 23, 2012
- Report 4 – Committee of the Whole minutes, March 20, 2012
- Report 5 – 2011 Annual Police Department Report

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the April 4, 2012 Common Council meeting.

**City of Burlington Housing Authority
Riverview Manor**

January 5, 2012

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, January 5th, 2012, 6:30 P.M. at Riverview Manor. The meeting was called to order by Chairman Lapp.

COMMISSIONERS PRESENT: Chairman Lapp, Vice-Chairman Stublely, Secretary Heck, Commissioners Stoehr and Iselin, also present was Resident Manager, Dorothy Henning.

Minutes from the November 17th 2011 meeting was dispersed to board members and a motion was made by Stoehr, seconded by Iselin to approve the minutes as read, carried unanimously. The December meeting of 2011 was cancelled.

FINANCIAL REPORT:

**Reserve Account balances as of November and December 31, 2011
(See attached statement balance sheet)**

OCCUPANCY REPORT:

Manager Henning reported 1 vacancy with 10 on the waiting list for 1 bedroom units and 3 for 2 bedroom units.

BUILDING AND MAINTENANCE:

The board members discussed the need for new chairs in the Community Room and a motion was made by Heck, seconded by Stoehr to purchase 40 new chairs for the Community Room and if the price showed a significant savings by ordering 75, proceed with the larger amount. Motion carried.

Bids to be sought for stump grinding of the tree recently removed by the City.

COMMUNICATION

Patrick Romenesko, CPA was present to review and discuss the annual audit with board members recently performed for Riverview Manor. He or one of his staff members will return midpoint of the fiscal year to review input information for next audit.

Copies of the monthly bills and operating statements were dispersed and reviewed by board members

NEW BUSINESS: .

Sick days for resident manager was discussed and no action taken. Chairman Lapp will check with City of Burlington regarding city employee policy as well as Mr. Romenesko regarding set up on the books if required

UNFINISHED BUSINESS

ADJOURNMENT:

There being no further business, motion to adjourn was made by Stublely, seconded by Stoehr and carried unanimously. Meeting adjourned 7:50 P.M. The next monthly meeting for January, 2012 is tentatively scheduled for February 29,2012.



Ralph Heck, Secretary

Minutes

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

Date: February 23, 2012

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

Present:

Gary Meisner
Alderman Jim Prailes
David Uhen
Jerry DeLay
John Hotvedt

Excused:

Kevin Remer
Arlene Runkel

Motion was made by Hotvedt, seconded by Meisner, to approve the January 26, 2012 minutes as written. Motion carried.

There were no open floor comments.

Two new leases were approved: Bob Dillman at 1516 Mike Taxiway and 1532 Mike Taxiway to Paul Senft. Motion to approve was by made by Meisner, seconded by Hotvedt. Motion carried.

Airport Manager's Report:

Grass runway will be rolled in the spring.

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 March 22, 2012 at 6:00 p.m.

Respectfully submitted by:


Jerry DeLay
Committee Chairman



**HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
THURSDAY, FEBRUARY 23, 2012**

Call to Order

The meeting was called to order by Chairman Stelling at 6:36 p.m.

Roll Call

Present: Chairman Tom Stelling, Commissioners Jeff Erickson, Peter Hintz, Maria Veronico-Ventura. Commissioners Judy Stone, Joel Weis and John Lynch were excused. Student Representatives Katie Hart and Serena Wanasek were not present. Building Inspector/Zoning Administrator Patrick Scherrer and Stephanie Schulte of Racine County Economic Development Corporation were also present.

Citizen Comments

There were no citizen comments.

Chairman Stelling stated that due to a conflict of interest on his part he would be recusing himself from Items 6 & 7. This would create a subsequent lack of a quorum and these items would have to be held over to a later date.

Approval of January 26, 2012 Minutes

Chairman Stelling entertained a motion. Commissioner Veronico moved to approve the minutes of the January 26, 2012 meeting and Commissioner Erickson seconded. All aye. Motion carried.

100 E. Chestnut St., Oldenburg Insurance, Certificate of Appropriateness

Dennis Spankowski of Burli Signs was present and stated that the Oldenburg's would like the awning to be burgundy colored. Chairman Stelling inquired as to whether it will match the brick on the building and Mr. Spankowski stated that it would. Chairman Stelling also inquired as to whether the request is for all awnings and Mr. Spankowski stated that it would not be. Building Inspector/Zoning Administrator Scherrer stated that there is a sunset clause that stipulates that Certificates of Appropriateness expire within a year. Mr. Spankowski stated that he would be back to the Commission to get approval for the two other awnings within a year.

Commissioner Erickson motioned to recommend approval of the Certificate of Appropriateness to the Common Council replace the awning with the new lettering on the West side of the building with the contingency that an amendment to the Certificate of Appropriateness for the Milwaukee Avenue awnings be petitioned for within a year.

Sign Permit Application

Commissioner Erickson motioned to recommend approval to the Common Council of the sign permit application for the signage on the awning. Commissioner Hintz seconded the motion. All aye. Motion carried.

Discussion of Current Projects and Response Team Visits.

Zoning Administrator Patrick Scherrer stated that he sent a Notice of Violation to the Sci-Fi Café at 532 N. Pine St. regarding excessive signage which included three sandwich board signs in the sidewalk area (one sandwich board sign is allowed per code), a temporary banner installed without a permit and a Superman sign which did not have the commission's approval. He further stated that Mary Sutherland the owner contacted him and stated that she will comply and remove them. Chairman Stelling asked Mr. Scherrer to report back on further progress on this. He also directed him to stay apprised of projects that are currently under the sunset clause.

Review of Grant Funding Status

Chairman Stelling stated that there is \$13,503.12 of unobligated funds in Fund #4. Chairman Stelling explained that if a property owner is successful with the first façade grant they may come back to the Commission for a second one.

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

There were no items brought up for discussion regarding future projects.

Adjournment

Chairman Stelling entertained a motion. Commissioner Hintz moved to adjourn the meeting and Commissioner Veronico seconded. All aye. Motion carried. The meeting was adjourned at 6:54 P.M.

Respectfully submitted,


June Bobier
Administrative Assistant
City of Burlington

**City of Burlington Housing Authority
Riverview Manor**

February 29, 2012

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, February 29th, 2012, 6:30 P.M. at Riverview Manor. The meeting was called to order by Chairman Lapp.

ADJOURNMENT:

Due to a lack of a quorum of board members present at this meeting, the meeting was adjourned at 6:40 P. M. Representatives from Dimension Development were scheduled to do a presentation to board members at this meeting and did speak to those members in attendance. They will return at a later date to do a power-point presentation when all board members are present.



Ralph Heck, Secretary



CITY OF BURLINGTON

Administration Department
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Committee of the Whole Item Number: 3	Date: April 4, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the Committee of the Whole minutes from the March 20, 2012 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 April 4, 2012 Committee of the Whole meeting and as a report on the Common Council agenda.



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CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
March 20, 2012

1. CALL TO ORDER/ROLL CALL

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch and Katie Simenson. Excused: Ed Johnson and Jeff Fischer.

Student Representatives Present: Dale Morrow and Paul Dhillon.

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Public Works Supervisor Dan Jensen, Library Director Gayle Falk and City Engineer Tom Foht.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. APPROVAL OF MINUTES FOR MARCH 6, 2012

A motion was made by Hintz with a second by Jim Prailes to approve the minutes from March 6, 2012. With all in favor, the motion carried.

4. PRESENTATION BY THE WESTERN RACINE COUNTY HEALTH DEPARTMENT REGARDING THE 2011 ANNUAL REPORT

Ms. Cheryl Mazmanian, City of Burlington's Health Officer and Ms. Lindsay Anderson RN presented the 2011 Western Racine County Health Department's Annual Report.

Vos questioned if the data in the graphs for the City of Burlington could be broken down more. Ms. Mazmanian stated it could not be broken down any more on the report due to confidentiality laws.

There were no further comments.

5. DISCUSSION REGARDING CAPITAL IMPROVEMENTS AND FINANCING

Administrator Lahner gave a presentation regarding the City's current Capital Improvement Program (CIP) and a potential revision to this plan. Lahner proposed a plan to borrow funds with bonds at a current low interest rate to complete road and utility projects scheduled over five years in a two year time frame. Lahner explained this method has the potential to save the City a minimum of \$200,000 due to the record low interest rates.

Simenson questioned what the impact of compressing the maintenance schedule will be in thirty years when repairs will be needed again to the roads. Lahner explained it should have no impact as the City is currently behind on the maintenance schedule.

Simenson stated she is concerned with borrowing over twenty years especially for high traffic roads when repairs will be needed before the bond will be paid off. Lahner stated that high traffic roads would be maintained as standard practice and shouldn't need large scale repairs during the bond period.

Vos questioned what would happen to the CIP after this two year period. Lahner stated the topic would be revisited with the Council in the future but recommends a budget of at least \$500,000 per year.

Vos questioned what percentage of overall indebtedness this proposal would put the city at. Lahner stated he would need to look into the exact amount however the city is well under the State allowed debt/levy limit. He further stated the debt would balance in the long run with the possibility of saving money from the low interest rate.

Simenson questioned what the total borrowed amount would be if this proposal was added with the current bonds. Lahner replied it would be \$3,031,981.

Simenson stated she is uncomfortable with borrowing for infrastructure projects and feels funds should be budgeted for each year to handle these projects. Lahner stated it is ultimately a policy issue for the Council to decide how to handle.

Rauch questioned why the \$1.5 million bonds borrowed recently allowed for a three year completion time for the project while this bond only allows for two years. Lahner responded they are different types of bonds with different requirements. Rauch further questioned if the amount of proposed work would require a referendum due to Act 10. Lahner stated that road work does not qualify for Act 10 procedures however bond proceedings require elector notification in which they could request a referendum.

Vos stated that the Council has chosen to deny saving for infrastructure repair in the past to keep tax rates down. He feels this proposal will allow for funds to be spread out enough to avoid tax spikes while completing the needed projects.

It was the Council's consensus to proceed with this proposal.

6. RESOLUTION 4540(65) "A RESOLUTION TO CONSIDER AUTHORIZING AN AGREEMENT WITH EHLERS INVESTMENT PARTNERS FOR INVESTMENT ADVISOR SERVICES"

The mayor introduced Resolution 4540(65) to the Council for discussion.

Kenneth Herdeman of Ehlers Investment Partners gave a presentation regarding investment and advisor services Ehlers could provide the City. Mr. Herdeman highlighted that investment opportunities with Ehlers has a higher rate of return than most standard investment procedures municipalities typically use and lessen staff time used to research investment opportunities.

Vos questioned if all funds would be used for investment purposes, including the enterprise funds. Lahner confirmed all funds would be used.

Vos questioned what is currently being invested by the city. Treasurer DeQuaker stated he would need to look into that to determine the exact amount, however, the City currently has about 1.5 to 2 million dollars invested in several CD's, investments in the Local Government Investment Pool, and money market accounts. DeQuaker further stated the returns on these investments are quite low and feels Ehlers would be a great opportunity for the City.

There were no further comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

7. RESOLUTION 4541(66) "A RESOLUTION TO CONSIDER APPROVING A LETTER OF AGREEMENT FOR THREE YEARS WITH ACCURATE APPRAISAL FOR ASSESSMENT SERVICES IN THE AMOUNT OF \$13,500 PER YEAR"

The mayor introduced Resolution 4541(66) to the Council for discussion.

Vos questioned what is currently being paid to National Appraisal. Administrator Lahner stated \$18,000 per year. Lahner further stated Accurate Appraisal contracts with many municipalities in Walworth County and has many options for reassessment processes when the time approaches.

There were no further comments. This resolution will move forward to this evening's common council meeting.

8. RESOLUTION 4542(67) "A RESOLUTION TO CONSIDER APPROVING THE AWARD OF THE 2012 CITY IMPROVEMENTS PROJECT TO R. R. WALTON & CO., LTD FOR THE AMOUNT OF \$106,504.75"

The mayor introduced Resolution 4542(67) to the council for discussion.

Bob Prailes questioned if \$32,000 will be coming out of the Park Development Fund in which half will be reimbursed to the fund by the grant for Echo Park. Lahner confirmed this.

There were no further comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

9. RESOLUTION 4543(68) " RESOLUTION TO CONSIDER APPROVING CHANGE ORDER NUMBER TWO WITH SCHERRER CONSTRUCTION COMPANY, INC. FOR THE RADIUM REMOVAL PROJECT WITH WELLS 9 AND 10 IN THE AMOUNT OF \$29,597.26"

The mayor introduced Resolution 4543(68) to the council for discussion.

Vos questioned if this will be the final cost for the project. John Grosskreutz of Kapur & Associates stated there will be some smaller items that have been added to the project that will come to the Council in the future but nothing significant.

Vos questioned if the radium removal systems are running. Grosskreutz stated they are.

There were no further comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

10. RESOLUTION 4544(69) "A RESOLUTION TO CONSIDER APPROVING AMENDMENT NUMBER THREE TO THE PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT FOR FALCON RIDGE CONDOMINIUMS TO EXTEND THE DEADLINE TO INSTALL THE SECOND LIFT OF ASPHALT"

The mayor introduced Resolution 4544(69) to the council for discussion and recommended extending the deadline.

Rauch questioned why the Council should extend this deadline when it was discussed at the last Council meeting to not extend the deadlines for the Glen at Stonegate Subdivision. Lahner stated the difference with this request is that the street is a dead end and there are less vacant lots remaining than Stonegate.

Hintz stated the base coat for Raptor Court is looking bad and questioned if the City can require the developer to fix it if the extension is granted. Lahner confirmed this and stated staff has already spoken with the developer about that very item.

There were no further comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

11. RESOLUTION 4545(70) "A RESOLUTION TO CONSIDER APPROVING A TWO-YEAR CONTRACT WITH MUNICIPAL SERVICES, LLC TO PROVIDE PART-TIME BUILDING INSPECTION SERVICES"

The mayor introduced Resolution 4545(70) to the council for discussion. There were no comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

12. RESOLUTION 4546(71) "A RESOLUTION TO CONSIDER APPROVING AMENDMENT NUMBER FIVE TO THE PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT FOR LYNCH VENTURES, LLC FOR SITE AND SIGN MODIFICATIONS TO TACO BELL"

The mayor introduced Resolution 4546(71) to the council for discussion. There were no comments. This resolution will move forward to the April 4, 2012 Common Council meeting.

13. ORDINANCE 1945(22) "AN ORDINANCE TO CONSIDER REPEALING SECTION 187-15 AND 187-16 FROM THE MUNICIPAL CODE AND RECREATING SECTION 187-15"

The mayor introduced Ordinance 1945(22) to the council for discussion.

Chief Nimmer explained to the Council that this ordinance will allow the Council more flexibility in the decision process if a business with an alcohol license earns enough demerit points that requires a revocation hearing. Attorney Bjelajac stated that the current ordinance requires a mandatory revocation hearing if a certain amount of demerit points are earned and limits repercussions by the Council for the matter. Bjelajac further stated this ordinance would allow for staff discretion of complaints and violations and allow Council to choose the outcome of the issue.

Simenson and Vos equally stated that they were very uncomfortable with the prior revocation hearing a year ago due to the lack of options with the outcome and they support this revision to the ordinance.

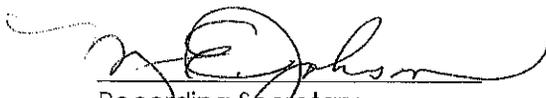
There were no further comments. This ordinance will move forward to the April 4, 2012 Common Council meeting.

14. MOTION 12-736 "A MOTION TO CONSIDER APPROVING THE BOOKING AND PAYMENT OF \$10,000 TO BARTOLOTTA FIREWORKS COMPANY, INC. FOR THE FIREWORKS DISPLAY ON JULY 4, 2012"

The mayor introduced Motion 12-736 to the council for discussion. There were no comments. This motion moves forward to this evening's common council meeting.

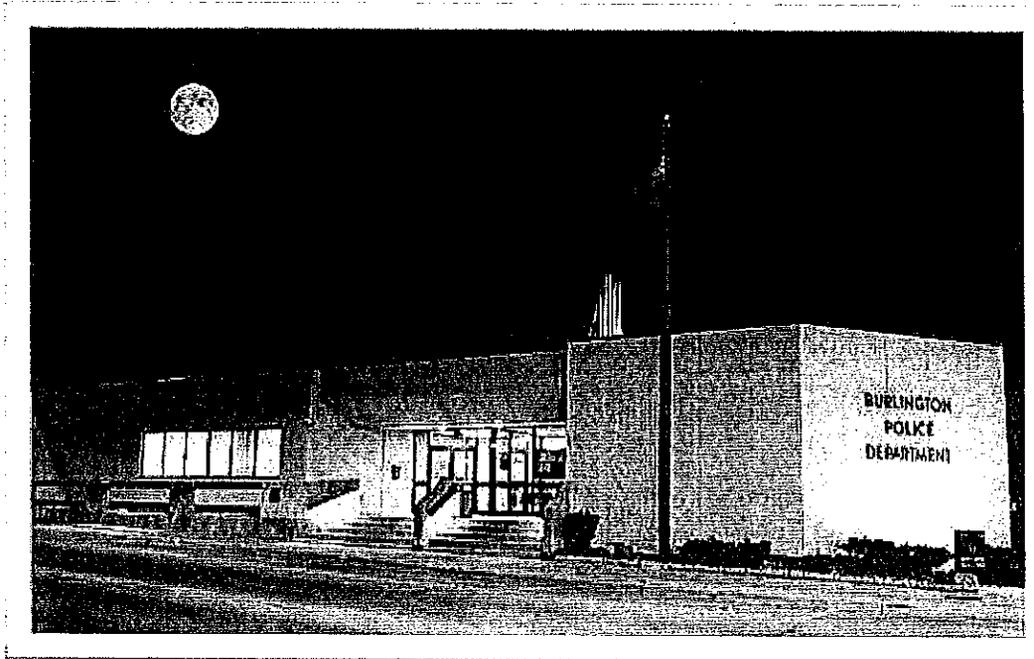
15. ADJOURNMENT

A motion was made by Vos with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:26 p.m.



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

City of Burlington Police Department



CITY OF BURLINGTON POLICE DEPARTMENT
BURLINGTON, WISCONSIN

2011 Annual Report

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April 4, 2012

Mayor Robert Miller
Burlington Common Council
Burlington Police & Fire Commission
City Administrator Kevin Lahner
City of Burlington
300 North Pine Street
Burlington, WI 53105

Dear Ladies and Gentleman,

I am pleased to present the City of Burlington Police Department's Annual Report for 2011. This report describes the police department's activities, calls for service, crime statistics, and the training attended by members of the department during the calendar year of 2011. As you will see in this report, our officers worked very hard keeping the City of Burlington a great place to live, work, and visit.

For the second year in a row, the overall Index Crime Rate for the City of Burlington has dropped. In 2011, the Index Crime Rate dropped 6.75% from 2010 in addition to the 21% it dropped in 2010 from 2009 for an overall reduction of 27.75% in the past two years. In addition to the drop in the crime rate, there were 27.87% fewer traffic crashes in 2011 than in 2010. This can be partly attributed to the hard work and dedication of the officer's traffic enforcement during the year. Though crashes and crime were down, our officers responded to 14,391 calls for service throughout 2011 which was an increase of almost 2,000 more calls than in 2010.

In 2011, the police department upgraded the aging Emergency 911 and radio systems. The 911 system was in dire need of replacement as it no longer was a supported system. In addition to having reliable modern technology for our Emergency 911 system we will now be able to receive cellular 911 calls directly to our dispatch center reducing response time even further. The replacement of the radio was also needed to be in compliance with FCC guidelines, however our ability take the replacement a step further and move to digital was a result of \$41,000 grant that the department applied for and received in 2011 for the purchase of digital handheld radios. In addition to making the move to digital possible it also allowed us to replace our aging handheld radios which were scheduled to be replaced in the near future.

The police department's continued support from the Mayor and City Council, Police & Fire Commission, City Administrator, and the community has enabled the City of Burlington Police Department to effectively and efficiently provide services to the City of Burlington. The department looks forward to providing services and working with the community throughout 2012.

Sincerely,

Peter A. Nimmer
Chief of Police



The Burlington Police Department provides patrol to all parts of the City, responds to calls for police service, conducts investigations in response to reported crimes, generates and maintains records of all reported crimes and police related incidents; provides emergency response to major accidents, natural disasters, civil disorders and other public emergencies, and community crime prevention services. Our Police Department is committed to employing the highest standards of performance, best practices in policing, and accountability, and reflecting the values of the city it serves.

The men and women of the Burlington Police Department are honored to have the opportunity to serve the citizens of Burlington. We are proud of the way in which we interact with the community in our continuing collaborative problem solving efforts. In a concerted effort to be transparent with the community, we strive for excellence in providing all of the requirements necessary from a full service modern police department. The Police Department strives to maintain the trust of the Burlington community members by actively engaging with the neighborhood it serves. We listen to our community and we respond.

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Department Personnel

As of December 31, 2011

Administration

Peter A. Nimmer	Chief of Police
Mark J. Anderson	Lieutenant
Kim M. Hardesty	Administrative Services Manager

Operations Division

Michael J. Madsen	Patrol Sergeant
John R. Fisher	Patrol Sergeant/K-9 Handler
Brian J. Zmudzinski	Patrol Sergeant
Robert D. Jones	Patrol Sergeant
Mark W. Johnston	Patrol Officer
Bryan F. Wangnoss	Patrol Officer
Eric T. Mitchell	Patrol Officer
Daniel E. Hayes	Patrol Officer/School Liaison Officer
Danielle L. Schulman	Patrol Officer
Jeremy J. Krusemark	Patrol Officer
Andrew K. Brierly	Patrol Officer
Jodi M. Borchardt	Patrol Officer
William T. Rice	Patrol Officer
Rachael N. Seils	Patrol Officer
Matthew Barrows	Patrol Officer
Matthew Baumhardt	Patrol Officer

Detective Bureau

David A. Krupp	Detective Sergeant
Rodney D. Thurin	Detective

Communications

Colleen J. Schwochert	Dispatcher - Full Time
Lauri J. Gatto	Dispatcher - Full Time
Catherine L. Hansen	Dispatcher - Full Time
Elizabeth Wicyk	Dispatcher - Part Time

Support Staff

Cassandra L. Baumeister	Data Entry - Full Time
Angela M. Hansen	Data Entry - Part Time
Michelle R. Cannon	Community Service Officer/Animal Control
Brian D. Wood	Facility Maintenance Supervisor

Crossing Guards

Michelle Davis	Crossing Guard
Diane Sheppard	Crossing Guard
Joan Sutkay	Crossing Guard
Sue Corbett	Crossing Guard
Barbara Lightfield	Crossing Guard
Don Meister	Crossing Guard

Retirement

Paul Warick	Patrol Officer
Roy Richards	Community Safety Officer

Resignation

Amy Rendall	Patrol Sergeant
Erin Johnson	Dispatcher-Full Time

Uniform Crime Reporting



Summary Report
2010 – 2011 Comparison
Data for January through December

I. Index Crime Offenses

Offenses				Cleared		
Violent Crime	2009	2010	2011	% Change 2010/2011	2011	%
Homicide	0	0	0	0%	0	0%
Forcible Rape	0	1	0	000%	0	0%
Robbery	5	0	2	200%	2	100%
Aggravated Assault	0	0	6	300%	4	66%
Total Violent Crime:	5	1	8	300%	6	75%
Property Crime	2009	2010	2011	% Change 2010/2011	2011	%
Burglary	23	24	35	45.8%	7	20%
Theft	282	220	189	14.09%	46	24.3%
Motor Vehicle Theft	9	7	3	57.14%	0	0%
Arson	0	0	0	0%	0	0%
Total Property Crime:	314	251	227	9.56%	53	23.3%
Total Index:	319	252	235	6.75%	59	25.1%

II. Property by Type and Value

Stolen				Recovered		
Property	2009	2010	2011	% Change 2010/2011	2011	%
Currency, Notes, etc.	\$8,073	\$7,050	29,760	322.13%	\$1,015	3.4%
Jewelry and Precious Metals	\$15,460	\$2,770	4,651	66.61%	\$751	16.1%
Clothing and Furs	\$5,762	\$2,373	3,492	47.16%	\$816	23.4%
Motor Vehicles	\$195,595	\$66,070	\$44,000	23.40%	\$44,000	100%
Office Equipment	\$0.00	\$0.00	\$1,076	1076%	\$150	13.9%
Televisions, Radios, Stereos, etc.	\$26,087	\$20,504	\$30,106	46.83%	\$6,898	22.9%
Firearms	\$0.00	\$2,675	\$2,040	23.43%	\$0.00	0%
Household Goods	\$995	\$2,682	\$460	32.35%	\$140	30.4%
Consumable Goods	\$6,914	\$3,875	\$4,259	9.91%	\$257	6.0%
Livestock	\$0.00	\$0.00	\$0.00	0%	\$0.00	0.0%
Miscellaneous	\$96,042	\$53,960	\$108,544	101.16%	\$5,283	4.9%
Total:	\$309,165	\$161,959	228,388	41.02%	\$59,310	26%

Property Stolen By Classification

	2009			2010			2011		
Larceny Theft	#	Amount	Average	#	Amount	Average	#	Amount	Average
Shoplifting	60	\$9,098	\$151.63	36	\$8,137	\$226.03	33	\$3,441	\$104.27
From Motor Vehicle	39	\$17,793	\$456.23	47	\$14,227	\$302.70	39	\$14,604	\$374.46
Motor Vehicle Parts	8	\$3,724	\$465.50	4	\$252	\$63.00	6	\$10,083	\$1,680.50
Bicycles	17	\$3,149	\$185.24	16	\$3,764	\$235.25	13	\$3,070	\$236.15
From building	87	\$41,618	\$478.37	50	\$19,723	\$394.46	70	\$38,525	\$550.36
Coin Operated Machines	0	\$0.00	\$0.00	0	\$0.00	\$0.00	0	\$0	\$0.00
All Other	70	\$13,084	\$188.34	52	\$34,576	\$664.92	69	\$22,070	\$320.00
Pocket-Picking	1	\$20	\$20.00	0	\$0	\$0.00	0	\$0	\$0.00
Purse Snatching	0	\$0.00	\$0.00	0	\$0.00	\$0.00	0	\$0	\$0.00
Total:	282	\$80,679	\$285.74	205	\$88,486	\$431.64	200	\$91,793	\$458.96
Burglary Residence	#	Amount	Average	#	Amount	Average	#	Amount	Average
Night	2	\$0	\$0.00	1	\$1,300	\$1,300.00	5	\$4,909	\$981.80
Day	0	\$0	\$0.00	3	\$1,117	\$372.33	9	\$11,552	\$1,283.56
Time Unknown	4	\$3,731	\$932.75	8	\$6,258	\$782.25	5	\$3,923	\$784.60
Total	6	\$3,731	\$621.83	12	\$8,675	\$722.92	19	\$20,384	\$1,072.84
Burglary Non-Residence	#	Amount	Average	#	Amount	Average	#	Amount	Average
Night	6	\$4,717	\$786.17	5	\$1,570	\$314.00	12	\$56,443	\$4,703.58
Day	1	\$0	\$0.00	2	\$10,575	\$5,287.50	4	\$740	\$1,850.00
Time Unknown	8	\$64,242	\$8,030.25	5	\$834	\$166.80	8	\$12,591	\$1,573.88
Total:	15	\$73,676	\$4,911.20	9	\$12,979	\$1,442.11	24	\$69,774	\$2,907.25

Offense	Adult				Juvenile				Total			
	2009	2010	2011	% 2010 2011	2009	2010	2011	% 2010 2011	2009	2010	2011	% 2010 2011
Murder	0	0	0	0%	0	0	0	0%	0	0	0	0%
Forcible Rape	0	0	0	0%	0	0	0	0%	0	0	0	0%
Robbery	4	0	2	200%	0	0	1	0%	4	0	3	300%
Aggravated Assault	1	2	2	0%	0	0	0	0%	1	2	2	0%
Burglary	5	4	11	175%	3	10	7	30%	8	14	18	2857%
Theft	66	61	57	656%	63	22	32	4545%	129	83	89	723%
Motor Vehicle Theft	0	3	1	6667%	0	2	2	0%	0	5	3	40%
Arson	0	0	0	0%	0	0	0	0%	0	0	0	0%
Simple Assault	40	28	35	25%	4	9	7	2222%	54	37	42	1351%
Forgery	10	11	1	9091%	0	0	0	0%	10	11	1	9091%
Fraud	19	16	19	1875%	0	0	0	0%	19	16	19	1875%
Embezzlement	0	0	1	100%	0	0	0	0%	0	0	1	100%
Stolen Property	0	2	0	200%	2	0	1	100%	2	2	1	50%
Vandalism	20	22	20	910%	17	8	13	625%	37	30	33	10%
Weapons	5	5	13	160%	2	6	2	6667%	7	11	15	3636%
Prostitution	0	0	0	0%	0	0	0	0%	0	0	0	0%
Sex Offenses	2	14	16	1429%	3	4	11	175%	5	18	27	50%
Controlled Substances	64	45	68	5141%	22	22	11	50%	86	67	79	1791%
Gambling	0	0	0	0%	0	0	0	0%	0	0	0	0%
Family Offenses	6	3	7	13333%	0	0	3	300%	3	3	10	23333%
Driving While Intoxicated	108	69	77	1159%	4	0	0	0%	69	112	77	3125%
Liquor Laws	67	66	55	1667%	35	21	25	1905%	87	102	80	2157%
Disorderly Conduct	123	160	157	188%	43	33	33	0%	193	166	190	1446%
All Other (Except Traffic)	157	180	180	0%	127	79	72	386%	259	284	252	1127%
Curfew and Loitering	0	0	0	0%	28	24	41	7083%	24	28	41	4643%
Runaways	0	0	0	0%	0	0	8	800%	0	0	8	800%
Total Arrests	697	691	649	1608%	363	240	227	547%	1,060	931	926	1264%
Total Index	76	70	73	129%	66	34	42	2353%	104	142	125	1197%
Total Non-Index	621	621	576	725%	297	206	185	1019%	827	918	761	21710%

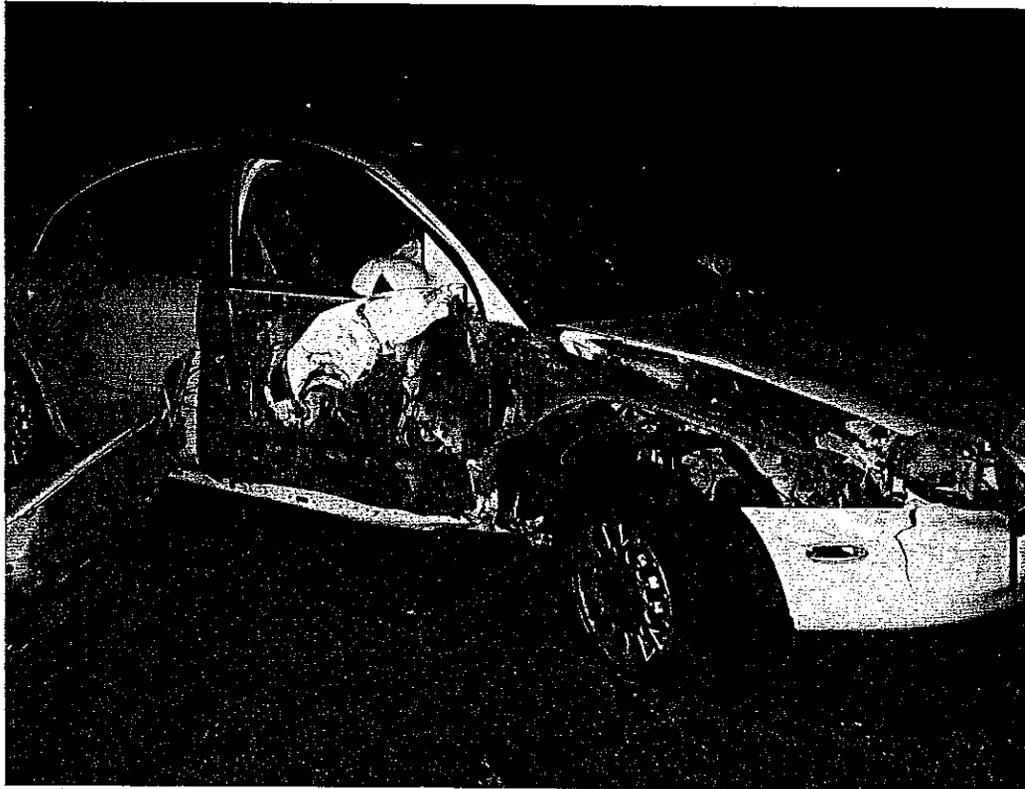
Activities and Calls for Service



The following is a list of calls initiated by or assigned to the Officers:

<u>Type of Activity</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Abandoned Vehicle/Property	94	75	76
Alarms	189	178	190
Escorts	98	94	131
Extra Attention	2	93	101
Vehicle Lock out	23	17	12
Unsecured Business	77	78	66
Arrest for Other Dept.	93	82	84
Personal Service	443	437	481
Persons Apprehended	31	37	25
Crime Preventions	67	59	852
Traffic Stops	4,537	5,156	4,745
Warrant Received	257	126	303
Information	277	548	774
911 False Calls	179	204	194
Miscellaneous	279	280	268
Total Calls for Service	11,556	12,499	14,391
Citations, Traffic Related	1,582	2,011	2,180
Charges, Non-traffic Related	991	819	849
Parking Tickets	3,857	4,258	4,438

Traffic Accident Statistics



In 2011 there were 27.87% fewer accidents than in 2010.

Traffic Crash Statistics by Quarter- 2011

First Quarter, January to March	2009	2010	2011
Total Crashes	131	113	91
Personal Injury	14	13	14
Personal Injury, Trapped	1	0	0
Property Damage	101	81	58
Unknown Injury	1	3	1
Hit and Run	14	16	18
Hit and Run, Injury	0	0	0
Fatal	0	0	0
Second Quarter, April to June			
Total Crashes	90	125	82
Personal Injury	23	10	7
Personal Injury, Trapped	0	0	0
Property Damage	56	90	66
Unknown Injury	1	5	1
Hit and Run	10	18	8
Hit and Run, Injury	0	2	0
Fatal	0	0	0
Third Quarter, July to September			
Total Crashes	109	106	74
Personal Injury	14	19	11
Personal Injury, Trapped	0	0	0
Property Damage	79	66	56
Unknown Injury	3	3	1
Hit and Run	13	18	6
Hit and Run, Injury	0	0	0
Fatal	0	0	0
Fourth Quarter, October to December			
Total Crashes	125	126	92
Personal Injury	16	18	5
Personal Injury, Trapped	0	0	0
Property Damage	92	98	66
Unknown Injury	1	0	2
Hit and Run	15	10	19
Hit and Run, Injury	1	0	0
Fatal	0	0	0

Detective Bureau



Shots Fired

Officers responded to the area of Joan Street for a domestic abuse complaint. Upon arrival, the male subject fired shots out of the upper window. The scene was secured and the subject was taken into custody without incident. Officers found numerous edged weapons and firearms in the residence.

The City of Burlington Detective Bureau was involved in several notable investigations in 2011

Sexual Assault

Officers received a Child Sexual Assault report and the suspect was identified. The suspect was involved in two other similar incidents. A confession was obtained and the suspect was charged with Sexual assault of a Child.

Vandalism

Written threats were found in the bathrooms at Burlington High School. Our department conducted an extensive investigation that involved security and numerous interviews.

Burglary

Three burglaries to businesses occurred. A video was obtained from two of the locations. A suspect was identified through networking. A search warrant was executed in Milwaukee Wisconsin by our department, with the help of the City of Milwaukee Swat Team. Evidence was recovered and the suspect was ultimately charged in all three burglaries. It is believed the suspect was also responsible for multiple burglaries in the Milwaukee area.

Embezzlement

An extensive embezzlement investigation was conducted. As a result of this investigation, charges were submitted to the District Attorney's Office. A civil agreement was reached between the business partners as a result of the investigation.

Burglary

A local business reported money being removed from their location and suspected the manager. Security footage was reviewed and secured. This information was forwarded to the Department of Corrections and the subject was charged with Burglary.

Armed Robbery

A seventeen year old jogger was attacked near the City of Burlington Dog Park. Responding Officers secured the scene and related evidence. The victim was treated at Burlington Memorial Hospital. DNA was isolated from Victim's neck and submitted to the State Crime Lab. A suspect was identified and taken into custody. A confession was obtained and suspect ultimately admitted that he attempted to commit a robbery. Charges were issued for Armed Robbery and Physical Abuse to a child. The suspect was sentenced to seven years in State Prison and five years extended supervision.

Burglary

A residential Burglary was reported. General vehicle information was given and a suspect was identified. Numerous personal items were taken, including children's savings bonds, silver and gold coins, and Social Security Cards. The suspect was interviewed and a confession was obtained. All items were recovered and returned to the owner, with the exception of the prescriptions drugs.

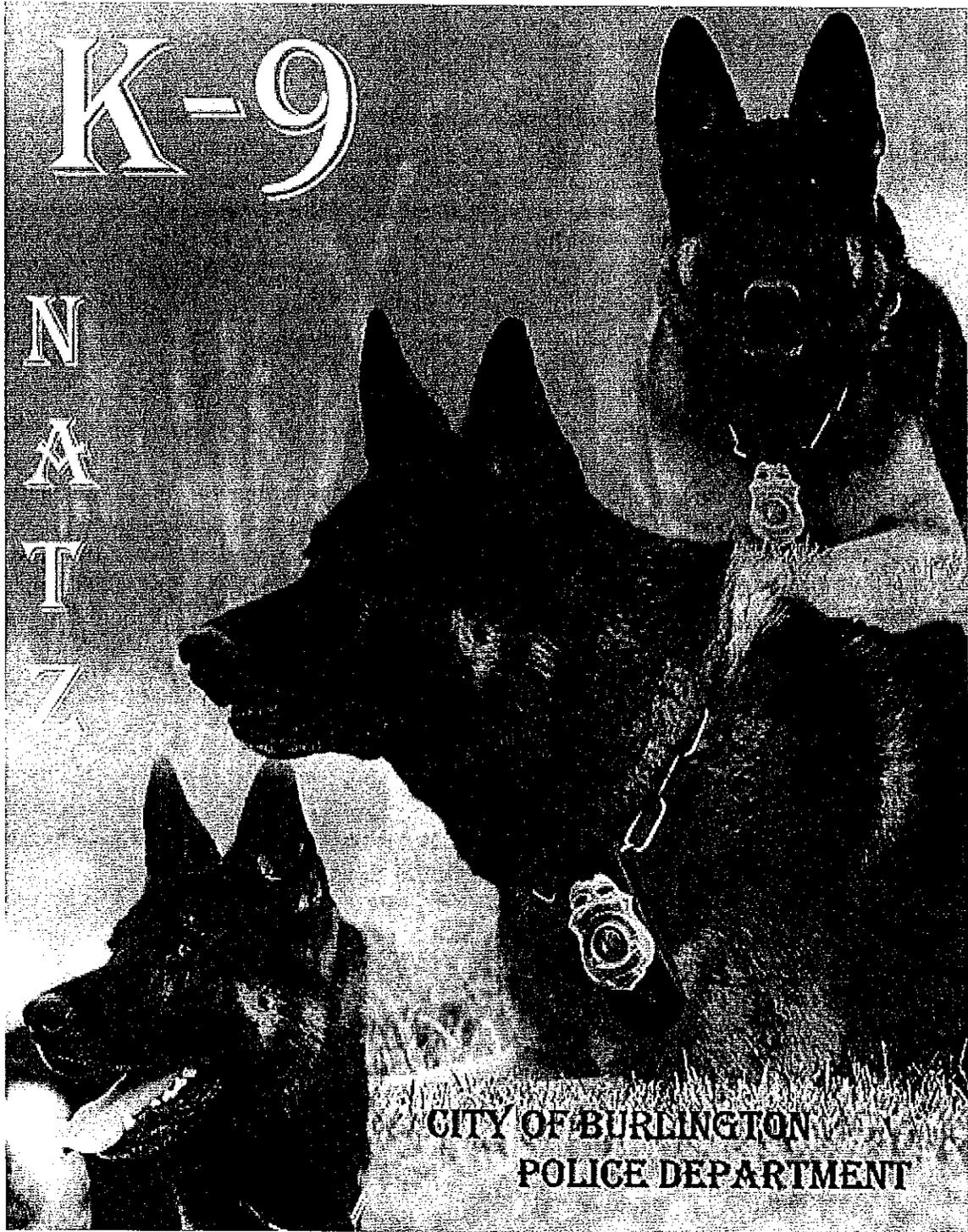
Burglary

A business Burglary was reported to a local gas station. The newspaper carrier found the front door smashed and responding officers located suspicious persons near the corner of the property. Suspects were interviewed and confessions obtained.

Narcotics in Progress

Officers responded an apartment complex and observed drug paraphernalia. Officers secured apartment and a Search Warrant was obtained. A grow operation was found inside the apartment and apartment occupants were charged.

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City of Burlington K-9 Unit

Sgt. John Fisher & K-9 Natz

Natz was born on January 9th, 2002 in Germany. He was acquired from Germany in March of 2003 from Steinig-Tal Kennels in Campbellsport, Wisconsin. In September of 2003 Natz and his partner, Sgt. John Fisher, went through a four week training period at STK. The K-9 team became certified on October 3, 2003. Natz began his service with the Burlington Police Department as Burlington's second K-9. Natz is a dual purpose police dog, trained in narcotics detection and patrol work. Sgt. Fisher has been the K-9 Handler for the City of Burlington Police Department for the past sixteen years. Natz replaced the department's first K-9, Nando, after Nando was put out of service due to medical complications.

Training for Sgt. Fisher and Natz is ongoing and never ends. The K-9 team trains weekly under the most realistic settings. Area businesses allow access to their buildings and property for training along with occasional mock traffic stops during the course of a shift. Each month the K-9 team goes back to Steinig-Tal Kennels for maintenance training with other K-9 teams. The K-9 team must also complete a one week yearly re-certification course at Steinig-Tal Kennels. Sgt. Fisher and Natz conduct standard patrol, assist other jurisdictions when requested, conduct building searches and do demonstrations throughout the community.



Demonstrations	0
Burlington School Searches	2
Out of City School Searches	3
Assist Other Jurisdiction	1
Prison Searches	0

Community Activities



Torch Run



Shop with a Cop

Bike Rodeo



Throughout 2011 the Burlington Police Department and its Officers continued with strong partnerships with the community and participated in many events.

Shop With a Cop



On 12/03/11, the City of Burlington Police Department participated in the Racine County "Shop With a Cop" Program for the very first time. This was a revival of the program Racine County Sheriff's Department had participated in about ten years ago. The program is a collaboration of Racine County Human Services, Racine County Sheriff's Department, Burlington Police Department, and Walmart to help out families in Racine County during the holiday season. Donations from the Burlington Police Benevolent Association, Burlington Police Command Staff, Racine County Deputy Sheriff's Association, Racine County Command Staff and Walmart stores were put to great use helping needy children buy gifts for their families. About 25 families were invited to participate and each child was paired up with a police officer or sheriff's deputy to do their holiday shopping. The officers helped the kids pick out toys for other members of their families. Santa Clause made an appearance and there was a meet and greet with retired Green Bay Packer Mike Blaire, who autographed pictures for the families.

After all the gifts were purchased, officers and volunteers helped to wrap and label them before they were packaged up for the kids to bring home. When all was said and done, there was still money left over from the generous donations, and that money was split up and donated to the Women's Resource Center of Racine and LOVE, Inc here in Burlington.

Participating in the program from our department were:

Chief Peter Nimmer, Lt Mark Anderson, Sgt Brian Zmudzinski, Officers Mark Johnston, Bryan Wangnoss, Dan Hayes, Danielle Schulman, Jodi Borchardt, Bill Rice, and Matt Baumhardt.

This year's program was such a success; we are looking to make this an annual event! Thanks for all your help!

Bike Rodeo



The first Saturday in June brings the annual Bike Rodeo, which is most popular with children less than 12 years of age. Activities include bicycle registration, distribution of free bike helmets, safety inspections, and supervised practice for safe operation using obstacle courses and other common "hazards."

The safety course is designed to test and give participants knowledge of how to safely operate their bicycles. Participants are also given a safety presentation on the safe and responsible operation of bicycles. Participants are encouraged to bring their own bicycle to gain confidence in their riding ability.

The rodeo is hosted by the City of Burlington Police Bike Unit Officer Hayes and Sgt Zmudzinski along with other volunteers from the police department. Other activities at the rodeo include Ronald McDonald. The rodeo is free to all participants. It's a great opportunity for the community to meet and speak with officers to build the community relations.

2011 Polar Plunge



2011 was our 5th annual appearance with 10 participants made up of sworn personnel, friends, and family. As a department we raised nearly \$2,500 in donation money. The Polar Plunge is a unique opportunity for individuals, organizations and businesses to support local Special Olympics athletes by jumping or running into the icy waters of Wisconsin. Sgt Zmudzinski coordinates the annual Polar Plunge for the City of Burlington Police Department.

Each year our team jumps into the frozen waters around the second Sunday in February at Muskego County Park. Money raised in the Polar Plunge provides funding for nearly 10,000 athletes with cognitive disabilities to reach for the gold. It's a great opportunity for City of Burlington staff to support the Special Olympic community by participating in this important event.



Freezin' For A Reason

2011 Torch Run



The Torch Run is held in all 50 United States, 12 Canadian provinces and territories, and 35 nations, and involves more than 85,000 law enforcement participants from all over the world. In 2011, this international program raised more than \$42 million to support Special Olympics.

2011 was the City of Burlington's 6th year participating in the Law Enforcement Torch Run. Our team runs the final leg of the event in southeast area #7 which includes Walworth, Racine, Jefferson, and Kenosha counties. Department officers, friends, and family represent BUPD in the event. Participants can run or bike individually or with a group. This year the run staged at Milwaukee Avenue and South Browns Lake Dr. All participants finished the 5.9 mile route ending at the Burlington Police Department. Following the event, BUPD hosted a cookout for all the participants thanks to Brian Wood. The annual event is coordinated by Sgt Zmudzinski.

Running alongside members of the Burlington Police Department were participants from the Racine County Sheriff's Department, Caledonia Police Department, Racine Correctional Staff, and the DNR. Every year our police union makes a considerable donation to Special Olympics WI for the Torch Run. In 2011, the Wisconsin Law Enforcement Torch Run received the Diamond Level of Excellence for raising more than \$1 million. Wisconsin's Law Enforcement Torch Run is the sixth highest grossing program in the world, raising nearly \$2.4 million in 2011 with more than 1,100 registered participants representing 150 law enforcement agencies.

LAW ENFORCEMENT



TORCH RUN
FOR SPECIAL OLYMPICS

Kid Kare ID Fundraiser



The Racine County Sheriffs Office has held its Kid Kare fundraiser with the help of the City of Burlington Police Department and the Hitch- N- Post Saloon. The event is an all day motorcycle ride, pig roast, auction and music event.

Last year the ride was held on August 27th, with approximately 85 motorcycles showing up with over 100 people attending the event. The Kid Kare program was able to raise \$8,600 dollars and purchased a new lap top computer and ID badge making machine so young children in Burlington and Racine County can be provided with an ID card in case of emergencies.

Some sponsors are: The Hitch-N-Post Saloon, Runzhiemer International, Milwaukee Auto Auction, 7 Mile Fair, Educators Credit Union, Jackie Bratz and Family, Merten's, McDonalds of Burlington, Sentry Foods, Gooseberries, Jason and Sara Lentz, Curt and Mary Jo Cruthers, and Augies Excavating.

Safety Town



The City of Burlington Police Department in partnership with Burlington Jaycees sponsors the annual Safety Town Program.

This annual program held in June is designed for children entering kindergarten in Burlington and surrounding communities each fall. Children learn about topics such as Stranger Danger, how to use 9-1-1, hand gun safety, poisons and Mr. Yuk, bicycle skills and how to safely cross streets. The program consists of a morning session and an afternoon session for two weeks. Each day the program runs for approximately two hours. Enrollment includes a small fee to cover snacks and field trips to the Burlington Police and Fire Departments. Officer Johnston and Officer Hayes teach the outside portion of the program which consists of bike safety and a safety course. The safety course allows the children to learn how to safely cross streets, use crosswalks, navigate around buildings and street sign identification. The program concludes with a graduation ceremony and the issuance of certificates.

The program continues to be a huge success and receives generous donations from local businesses such as Nestles, Dairy Queen, Bob's Pedal Pushers, the Plaza Theater and more.

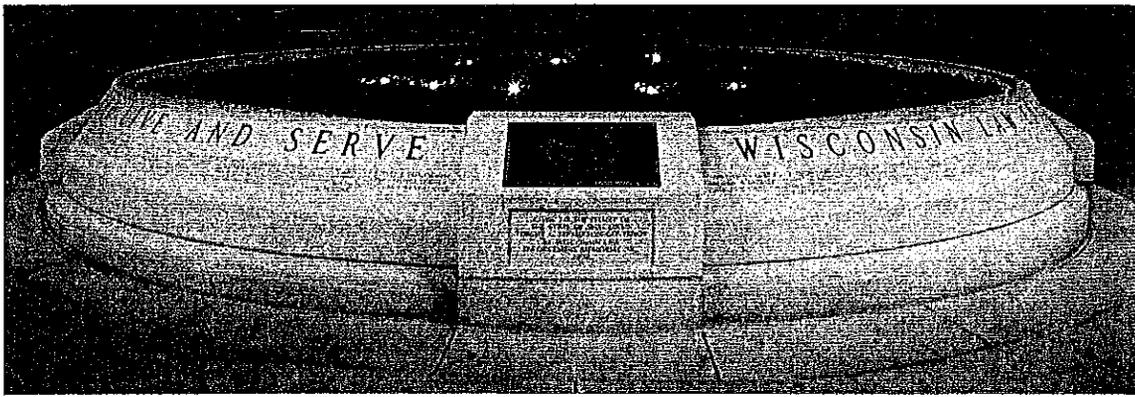
Peace Officer Memorial Week

In 1979, the Peace Officer Memorial Day function consisted of everyone meeting for about eight to ten minutes over by the library. That was the original venue of the marker stone that was later moved to the corner of East Jefferson and North Dodge Streets. The ceremony consisted of prayer said in commemoration of Officer Huber ("Pink") Schenning and Sergeant Anthony ("Tony") Eilers, both of whom were shot to death in the line of duty.

The main reason for the program remains to remember and pay homage to Officer Schenning and Sergeant Eilers, but we have added to the program by inviting community members, politicians, and other law enforcement personnel. The City of Burlington Police Department has since incorporated our annual awards presentation to the memorial. It was decided that Peace Officer Memorial Day would include not only those who have died in the line of duty, but also retirees and those still serving. The program was headed by Officer Paul Warick in 2011.

The 2011 program had the following Burlington Police Department personnel receiving awards:

- Officer Eric Mitchell - 10-Year Honorable Service Award
- Sergeant Zmudzinski - 5-Year Honorable Service Award
- Officer Daniel Hayes - Meritorious Service Award Defense and Arrest Tactics
- Officer Danielle Schulman - Meritorious Service Award Defense and Arrest Tactics



Personnel Training Records



City of Burlington police officers prepare to make entry during active shooter training. This training is conducted using simunition guns which fire paint cartridges. The training weapons are the same size and weight the officers carry on the streets

Chief Peter A. Nimmer

02/28/11	Active Shooter / CPR Recertification	8 hrs
03/31/11	Mid-winter Chief's Conference	24 hours
04/27/11	DAAT / Firearms	8 hrs
04/01/11	Supervisor Legal Update	4 hrs
04/27/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
08/14/11	Wisconsin Chief's of Police Conference	24 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
10/22/11	IACP Conference	40 hrs

Lieutenant Mark J. Anderson

03/31/11	Mid-winter Chief's Conference	24 hours
03/01/11	Active Shooter / CPR Recertification	8 hrs
04/01/11	Supervisor Legal Update	4 hrs
04/27/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
09/02/11	DAAT / Firearms	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs

Kim M. Hardesty Administrative Services Manager

03/31/11	Mid-winter Chief's Conference	24 hours
04/01/11	Supervisor Legal Update	4 hrs
05/25/11	Accreditation Manage Training	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs

Sergeant Michael J. Madsen Day Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
03/31/11	Mid-winter Chief's Conference	24 hours
04/27/11	DAAT / Firearms	8 hrs
04/01/11	Supervisor Legal Update	4 hrs
08/29/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
12/27/11	ICS-200	2 hrs
12/28/11	ICS-100	2 hrs

Sergeant David A. Krupp
Detective Sergeant

02/28/11	Active Shooter / CPR Recertification	8 hrs
04/26/11	DAAT / Firearms	8 hrs
03/01/11	Taser Legal Update	2 hrs
04/01/11	Supervisor Legal Update	4 hrs
05/03/11	Anit-Vehicle Crime Association of Wisconsin	6.5 hrs
05/11/11	Instructor Recertification Training	16 hrs
10/06/11	Fire Extinguisher Training	.5 hrs

Sergeant John R. Fisher
Third Shift Patrol/K-9 Handler

02/23/11	Active Shooter / CPR Recertification	8 hrs
05/02/11	DAAT / Firearms	8 hrs
03/29/11	Impaired driving & 4 th Amendment Legal Update	8 hrs
08/29/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
11/19/11	ICS-200	2 hrs

Sergeant Brian J. Zmudzinski
Second Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
03/31/11	Mid-winter Chief's Conference	24 hours
04/26/11	DAAT / Firearms	8 hrs
04/01/11	Supervisor Legal Update	4 hrs
08/26/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/17/11	Fire Extinguisher Training	.5 hrs

Sergeant Robert D. Jones
Relief Shift Patrol

02/23/11	Active Shooter / CPR Recertification	8 hrs
04/27/11	DAAT / Firearms	8 hrs
08/24/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/17/11	Fire Extinguisher Training	.5 hrs
11/07/11	Police In-Service	24 hrs
11/18/11	ICS-200	2 hrs

Patrol Officer Mark W. Johnston
Day Shift Patrol

02/23/11	Active Shooter / CPR Recertification	8 hrs
04/25/11	DAAT / Firearms	8 hrs
05/16/11	Police In-Service	24 hrs
08/24/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/06/11	Fire Extinguisher Training	.5 hrs

Detective Rodney D. Thurin
Detective Bureau

03/01/11	Active Shooter / CPR Recertification	8 hrs
04/27/11	DAAT / Firearms	8 hrs
05/03/11	Anti-Vehicle Crime Association of Wisconsin	6.5 hrs
05/09/11	Police In-Service	24 hrs
05/24/11	Homicide & Crime Scene Management Training	24 hrs
10/06/11	Fire Extinguisher Training	.5 hrs

Patrol Officer Bryan F. Wangnoss
Day Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
04/26/11	DAAT / Firearms	8 hrs
03/23/11	Pain Behind the Badge	8 hrs
03/24/11	Advanced Roadside Impaired Driving Enforcement	16 hrs
09/02/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/04/11	SFST Instructor	16 hrs
10/17/11	Fire Extinguisher Training	.5 hrs
10/24/11	Police In-Service	24 hrs
11/17/11	ICS-200	2 hrs

Patrol Officer Eric T. Mitchell
Second Shift Patrol

02/23/11	Active Shooter / CPR Recertification	8 hrs
04/25/11	DAAT / Firearms	8 hrs
05/09/11	Police In-Service	24 hrs
08/24/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/17/11	Fire Extinguisher Training	.5 hrs
11/21/11	ICS-200	2 hrs

Patrol Officer Daniel E. Hayes
School Liaison Officer

03/01/11	Active Shooter / CPR Recertification	8 hrs
04/25/11	DAAT / Firearms	8 hrs
05/09/11	Police In-Service	24 hrs
08/24/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
11/10/11	ISC-200	2 hrs

Patrol Officer Danielle L. Schulman
Third Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
05/02/11	DAAT / Firearms	8 hrs
05/11/11	Instructor Recertification Training	16 hrs
05/16/11	Police In-Service	24 hrs
06/16/11	Patrol Response to the Suspicious Death	8 hrs
08/29/11	Taser, Ballistic Shield and Evidence Collection	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
11/19/11	ICS-200	2 hrs

Patrol Officer Jeremy J. Krusemark
Second Shift Patrol

02/23/11	Active Shooter / CPR Recertification	8 hrs
05/02/11	DAAT / Firearms	8 hrs
05/09/11	Police In-Service	24 hrs
08/24/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
09/21/11	Conducting Compliance Check Operations	16 hrs
10/06/11	ICS-700	4 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
10/11/11	Concealed Carry Update	4 hrs
11/08/11	ICS-100	2 hrs
11/16/11	ICS-200	2 hrs

Patrol Officer Andrew K. Brierly
Third Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
04/27/11	DAAT / Firearms	8 hrs
09/02/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
11/07/11	In-Service	24 hrs
11/16/11	ICS-700	2 hrs
11/17/11	ICS-200	2 hrs
11/17/11	ICS-100	2 hrs

Patrol Officer Jodi M. Borchardt
Cover Shift Patrol

03/01/11	Active Shooter / CPR Recertification	8 hrs
04/27/11	DAAT / Firearms	8 hrs
03/24/11	Advanced Roadside Impaired Driving Enforcement	16 hrs
08/29/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/03/11	Police In-Service	24 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
10/14/11	ICS-700	2 hrs
10/17/11	ICS-800	2 hrs
11/01/11	ICS-200	2 hrs

Patrol Officer William T. Rice
Second Shift Patrol

03/01/11	Active Shooter / CPR Recertification	8 hrs
04/25/11	DAAT / Firearms	8 hrs
05/16/11	Police In-Service	24 hrs
08/29/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/06/11	ICS-700	4 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
11/17/11	ICS-100	2 hrs
11/17/11	ICS-200	2 hrs

Patrol Officer Rachael Seils
Third Shift Patrol

02/28/11	Active Shooter / CPR Recertification	8 hrs
04/27/11	DAAT / Firearms	8 hrs
06/16/11	Patrol Response to the Suspicious Death	8 hrs
07/18/11	Basic Breath Examiner Specialist	24 hrs
09/02/11	Taser, Ballistic Shield and Evidence Collection	7 hrs
10/17/11	Fire Extinguisher Training	.5 hrs
10/24/11	Police In-Service	24 hrs
11/17/11	ICS-200	2 hrs
11/25/11	ICS-700	2

Patrol Officer Matthew Barrows
Cover Shift Patrol

02/23/11	Active Shooter / CPR Recertification	8 hrs
04/26/11	DAAT / Firearms	8 hrs
10/17/11	Fire Extinguisher Training	.5 hrs
11/25/11	ICS-700	2 hrs
11/25/11	ICS-200	2 hrs
11/25/11	ICS-100	2 hrs

Cassandra L. Baumeister
Data Entry

05/25/11	Accreditation Manage Training	8 hrs
10/06/11	Fire Extinguisher Training	.5 hrs
10/11/11	Amber Alert-Best Practices	5
10/14/11	ICS-200	4

2011 Retirements

Patrol Officer Paul Warick
Day Shift Patrol

10/13/11	In-Service	24 hrs
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Common Council Item Number: 13A	Date: April 4, 2012
Submitted By: Steve DeQuaker, Treasurer	Subject: Resolution 4540(65) to consider an agreement with Ehlers Investment Partners for investment advisor services

Details:

Interest rates are low and the availability of investment vehicles is limited locally. Many banks do not want the City's money. This is due to several reasons including the availability of collateral, FDIC and State of Wisconsin guarantees, short time frames to actually hold the money and other reasons.

Using an investment advisor allows the city to invest in many different "allowable" investments that are harder to find, but can yield a better rate while maintaining security and liquidity. LGIP, CD Rates and other local investments opportunities are hovering around the .15% (15 basis points) level. Our money at M&I bank is gaining slightly better by 1 basis point over LGIP. Shorter term CD's of 1 year or 16 months are around 30-40 basis points, but the fees to call the CD's if the cash is needed would wipe out any gain on the CD.

Ehler's Investment Partners, a subsidiary of Ehlers Companies, can assist us in getting a better return, net of fees. They have access to areas of investments that are hard to find and can help the City determine "idle" cash that could be invested better than leaving it in a money market or LGIP account.

Putting this in place now will also assist the City when (in the future) the investment return is better. Ehlers Investment Partners is registered with the SEC and is very well versed in State Statutes on allowable investments, the City of Burlington and municipal government needs.

Options & Alternatives:

The mini workshop is designed to inform the council on the services Ehler's Investment Partners provide. The Council could choose to not use an investment advisor and continue investing in the manner currently being used; local investments in CD's, money market and LGIP.

Financial Remarks:

Higher rates of return, net of fees, while maintaining safety and liquidity.

Executive Action:

This item was discussed at the March 2, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting for consideration on April 4, 2012.

Resolution No. 4540(65)
Introduced by: Committee of the Whole

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH
EHLERS INVESTMENT PARTNERS FOR INVESTMENT ADVISOR SERVICES**

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 an investment advisor, and

WHEREAS, Ehlers Investment Partners is offering an Investment Advisory Agreement (a copy of which is attached and made a part of this resolution) for the purpose of providing these services, including establishing investment objectives, asset allocation, custodial account services, safekeeping of funds, trade implementation and reporting per the said agreement, and

WHEREAS, the common council desires investments and activity to be maintained according to the Investment Policy of the City of Burlington.

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

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13B	Date: April 4, 2012
Submitted By: Dan Jensen, Public Works Supervisor	Subject: Resolution 4542(67) approving the award of the 2012 City Improvements Project to R. R. Walton & Co. Ltd. for the not-to-exceed amount of the Total Base Bid of \$106,504.75.

Details:

The Board of Public Works opened 5 bids for the 2012 City Improvements Project on Thursday, March 15, 2012. Based upon the recommendation by the City Engineer, staff recommends that the bid be awarded to the lowest, most responsive bidder, R. R. Walton & Co., Ltd. for the not-to-exceed total base bid amount of \$106,504.75. The total base bid is below the engineer's estimate of \$137,559.

Staff recommends approval of this resolution.

Options & Alternatives:

The alternative would be to reject the bid and seek new bid proposals. This is not recommended as the bid is well below the engineer's estimate. The Council could also reject the bids and choose to not go forward with the projects.

Financial Remarks:

Funding will be split between the General Funds and Park Development Funds. Approximately \$90,300 is being funded out of the budgeted general fund Public Works budget. A DNR grant is funding 50% of the construction of the Echo Lake path construction in the amount of \$16,200 with the remaining funds being funded out of Park Development Funds. The budgeted general fund dollars for these projects is \$97,980.50.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is scheduled for the April 4, 2012 Common Council meeting for consideration.

A RESOLUTION APPROVING THE AWARD OF THE 2012 CITY IMPROVEMENTS PROJECT TO R. R. WALTON & CO., LTD. FOR THE AMOUNT OF THE TOTAL BASE BID OF \$106,504.75.

WHEREAS, the City of Burlington did post a Class 2 Notice to Bidders for the 2012 City Improvements Project on March 1, and March 8, 2012 and,

WHEREAS, bids received by the City were opened and reviewed at the Board of Public Works bid opening on March 15, 2012 and forwarded to the City Engineer for final review; and,

WHEREAS, the City Engineer, and the Dept. of Public Works have reviewed the bids and based on the engineer's recommendation, we recommend acceptance of the lowest, most responsive bid from R. R. Walton & Co., Ltd., a copy of which is attached hereto, and made a part thereof; and,

WHEREAS, the City Engineer, and the Dept. of Public Works have recommended approval of the Total Base Bid for \$106,504.75

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2012 City Improvements Project bid be awarded to R. R. Walton & Co., Ltd. for the not-to-exceed amount of \$106,504.75 for the Total Base Bid.

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

MEMORANDUM TO THE CITY OF BURLINGTON

To: Connie Wilson
From: Mike Timmers
CC: Dan Jensen, Judy Gerulat, Kevin Lahner
Date: March 15, 2012
Re: Bid Approval and Recommendation for 2012 City Improvements Project

A total of five bids were received on Thursday, March 15, 2012 for the **2012 City Improvements Project**. The bids were reviewed and the final bid tab results are as follows:

Item	Engineer's Estimate	<u>Bidder No. 1</u> All-Ways Contractor's, Inc. (Elm Grove, WI)	<u>Bidder No. 2</u> D.C. Burbach, Inc. (Waukesha, WI)	<u>Bidder No. 3</u> A.W. Oakes & Son, Inc. (Racine, WI)	<u>Bidder No. 4</u> R.R. Walton & Company, Ltd. (Whitewater, WI)	<u>Bidder No. 5</u> The Wanasek Corp. (Burlington, WI)
Total Base Bid:	\$137,554.50	** \$117,040.14	\$153,236.25	** \$155,561.00	\$106,504.75	\$118,604.00

** Denotes adjusted bid total due to math errors.

It is my recommendation to award the **2012 City Improvements Project** base bid contract to **R. R. Walton & Company, Ltd.** for the total cost of \$106,504.75. A bid bond of 5% of the contract price, and qualification statement were submitted and complete. The project General Bid Tab is attached for your review.



KAPUR & ASSOCIATES, INC.

2012 City Improvements Project
City of Burlington, Racine County, Wisconsin
Bid Opening: March 15, 2012, 9:00 AM

General Bid Tab

ECHO LAKE - Bike Path		
Item No.	Item Description	Unit Bid Qty.
204.0100	Removing Pavement	SY 32
204.0155	Removing Concrete Sidewalk	SY 440
205.0100	Excavation Common	CY 260
305.0120	Base Aggregate Dense 1 1/4-Inch	TON 325
416.0160	Concrete Driveway 6-Inch	SY 32
465.0105	Asphaltic Surface (1.2.5 mm)	TON 165
628.1504	Silt Fence	LF 900
628.1520	Silt Fence Maintenance	LF 200
628.7015	Inlet Protection Type C	EACH 3
690.0150	Sawing Asphalt	LF 20
SPV.0090.01	Erosion Bel	LF 20
SPV.0105.01	Traffic Control (Echo Lake)	LS 1
	Restore Disturbed Areas - Includes Topsoil (625.0100), Mulching (627.0200), Fertilizer Type A (629.0205), Seeding Mix No. 40 (630.0140).	SY 100
	Restore Disturbed Areas with E-Mat - Includes Topsoil (625.0100), Erosion Mat Urban Class 1 Type A (628.2006), Fertilizer Type A (629.0205), Seeding Mix No. 40 (630.0140).	SY 760
SUBTOTAL - Echo Lake Bike Path		
2012 SIDEWALK IMPROVEMENTS		
Item No.	Item Description	Unit Bid Qty.
204.0155	Removing Concrete Sidewalk	SY 431
305.0120	Base Aggregate Dense 1 1/4-Inch (Undistributed)	TON 30
416.0160	Concrete Driveway 6-Inch	SY 41
465.0120	Asphaltic Surface Driveways & Field Entrances	TON 7
602.0405	Concrete Sidewalk 4-Inch	SF 3510
690.0150	Sawing Asphalt	LF 90
	Restore Disturbed Areas - Includes Topsoil (625.0100), Mulching (627.0200), Fertilizer Type A (629.0205), Seeding Mix No. 40 (630.0140).	SY 400
SUBTOTAL - 2012 Sidewalk Improvements		
Randolph Street & Kendall Street Sidewalk/Crosswalk		
Item No.	Item Description	Unit Bid Qty.
204.0150	Removing Curb & Gutter	LF 54
204.0155	Removing Concrete Sidewalk	SY 83
205.0100	Excavation Common	CY 15

All-Ways Contractor's, Inc.		
Bid Unit \$	Bid Total \$	
\$ 5.78	\$ 184.96	
\$ 4.20	\$ 1,848.00	
\$ 11.69	\$ 3,039.40	
\$ 13.59	\$ 4,416.75	
\$ 48.37	\$ 1,547.84	
\$ 101.94	\$ 16,820.10	
\$ 1.30	\$ 1,170.00	
\$ 0.10	\$ 20.00	
\$ 35.00	\$ 105.00	
\$ 1.50	\$ 30.00	
\$ 15.00	\$ 300.00	
\$ 3,337.92	\$ 5,337.92	
\$ 4.45	\$ 445.00	
\$ 5.75	\$ 4,370.00	
\$ 37,834.97		
D.C. Burback, Inc.		
Bid Unit \$	Bid Total \$	
\$ 32.00	\$ 1,024.00	
\$ 11.00	\$ 4,840.00	
\$ 31.20	\$ 8,112.00	
\$ 21.10	\$ 6,857.50	
\$ 94.75	\$ 3,032.00	
\$ 76.50	\$ 12,622.50	
\$ 1.20	\$ 1,080.00	
\$ 0.50	\$ 100.00	
\$ 55.00	\$ 165.00	
\$ 5.00	\$ 100.00	
\$ 20.00	\$ 400.00	
\$ 1,600.00	\$ 1,600.00	
\$ 5.50	\$ 550.00	
\$ 5.25	\$ 3,990.00	
\$ 44,473.00		
A.W. Oakes & Son, Inc.		
Bid Unit \$	Bid Total \$	
\$ 15.00	\$ 480.00	
\$ 7.00	\$ 3,080.00	
\$ 20.00	\$ 5,200.00	
\$ 12.00	\$ 3,900.00	
\$ 60.00	\$ 1,920.00	
\$ 120.00	\$ 19,800.00	
\$ 2.00	\$ 1,800.00	
\$ 1.00	\$ 200.00	
\$ 75.00	\$ 225.00	
\$ 5.00	\$ 100.00	
\$ 30.00	\$ 600.00	
\$ 1,000.00	\$ 1,000.00	
\$ 5.00	\$ 500.00	
\$ 6.00	\$ 4,560.00	
\$ 43,365.00		
A.W. Oakes & Son, Inc.		
Bid Unit \$	Bid Total \$	
\$ 7.00	\$ 3,017.00	
\$ 25.00	\$ 750.00	
\$ 50.00	\$ 2,050.00	
\$ 250.00	\$ 1,750.00	
\$ 5.50	\$ 19,305.00	
\$ 3.00	\$ 270.00	
\$ 10.00	\$ 4,000.00	
\$ 31,142.00		
D.C. Burback, Inc.		
Bid Unit \$	Bid Total \$	
\$ 11.00	\$ 4,741.00	
\$ 21.10	\$ 633.00	
\$ 94.75	\$ 3,884.75	
\$ 185.00	\$ 1,295.00	
\$ 4.95	\$ 17,374.50	
\$ 5.00	\$ 450.00	
\$ 6.75	\$ 2,700.00	
\$ 31,078.25		
All-Ways Contractor's, Inc.		
Bid Unit \$	Bid Total \$	
\$ 9.94	\$ 4,284.14	
\$ 13.59	\$ 407.70	
\$ 51.95	\$ 2,129.95	
\$ 189.26	\$ 1,324.82	
\$ 4.25	\$ 14,917.50	
\$ 2.00	\$ 180.00	
\$ 8.25	\$ 3,300.00	
\$ 26,544.11		
R.R. Walton & Company, Ltd		
Bid Unit \$	Bid Total \$	
\$ 6.00	\$ 192.00	
\$ 9.00	\$ 3,960.00	
\$ 15.00	\$ 3,900.00	
\$ 15.00	\$ 4,875.00	
\$ 43.00	\$ 1,376.00	
\$ 72.50	\$ 11,962.50	
\$ 1.10	\$ 990.00	
\$ 0.30	\$ 60.00	
\$ 50.00	\$ 150.00	
\$ 15.00	\$ 300.00	
\$ 15.00	\$ 300.00	
\$ 500.00	\$ 500.00	
\$ 4.25	\$ 425.00	
\$ 5.25	\$ 3,990.00	
\$ 32,980.50		
R.R. Walton & Company, Ltd		
Bid Unit \$	Bid Total \$	
\$ 9.00	\$ 3,879.00	
\$ 15.00	\$ 450.00	
\$ 44.00	\$ 1,804.00	
\$ 175.00	\$ 1,225.00	
\$ 4.55	\$ 15,970.50	
\$ 2.00	\$ 180.00	
\$ 4.70	\$ 1,880.00	
\$ 25,388.50		
The Wanasek Corp.		
Bid Unit \$	Bid Total \$	
\$ 6.50	\$ 208.00	
\$ 6.00	\$ 2,640.00	
\$ 12.00	\$ 3,120.00	
\$ 15.00	\$ 4,875.00	
\$ 42.00	\$ 1,344.00	
\$ 127.00	\$ 20,555.00	
\$ 1.75	\$ 1,575.00	
\$ 1.25	\$ 250.00	
\$ 79.00	\$ 237.00	
\$ 3.50	\$ 70.00	
\$ 21.00	\$ 420.00	
\$ 850.00	\$ 850.00	
\$ 7.50	\$ 750.00	
\$ 8.50	\$ 6,460.00	
\$ 43,754.00		
The Wanasek Corp.		
Bid Unit \$	Bid Total \$	
\$ 12.00	\$ 5,172.00	
\$ 15.00	\$ 450.00	
\$ 32.00	\$ 1,312.00	
\$ 106.00	\$ 742.00	
\$ 3.00	\$ 10,530.00	
\$ 3.50	\$ 315.00	
\$ 7.50	\$ 3,000.00	
\$ 21,521.00		
R.R. Walton & Company, Ltd		
Bid Unit \$	Bid Total \$	
\$ 3.00	\$ 162.00	
\$ 7.00	\$ 581.00	
\$ 15.00	\$ 225.00	
\$ 3.00	\$ 540.00	
\$ 7.00	\$ 581.00	
\$ 45.00	\$ 675.00	
\$ 10.00	\$ 540.00	
\$ 11.00	\$ 1,161.00	
\$ 11.00	\$ 913.00	
\$ 65.00	\$ 975.00	
\$ 21.50	\$ 1,161.00	
\$ 11.00	\$ 913.00	
\$ 65.00	\$ 975.00	
\$ 4.21	\$ 227.34	
\$ 4.54	\$ 376.82	
\$ 15.00	\$ 225.00	
\$ 9,750.00		
All-Ways Contractor's, Inc.		
Bid Unit \$	Bid Total \$	
\$ 4.21	\$ 227.34	
\$ 4.54	\$ 376.82	
\$ 15.00	\$ 225.00	
\$ 825.00		

602.0405	Concrete Sidewalk 4-Inch.	SF	630	\$ 4.17	\$ 2,627.10	\$ 6.50	\$ 4,095.00	\$ 6.50	\$ 4,095.00	\$ 4.55	\$ 2,866.50	\$ 3.00	\$ 1,890.00
602.0505	Curb Ramp Detectable Warning Field Yellow	SF	64	\$ 24.04	\$ 1,538.56	\$ 40.00	\$ 2,560.00	\$ 50.00	\$ 3,200.00	\$ 5.00	\$ 320.00	\$ 37.00	\$ 2,368.00
646.0600	Removing Pavement Markings	LF	740	\$ 1.54	\$ 1,139.60	\$ 1.40	\$ 1,036.00	\$ 1.00	\$ 740.00	\$ 1.40	\$ 1,036.00	\$ 1.50	\$ 1,110.00
647.0526	Pavement Marking Yield Line Epoxy 18-Inch	EACH	22	\$ 29.00	\$ 638.00	\$ 30.00	\$ 660.00	\$ 20.00	\$ 440.00	\$ 27.00	\$ 594.00	\$ 29.00	\$ 638.00
647.0566	Pavement Marking Stop Line Epoxy 18-Inch	LF	35	\$ 8.80	\$ 308.00	\$ 10.00	\$ 350.00	\$ 20.00	\$ 700.00	\$ 8.00	\$ 280.00	\$ 9.00	\$ 315.00
647.0766	Pavement Marking Crosswalk Epoxy 6-Inch	LF	160	\$ 5.72	\$ 915.20	\$ 5.50	\$ 880.00	\$ 6.00	\$ 960.00	\$ 5.20	\$ 832.00	\$ 5.50	\$ 880.00
647.0796	Pavement Marking Crosswalk Epoxy 24-Inch	LF	140	\$ 8.25	\$ 1,155.00	\$ 8.00	\$ 1,120.00	\$ 20.00	\$ 2,800.00	\$ 7.50	\$ 1,050.00	\$ 8.00	\$ 1,120.00
690.0150	Sawing Asphalt	LF	190	\$ 2.00	\$ 380.00	\$ 3.50	\$ 665.00	\$ 3.00	\$ 570.00	\$ 2.00	\$ 380.00	\$ 3.50	\$ 665.00
SPV.0060.01	Pedestrian Activated Flashing LED Sign Unit including Steel Pole & In-ground Pole Support	EACH	4	\$ 3,766.87	\$ 15,067.48	\$ 4,500.00	\$ 18,000.00	\$ 3,200.00	\$ 12,800.00	\$ 3,702.48	\$ 14,809.92	\$ 4,318.00	\$ 17,272.00
SPV.0060.02	Relocate Sign, Sign Pole, & Pole Support	EACH	2	\$ 110.00	\$ 220.00	\$ 150.00	\$ 300.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 245.00	\$ 490.00
SPV.0105.04	Traffic Control (State Street)	LS	1	\$ 1,479.72	\$ 1,479.72	\$ 1,650.00	\$ 1,650.00	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 500.00	\$ 900.00	\$ 900.00
SPV.0180.01	Restore Disturbed Areas - Includes Topsoil (625.0100), Mulching (627.0200), Fertilizer Type A (629.0205), Seeding Mix No. 40 (630.0140).	SY	60	\$ 8.25	\$ 495.00	\$ 6.00	\$ 360.00	\$ 10.00	\$ 600.00	\$ 5.25	\$ 315.00	\$ 9.50	\$ 570.00
SUBTOTAL - State St/Elmwood Ave Crosswalk											\$ 32,118.42	\$ 35,800.00	

TOTAL - BASE BID \$ 117,040.14 \$ 153,236.25 \$ 106,504.75 \$ 118,604.00



Department of Public Works

Street & Park Department
824 Milwaukee Avenue, Burlington, WI, 53105
(262) 763-2060 – (262) 763-5492 fax
www.burlington-wi.gov

Common Council Item Number: 13C	Date: April 4, 2012
Submitted By: Connie Wilson, Director of Public Works	Subject: Resolution 4543(68) to consider approving the Change Order 2 of the Radium and Gross Alpha Treatment System for Wells No. 9 and No. 10 in the amount of \$29,597.26.

Details:

As detailed in the attached memo, the Radium and Gross Alpha Treatment Systems for Wells No. 9 and No. 10 project requires approval of Contract Change Order #2. Pursuant to a review and recommendation by the City Engineer and the Director of Public Works, it is recommended that Contract Change Order #2 be approved for Scherrer Construction Co., Inc., for the amount of \$29,597.26, increasing the total contract amount to \$1,766,357.26. These change orders were approved in the field during construction. Of this amount \$15,763.14 is attributed to changes at Well No. 9 and \$13,834.12 is attributed to Well No. 10. The engineering estimate for this project was \$2,000,000. This project is required to bring the City of Burlington drinking water supply back into compliance with the US EPA Safe Drinking Water standards addressing the Wisconsin DNR Noncompliance letter dated April 30, 2009.

Staff recommends approval of this resolution.

Options & Alternatives:

This item brings the current contract up-to-date. These revisions were approved in the field by the City Engineer and City staff. All were necessary project revisions related directly to the project.

Financial Remarks:

This project was submitted and approved with the Safe Drinking Water Loan Program in June 2010. This project also qualified for 10% Principal Forgiveness for the entire project cost including engineering and contingences. The total cost of the project is now \$1,766,357.26.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is placed on April 4, 2012 Common Council meeting for consideration.

Resolution No. 4543(68)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING CONTRACT CHANGE ORDER NUMBER TWO WITH
SCHERRER CONSTRUCTION COMPANY, INC FOR THE 2010 RADIUM REMOVAL
PROJECT FOR WELLS 9 AND 10 IN THE AMOUNT OF \$29,597.26**

WHEREAS, Resolution 4472(56) approved the award of bid to Scherrer Construction Company, Inc. for the Radium Removal Project for Wells 9 and 10 in the amount of \$1,671,000 ; and,

WHEREAS, the City of Burlington entered into a contract with Scherrer Construction Company, Inc. for said improvements on April 6, 2011; and,

WHEREAS, it was determined that unforeseen items were needed with the Radium Removal Project at Wells 9 and 10, consisting of relocating the new building and backwash tank at Well 9; reconfiguring the water line valve at Well 10; and offsetting the twelve inch watermains, adding a Tonka Simul-Wash system, adding slurry backfill for underground utilities and adding insulation to the tops of the backwash tanks at both Wells 9 and 10, which has resulted in Change Order Number One; and,

WHEREAS, it was determined that changes were needed with on-site and in-the-field conditions in the course of construction with the Radium Removal Project at Wells 9 and 10, which has resulted in a \$29,597.26 Change Order, a copy of which is attached hereto as "Exhibit A" and made a part hereof; and,

WHEREAS, said Change Order Two in the amount of \$29,597.26 has been recommended for approval by the City Engineer; and,

WHEREAS, the new contract price including Change Order Number Two is for the not-to- exceed amount of \$1,766,357.26.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Change Order Two is hereby approved in the amount of \$29,597.26.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Change Order Two on behalf of the City.

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

MEMORANDUM TO THE CITY OF BURLINGTON

To: Connie Wilson
From: John Grosskreutz
Date: March 5, 2012
Re: Contract Change Order Request for Scherrer Construction Co., Inc.
Radium and Gross Alpha Treatment Systems for Well No. 9 and No.10

Attached please find a copy of Contract Change Order #2 and Justification of the additional cost for the **Radium and Gross Alpha Treatment Systems for Well No. 9 and No. 10** construction projects. This CCO is for the following items:

1. Air vents are needed at each underground water reservoir as per code Well No. 9 (\$1,780) Well No. 10 (\$1,780). The existing Aerators were removed at each reservoir which had provided the venting.
2. Phone lines are needed at each HMO treatment system for communication with Tonka SCADA System Well No. 9 (\$641) Well No. 10 (\$641).
3. The concrete sidewalk was revised at each well per owners request for a total of (\$2,114). Ref. Item 3,4,5 & 6.
4. Asbestos abatement was required at Well No. 9 for old door panels that were removed (\$500).
5. A plug was required for each overhead door operator instead of hard wire connection Well No. 9 (\$2,131) Well No. 10 (\$2,131).
6. The unit heater was replaced with a new 480 volt unit heater at Well No. 10 (\$1,930). Ref. Item 9 & 10.
7. The existing door frames were repainted to match the new door frames installed at Well No. 9 (\$600).
8. Apply an extra coat of paint to each of the HMO filter tanks to provide extra protection and extended tank life Well No. 9 (\$1,500) Well No. 10 (\$1,500).
9. Furnish and install latch plates for vandal protection Well No. 9 (\$255) Well No. 10 (\$255).
10. Furnish and install A/C units in lieu of dehumidifiers requested by owner Well No. 9 (\$1,892) Well No. 10 (\$1,892).
11. Wire service to transformer, this was an extra because the transformer is owned by the city, normally the city would pay We Energies to make the connection Well No. 9 (\$1,866).
12. Adjust existing flush to waste manhole because of revised grading at Well No. 10 (\$567).
13. Raise backflush manhole at Well No. 9 to one foot below floor elevation as required by DNR (\$220).
14. Modify backflush piping to prevent washout of topsoil around manhole Well No. 9 (\$1,596) Well No. 10 (\$1,544).

Let me know if you have any questions or comments. Thank you.

● Page 1



Kapur & Associates, Inc. ~ 6025 S. Pine Street ~ Burlington, WI 53105 ~ Phone 262.767.2747 ~ Fax 262.767.2750 www.kapurengineers.com

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BURLINGTON WELLS NO. 9 & NO. 10
CHANGE ORDER #2 BREAKDOWN
January 30, 2012

1) Add vent to each U.G. Reservoir		Well #9	\$ 1,780.78
		Well #10	\$ 1,780.78
	Total Add		<u>\$ 3,561.56</u>
2) Install phone line raceway at Well #9 & Well #10		Well #9	\$ 641.50
		Well #10	\$ 641.50
	Total Add		<u>\$ 1,283.00</u>
3) Additional concrete slabs @ Well #9 (216 s.f. @ \$5/s.f.)		Well #9	\$ 1,080.00
4) Excavation & Stone Base for Added Slab Area		Well #9	\$ 427.03
5) Reduced concrete slab @ Well #10 (49 s.f. @ \$5/s.f.)		Well #10	\$ (245.00)
6) Add stoop at rear of existing Well #10 (Done independent of other site concrete)			
	Labor		\$ 777.29
	Material		<u>\$ 75.00</u>
	Total Add		<u>\$ 852.29</u>
7) Asbestos abatement at Well #9		Well #9	\$ 500.00
8) Conduit and wire overhead door operator @ Well #9 & Well #10		Well #9	\$ 2,131.50
		Well #10	\$ 2,131.50
	Total Add		<u>\$ 4,263.00</u>
9) Replace the unit heater at Well #10 W/ 480 Volt unit		Well #10	\$ 1,518.00
10) Replace circuit breaker for unit heater @ Well #10		Well #10	\$ 412.00
11) Paint existing H.M. Frames @ Well #9		Well #9	\$ 600.00
12) Apply finish coat of paint to tanks at both wells		Well #9	\$ 1,500.00
		Well #10	<u>\$ 1,500.00</u>
	Total Add		<u>\$ 3,000.00</u>
13) Furnish and install latch plates at both wells		Well #9	\$ 255.00
		Well #10	<u>\$ 255.00</u>
	Total Add		<u>\$ 510.00</u>
14) Furnish and install A/C units in lieu of dehumidifiers			
\$1,775.20 Remaining in Owner Equipment Allowance on each well		Well #9	\$ 1,892.80
\$3,668.00 / system - Difference \$ 1,892.80 x 2 each		Well #10	<u>\$ 1,892.80</u>
	Total Add		<u>\$ 3,785.60</u>
15) Wire transformer to service entrance at Well #9 (Transformer owned by City, not WE Energies)		Well #9	\$ 1,866.00
16) Adjust existing manhole frame @ Well #10		Well #10	\$ 567.92
17) Raise back flush grates at Well #9		Well #9	\$ 220.00
18) Back flush pipe modification		Well #9	\$ 1,596.38
		Well #10	<u>\$ 1,544.22</u>
	Total Add		<u>\$ 3,140.60</u>
19) Modify Tank Drain for 2 1/2" Hose Connection		Well #9	\$ 412.00
		Well #10	<u>\$ 412.00</u>
	Total Add		<u>\$ 824.00</u>
20) Omit Liquidated Damages from Contract			
21) Slurry adjustment - Credit 10c.y. @ \$18.48/c.y.		Well #10	\$ (184.80)
22) Attachment "F" Added to the Contract			
		Sub Total Well #9	\$ 14,902.99
		5% Fee	\$ 745.15
		Performance Bond	<u>\$ 115.00</u>
		Total Well #9	<u>\$ 15,763.14</u>
		Sub Total Well #10	\$ 13,078.21
		5% Fee	\$ 653.91
		Performance Bond	<u>\$ 102.00</u>
		Total Well #10	<u>\$ 13,834.12</u>
		Total Change Order	<u>\$ 29,597.26</u>



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

Common Council Item Number: 13D	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4544(69) to consider Amendment Number 3 to the PUD agreement with Kempken Real Estate Group for the Falcon Ridge Condos.

Details:

In 2006, the City entered into a Planned Unit Developer's Agreement with the Kempken Real Estate Group, LLC for the Falcon Ridge Condominiums. As part of this Agreement, the Developer was required to install the second lift of asphalt on Raptor Court by November 18, 2008 and extended in 2010 to November 18, 2012.

Attached is a letter from Dan Kempken, owner, requesting another extension of time to install these public improvements to November 18, 2014. As not all of the lots are sold and the lift will likely be damaged or destroyed if put in before home construction begins.

City staff has reviewed this request and feel there would be no hardship to the community if this extension is granted.

Options & Alternatives:

The Common Council could reject this request.

Financial Remarks:

A Letter of Credit remains with the City in the event repairs are not made and staff must complete the remaining improvements.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting for consideration on April 4, 2012.

A RESOLUTION APPROVING AMENDMENT NUMBER THREE TO THE PLANNED UNIT DEVELOPMENT AGREEMENT (PUD) FOR FALCON RIDGE CONDOMINIUMS

WHEREAS, Resolution 4009(103) approving a Planned Unit Development (PUD) Agreement with Kempken Real Estate Group, LLC was approved by the Common Council on May 30, 2006; and,

WHEREAS, Resolution 4281(51) approving Amendment One to the Planned Unit Development Agreement that extended the deadline for completion of the final lift of asphalt on Raptor Court was approved by the Common Council on November 18, 2008; and,

WHEREAS, Resolution 4444(28) approving Amendment Two to the Planned Unit Development Agreement that extended the deadline for completion of the final lift of asphalt on Raptor Court was approved by the Common Council on November 3, 2010; and,

WHEREAS, the developer wishes to extend the deadline for the completion of the final lift of asphalt on Raptor Court two additional years due to a slowdown in the housing market, as described in Attachment "A"; and,

WHEREAS, Amendment Number Three to the Development Agreement for a Planned Unit Development sets forth terms and conditions relating to improvements of Raptor Court and payment of fees and expenses for such improvements; and,

WHEREAS, Amendment Number Three to the Development Agreement for a Planned Unit Development has been reviewed by the City staff, and City Attorney and comes with a recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Amendment Number Three to the Development Agreement for a Planned Unit Development is hereby approved with the Mayor authorized to execute this agreement.

Introduced: March 20, 2012

Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

February 4, 2012

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

Dear Kevin,

Based on the Developer's Agreement for the Falcon Ridge Condominium Planned Unit Development, the second lift of asphalt on Raptor Court is due to be installed in November 2012.

As the development is far from complete and there will be significant traffic on Raptor Court over the next two years, we hereby request a two-year deferral of the requirement to complete the second lift of asphalt.

If you have any questions, please contact me.

Best regards,

Dan Kempken
Kempken Real Estate Group LLC
262-758-0177

cc: Pat Scherrer, Building Inspector

AMENDMENT NUMBER THREE TO PLANNED UNIT DEVELOPMENT AGREEMENT FOR FALCON RIDGE CONDOMINIUM

This Agreement is made and entered into by and between KEMPEN REAL ESTATE GROUP LLC, Wisconsin Limited Liability a Company (the "Developer") and the CITY OF BURLINGTON, a Municipal Corporation of the State of Wisconsin located in Racine County and Walworth Counties (the "City").

RECITALS

WHEREAS on May 30 2006 the Developer and the City entered into a Planned Unit Development Agreement (the "Development Agreement") for Falcon Ridge Condominium, and

WHEREAS pursuant to the terms, conditions and provisions of the Development Agreement, the Developer installed the majority of the public improvements in the Development, but, because of the slowdown of the economy and its effect on the housing market, wishes to extend the deadline for the completion of the final lift of asphalt on Raptor Court; and

WHEREAS the extension of the deadline for the final lift of asphalt on Raptor Court is in the best interests of the City of Burlington because it will avoid damage to the first lift of asphalt caused by construction traffic; and

WHEREAS it is necessary to amend the Development Agreement in order to extend the deadline under terms that ensure the quality of the roadway and are fair to all parties.

NOW, THEREFORE, the Planned Unit Development Agreement for Falcon Ridge Condominium dated May 30 2006 is hereby amended as follows:

AGREEMENT

1. Amendment of Existing Agreement. This Agreement constitutes the Amendment to the Planned Unit Development Agreement for Falcon Ridge Condominium dated May 30 2006. All of the terms, conditions and provisions of the Development Agreement are incorporated herein by reference and shall remain in full force and effect to the extent those terms, conditions and provisions are not inconsistent with the terms, conditions and provisions of this Amendment. In the event of an inconsistency between the terms conditions and provisions of the Development Agreement and this Amendment, the terms, conditions and provisions of this Amendment shall control.

2. Amendment of Section II.B.3. Section II, Required Improvements, subsection B, Raptor Court, subsection 3, shall be and is amended as follows:

II B.3. A second lift of asphaltic concrete pavement will be placed on Raptor Court no later than November 30, 2014, provided, however, that damage or deterioration of the first lift of asphaltic concrete shall be repaired, or the first lift shall be replaced, prior to the placement of the second lift, at the direction of the City Engineer, and at Developer's sole expense. In addition as according to the approved site plans the entire intersection of Raptor Ct. and Falcon Ridge Dr. shall be milled and resurfaced no later than November 30, 2014, also

3. Payment of Fees. The Developer shall pay all fees, expenses, costs and disbursements related to this Amendment of the Planned Unit Development Agreement for Falcon Ridge Condominium dated May 30, 2006. Unless required to be paid as a condition of the approval of this Agreement, such amount(s) shall be paid within forty-five (45) days after being billed



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: 13E	Date: April 4, 2012
Submitted By: Patrick Scherrer, Building Inspector and Zoning Administrator	Subject: Resolution 4545(70) to consider a two year extension to the contract with Municipal Services, LLC.

Details:

The City has contracted services with Municipal Services, LLC since 2008 for building and zoning inspection purposes on an as needed basis. The three licensed inspectors that provide these services for the city, Jim Deluca, Pat Carroll and Greg Klemko, have assisted the city for many years and are quite familiar with our code.

The 2012 – 2014 agreement before you contains all of the same language and requirements of the current contract in which all services provided will remain the same. This rate is on the low end of the spectrum for the type of service that is provided.

Options and Alternatives:

The Council may choose to deny this request and direct staff to seek other proposals from other companies that will provide part-time building inspection services.

Financial Remarks:

As these services are on an as needed basis, actual costs can vary. The 2010 Annual Budget includes \$16,000 for services. The hourly cost for the inspectors will increase \$5 per hour compared with the current contract, however at \$57/hour these fees are still on the low side compared with market rates.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is placed on the April 4, 2012 Common Council meeting for consideration.

Resolution No. 4545(70)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A TWO-YEAR CONTRACT FOR PART-TIME
BUILDING INSPECTION SERVICES WITH MUNICIPAL SERVICES, LLC**

WHEREAS, the City of Burlington has building and zoning activities that warrant the hiring of part-time assistance for the Building Department, specifically in the areas of commercial electrical inspections and staff coverage for all building inspections during peak demand periods; and,

WHEREAS, based on application reviews, interviews and background checks the City's Building and Zoning Administrator recommends that the City hire the private firm Municipal Services, LLC, a/k/a James DeLuca, a Wisconsin Limited Liability Company to fill this need. Municipal Services, LLC employs several inspectors which are certified in all areas of the State Building Codes including commercial electrical and they would be capable of serving this community with any building or zoning needs; and,

WHEREAS, this part-time position is budgeted for in 2012 and revenue for this service is derived from building permits; and,

WHEREAS, the Building and Zoning Administrator and City Attorney have reviewed the proposed two-year contract from April 1, 2012 through March 31, 2014, attached hereto and made a part hereof, and recommend it's approval.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the two-year Contract for Part-Time Building and Inspection Services with Municipal Services, LLC is hereby approved and the Mayor is authorized to execute said Contract on behalf of the City.

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**CONTRACT FOR PART-TIME
BUILDING INSPECTION SERVICES**

This agreement is entered between the City of Burlington, a Wisconsin Municipal Corporation whose main offices are located at 300 North Pine Street, Burlington, WI 53105 ("Municipality") and Municipal Services, LLC, a/k/a/James DeLuca, a Wisconsin Limited Liability Company whose offices are located at 1469 Creekside Dr, P.O. Box 396, Lyons, WI 53148 ("Agency"), alternatively referred to as "Parties" to this agreement.

RECITALS

WHEREAS, the Municipality requires part-time building inspection services utilizing Wisconsin State Certified Inspectors; and

WHEREAS, the Agency is prepared to provide part-time building inspection services as requested and required by the Municipality; and

WHEREAS, the Parties desire to contract with each other concerning matters relating to building inspection services within the confines of the City of Burlington.

NOW THEREFORE, for valuable consideration, and with the express intention on the part of both Parties, and their respective agents, that this agreement is legally binding, the Parties agree and state as follows:

SECTION 1 SCOPE OF SERVICES

The Agency shall provide the Municipality, upon its specific request as from time to time made, with all necessary building inspection services, as the assistant to and back-up for the City of Burlington Building Inspector, as more fully set forth below.

Specifically, the Agency hereby agrees to provide the Municipality with inspection services stemming from the issuance of building permits and their related inspections in all of the following fields: residential construction, commercial construction, residential HVAC, commercial HVAC, residential electrical, commercial electrical, residential plumbing, commercial plumbing, residential erosion control and commercial erosion control.

The Agency further agrees to perform, at municipal request as from time to time made, necessary plan reviews to ascertain compliance with all applicable federal, state and local regulations. In the absence of the City Building inspector, or at his request, the Agency agrees to perform such plan reviews and issuing building, HVAC, electrical

and/or plumbing permits, and as part of said issuance shall act as Zoning Administrator and review and administer the City of Burlington Zoning Ordinance, and other provisions of the Code of the City of Burlington, inclusive of floodland provisions, as part of said plan reviews and permit issuance. In the case of Agency uncertainty as to application of evaluation of the Zoning Ordinance or other Code provisions, the Agency agrees to refer questions to the City Administrator prior to issuing any permit. The Agency shall also ensure that all necessary State and Federal Permits have been obtained prior to the issuance of any permit hereunder.

The Agency agrees to respond to City of Burlington staff inquiries and complaints and initiate enforcement actions regarding building, zoning, property maintenance and nuisance issues as may be necessary and appropriate under circumstances, issue such Notices and Orders as may be necessary, and assist the City Attorney in the prosecution of such matters. The Agency shall request assistance of the Municipality staff if necessary.

The Agency further agrees to provide additional inspection services in case of an emergency situation.

The agency agrees to maintain records of all permits issued, inspections made, work approved, or other official actions, which records shall be the property of the Municipality and are public records. The Agency agrees to provide monthly activity reports.

The Agency agrees to provide State Certified Inspectors to do all work described and set forth above.

The Agency will provide the salary of its Inspectors, field communication equipment and administrative coordination with the Municipality.

SECTION 2 OFFICE HOURS

The Agency agrees to maintain office hours as requested at City Hall for the public to have access to State Certified Inspectors as requested and scheduled by the Municipality.

SECTION 3 EXCLUSIVE AGENCY PROVIDER

The Municipality agrees and asserts that the Agency is to be the exclusive Agency provider of part-time building inspections, as described in Section 1 for the entire term of this contract. Review by Municipality Staff, the City Engineer, City Attorney or City Planner shall not be a violation of this section.

SECTION 4 TERM OF CONTRACT

The Parties to this contract agree that this agreement shall have a two year contract beginning not later then April 1, 2012 and extending to March 31st, 2014. Extensions of this contract are permissible and shall be made by specific, written amendment thereto.

Except for cause, either the Municipality or the Agency may terminate this contract after six (6) months of the date of this contract and upon sixty (60) days written notice of the intention to terminate. Either party may terminate this contract for cause. Cause shall be defined as failure to adhere to the terms of this contract.

SECTION 5 INSURANCE; INDEMNIFICATION

A. **INSURANCE.** The Agency shall, at its own expense, procure and maintain at all times during the term of this agreement the following insurance, which said insurance shall be provided on an occurrence basis:

COMMERCIAL GENERAL LIABILITY. Agency shall maintain limits of no less than:

GENERAL LIABILITY. One million dollars (\$1,000,000.00) combined single limit and Two Million Dollars (\$2, 000,000.00) aggregate for bodily injury, personal injury and property damage.

AUTOMOBILE LIABILITY. The agency shall maintain Automobile Liability Coverage for all owned and non-owned automobiles of at least One Million Dollars (\$1,000,000.00) combined single limit for each accident.

WORKERS COMPENSATION. Agency shall maintain statutorily required limits for Workers Compensation and Employers Liability coverage.

The Agency shall provide a duplicate original Certificate of Insurance to the City of Burlington at the time of the execution of this agreement and on the anniversary date of this agreement, and upon and change in insurance carrier or coverage.

B. **INDEMNIFICATION.** The Agency agrees to indemnify the Municipality, its employees, officers and agents from and against any and all claims, suits, demands or causes of action arising out of any act or omission of the Agency and causing injury to any person or persons or property, whomsoever and whatsoever, and specifically including any violation of any non-compete provisions of any contract or agreement by the Agency or its Inspectors.

The Municipality agrees to indemnify the Agency, its employees, officers and agents from and against any and all claims, suits, demands or causes of action arising out of any act or omission of the Municipality and causing injury to any person or persons or property, whomsoever and whatsoever.

SECTION 6 FEES

The Municipality agrees to pay the Agency as follows:

Hourly Wage: \$57.00 per hour for inspections, meeting attendance by request of the Municipality, office hours, and travel to, from and between inspection sites within the Municipality limits.

In the event an official State of Emergency is declared in the City of Burlington, or in the case of other emergency requiring overtime, the City Administrator may authorize payment of the hourly wage at time and one-half or double time as appropriate. The increased hourly wage will only be paid if the City Administrator authorizes the additional hours and work in writing prior to the Agency's performance of services.

Trip Charge: \$57.00 per visit.

The fees listed herein shall be the only fees charged to the Municipality. The Municipality shall not be liable to provide vehicle or mileage allowances.

SECTION 7 AGENCY AS INDEPENDENT CONTRACTOR

It is agreed and understood between the Parties hereto that the Agency shall be considered as an Independent Contractor as that term is defined by the Internal Revenue Service and, as such, the Agency, its employees, and any inspector providing services called for by this contract shall not be considered to be an employee of the City of Burlington and shall not be entitled to any benefits as an employee of the City of Burlington including, but not limited to, health benefits, vacation time, sick time, retirement benefits, or any other benefit.

SECTION 8 GOVERNING LAW

At the time of the execution of this Agreement, the Parties are incorporated and doing business within the State of Wisconsin. The Parties agree that this Agreement shall at all times be construed in accordance with the laws of the State of Wisconsin.

SECTION 9 VOLUNTARINESS

Each of the Parties acknowledges that they have voluntarily executed this Agreement, with full knowledge and information, and that no coercion or undue influence has been used by or against either Party in making this Agreement.

SECTION 10 AMENDMENT

This Agreement shall be amended only by a written Agreement signed by both Parties.

SECTION 11 ENTIRE AGREEMENT

This Agreement represent the entire Agreement of the Parties with respect to the subject matter hereof. All agreements, covenants, representations and warranties, expressed or implied, oral or written, of the Parties with regard to the subject matter hereof are contained herein.

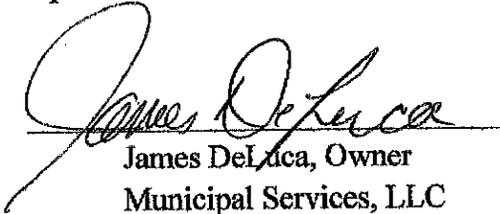
No other agreements, covenants, representations or warranties, expressed or implied oral or written, have been made by either Party to the other with respect to the subject matter of this Agreement. All prior and contemporaneous conversations, negotiations, possible and alleged agreements and representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and superseded hereby.

SECTION 12 SEVERABILITY

In the event any of the provisions of this Agreement are deemed to be invalid by a Court of Law, the same shall be severed from this Agreement and shall not affect the enforceability of the remainder of this Agreement.

SECTION 13 EXECUTION OF DOCUMENTS

Each Party shall, upon the request of the other or on the other's representative, execute, acknowledge, and deliver any instruments appropriate or necessary to effectuate the intent and provisions of this Agreement. Each Party further asserts that the undersigned representatives have the authority to bind the Parties as to this Agreement.


James DeLuca, Owner
Municipal Services, LLC


Date

City of Burlington
Administrator/Mayor

Date

Attest:

City of Burlington
Clerk

Date



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

Common Council Item Number: 13F	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4546(71) to consider an Amendment Number Five to the PUD Agreement with Lynch Ventures, LLC.

Details:

Taco Bell has submitted plans to modify the Site Plan and Comprehensive Sign Plan under the Planned Unit Development Agreement with Lynch Ventures, LLC. The Plan Commission approved these plans which include modifying the signage to remove all Long John Silvers references, painting the building and minor site plan changes to the sidewalks and handicap parking stalls at their March 13 2012 meeting. Any modifications to the Site Plan or Sign Plan requires an amendment to the PUD Agreement, attached as Amendment Number Five.

Options & Alternatives:

The Common Council could reject this request however the signage will need to be changed as Long John Silvers will be leaving the site.

Financial Remarks:

There are no costs to the City associated with this request.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting for consideration on April 4, 2012.

**A RESOLUTION APPROVING AMENDMENT NUMBER THREE TO THE PLANNED
UNIT DEVELOPMENT AGREEMENT (PUD) FOR LYNCH VENTURES, LLC**

WHEREAS, on August 24, 2004 Resolution 3838(44) approving a Planned Unit Development (PUD) Agreement for Lynch Ventures, LLC was approved by the Common Council; and,

WHEREAS, on June 21, 2005 Resolution No. 3927(21) approving an amendment, modifying the width of a bicycle-pedestrian path, to the Planned Unit Development (PUD) Agreement for Lynch Ventures, LLC was approved by the Common Council; and,

WHEREAS, on August 23, 2005 Resolution No. 3946(40) approving an amendment to allow for a retail home center (Menards store) including a structure that will exceed 60,000 square feet; and,

WHEREAS, on April 5, 2006 Resolution No. 4012(106) approving an amendment to allow for a 15,181 square foot retail development to be know as the Burlington Retail Center; and,

WHEREAS, on February 6, 2007 Resolution No. 4069(51) approving an amendment to allow for a 16,573-square-foot grocery store (ALDI); and,

WHEREAS, this Amendment Number Five to Development Agreement for a Planned Unit Development request was heard at and recommended for approval by the Plan Commission at their March 13, 2012 meeting pursuant to Mr. Patrick Meehan, Meehan & Company's memorandum dated February 20, 2012; and,

WHEREAS, the Amendment Number Five to Development Agreement for a Planned Unit Development has been reviewed by the City staff and comes with a recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Amendment Number Five to Development Agreement for a Planned Unit Development is hereby approved with the Mayor authorized to execute this agreement.

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

Taco Bell Corp.
1 Glen Bell Way
Irvine, CA 92618



Dallas Office:
7100 Corporate Drive
Plano, Texas 75024

Date: March 9, 2012

City of Burlington
Zoning Administration
300 North Pine Street
Burlington, WI 53105

RE: Taco Bell #22929 (Long John Silver's removal)
2056 Milwaukee Ave.
Burlington, WI 53105

To Whom It May Concern:

Below is the scope of work for the minor remodel of the existing Taco Bell (Long John Silver's removal):

- Removal of the Long John Silver's signs, awnings, and building elements. The replacement Taco Bell signs will be the same size as the removed signs.
- A new single brand menu board will replace the existing multi-brand menu board. The new menu board is slightly smaller.
- ADA upgrades will be performed to the site, including parking, sidewalks.
- The building will be painted to meet Taco Bell standards.

Taco Bell would like to request an amendment to the Planned Unit Development for the above changes.

Sincerely,

Digitally signed by Thomas Michael
DN: cn=Thomas Michael,
o=Taco Bell Corp, ou=Taco Bell
Remodel,
email=Thomas.Michael@tacobe
ll.com, c=US
Date: 2012.03.09 10:39:24
-06'00'

Thomas Michael
Construction Manager
Taco Bell
thomas.michael@yum.com
Mobile Phone 518-225-4153
TM/jl

AMENDMENT NUMBER FIVE TO
DEVELOPMENT AGREEMENT FOR A PLANNED UNIT DEVELOPMENT

This Agreement is made and entered into by between and among the following:

- The City of Burlington a Municipal Corporation of the State of Wisconsin located in Racine County and Walworth County the City; and
- Lynch Ventures LLC a Wisconsin limited liability company Lynch; and

RECITALS

WHEREAS on September 14 2004 Lynch and MRED together hereinafter referred to as the Developer and the City entered into a Development Agreement for a Planned Unit Development approving and regulating a proposed commercial development of the real estate now described as follows:

Certified Survey Map No 2777 being a redivision of Lot 3 of CSM 2742 , a part of the southeast and southwest ¼ of the northwest ¼ and the northwest ¼ of the southwest ¼ of Section 22, Township 3 North, Range 19 East, in the City of Burlington County of Racine State of Wisconsin.

WHEREAS the Agreement has been previously amended; and

WHEREAS the parties desire to enter into an Amendment without in any way altering the Agreement as amended.

AGREEMENT

1. Amendment of PUD Agreement. This Amendment allows for the following site modifications at the existing Taco Bell restaurant as part of Lot 4 of CSM 2777 as follows:

- A. Removal of the Long John Silver's signage, awnings, logos and building elements.
- B. Replacement of Taco Bell signage, logos and building elements.
- C. Replacement of the Taco Bell drive-thru menu board.
- D. ADA upgrades to the parking lot and sidewalks.
- E. Repainting of the building with Taco Bell standards.

2. Recordation. The City shall file an original copy of this Amendment in the office of the City Clerk of the City of Burlington Racine County Wisconsin In addition the City shall record either an original copy or certified copy of this Agreement in the office of the Racine County Register of Deeds.

3. Other This Agreement is and shall be binding upon the parties hereto their contractors agents officers employees personal representatives successors whether individual firm partnership or corporation or assigns.

IN WITNESS WHEREOF the parties hereto have caused this Amendment Number Five to the Planned Unit Development Agreement to be signed this ____ day of _____, 2012

CITY OF BURLINGTON

By: _____
Robert Miller, Mayor

Attest: _____
Beverly R. Gill, City Clerk

State of Wisconsin)
) ss.
County of Racine)

Personally came before me this ____ day of _____, 2012 the above named Robert Miller and Beverly Gill to me known to be the Mayor and City Clerk respectively of the City of Burlington and acknowledge that they executed the foregoing instrument as the agreement of the City of Burlington by its authority.

Notary Public State of Wisconsin
My commission _____

(THE REMAINDER OF THIS PAGE HAS BEEN PURPOSELY LEFT BLANK)

IN WITNESS WHEREOF the parties hereto have caused this Amendment Number Five to the Planned Unit Development Agreement to be signed this ____ day of _____, 2012

LYNCH VENTURES, LLC

By: _____

State of Wisconsin)
) ss.
County of Racine)

Personally came before me this ____ day of _____, 2012 the above named _____ to me known to be an authorized member of Lynch Ventures, LLC and general partner of MRED Burlington Associates, a limited partnership, acknowledge that they executed the foregoing instrument as the agreement of Lynch Ventures, LLC by it authority.

Notary Public State of Wisconsin
My commission _____

(THE REMAINDER OF THIS PAGE HAS BEEN PURPOSELY LEFT BLANK)



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

Committee of the Whole Item Number: 4	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4547(72) to consider an Initial Resolution authorizing \$3,190,000 in General Obligation Bonds.

Details:

The City of Burlington currently has a five-year Capital Improvement Program which details the roads, water lines and wastewater lines which are scheduled for repair/reconstruction over a five-year planning window. In recent years, the Common Council has adopted a policy of funding \$500,000 of road improvements per year, funded through a \$1.5 million bond issue for capital projects. Our current plans call for a \$1.5 million bond issue in 2013 and approximately \$500,000 in road repair expenditures in 2013, 2014 and 2015.

In reviewing the planned road projects for the next several years, and recognizing the current interest rate environment, City staff asked our financial advisors Ehlers and Associates to analyze the possibility of conducting a larger bond sale to fund road improvements. The goal of the analysis was to determine if lower interest rates would save the city money over the long term. The analysis revealed that issuing \$3 million in debt in this interest rate environment would likely result in savings of \$200,000 to \$500,000 over the life of bond as compared to our current plans. These savings are conservative estimates.

The sale of these refunding bonds follows a three step process. First, the Initial Resolution indicating the Common Council's intent to sell the bonds must be passed. Second, the Common Council will consider authorizing the sale of the bonds. Finally, the Common Council will consider approving the winning bidder for the sale of the bonds after the bonds have been advertised on the open market.

Options & Alternatives: There are several options and alternatives to consider related to this proposal. The Common Council could continue to fund the road program at \$500,000 per year, and issue the smaller bond in 2013 as previously planned. The Common Council could also consider funding the road improvements through the operating fund. Doing so would limit our current operating expenditures and cause decisions to be made that would impact other service areas.

Financial Remarks: The potential savings of moving forward with the bond issue at this time ranges from \$200,000 to \$500,000. Debt payments on the \$3 million loan would be added to our debt-service tax levy. The amount of annual payments can be modified to limit the short-term impacts to the City's total tax levy.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting for consideration the same night.

Resolution No. 4547(72)
Introduced by the Committee of the Whole

**INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED \$3,190,000 FOR STREET IMPROVEMENT PROJECTS**

BE IT RESOLVED by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$3,190,000 for the public purpose of paying the cost of street improvement projects.

Introduced: April 4, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

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

Committee of the Whole Item Number: 5	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4548(73) to consider a resolution directing the publication of a Notice to Electors regarding General Obligation Bonds

Details:

Pursuant to Wisconsin statutes, Chapter 67, a notice to the electors must be published once and in the Official Newspaper of the City. This item is a portion of the initial three part procedure to solicit bids for General Obligation Bonds.

Options & Alternatives: This is a requirement per state statutes to solicit for General Obligation Bonds.

Financial Remarks: N/A

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and is placed on the Common Council agenda for consideration the same night.

Resolution No. 4548(73)
Introduced by the Committee of the Whole

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS

WHEREAS, an initial resolution authorizing general obligation bonds has been adopted by the Common Council of the City and it is now necessary that said initial resolution be published to afford notice to the residents of the City of its adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Introduced: April 4, 2012

Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF BURLINGTON, WISCONSIN

NOTICE IS HEREBY GIVEN that the following initial resolution has been adopted at the meeting of the Common Council of the City of Burlington held April 4, 2012:

Resolution No. ____

INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED \$3,190,000 FOR STREET
IMPROVEMENT PROJECTS

BE IT RESOLVED by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$3,190,000 for the public purpose of paying the cost of street improvement projects.

The Wisconsin Statutes (s. 67.05(7)(b)) provide that the initial resolution need not be submitted to the electors unless within 30 days after adoption of the initial resolution a petition is filed in the City Clerk's office requesting a referendum. This petition must be signed by electors numbering at least 10% of the votes cast for governor in the City at the last general election.

Dated April 4, 2012.

By Order of the Common Council
City Clerk



CITY OF BURLINGTON

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

Committee of the Whole Item Number: 6	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4549(74) to consider providing for the sale of \$3,190,000 Million General Obligation Bonds.

Details:

There is a several step process which will be required to issue bonds for street improvement projects. Included in the Committee of the Whole agenda tonight is this resolution, which is a resolution of intent, a resolution providing the official notice to the electors of the intent to issue the bonds, and a resolution authorizing the sale of the bonds. The actions tonight do not issue any debt, they serve as the official notices of the intent to issue debt, provide for the official notice to the public, and authorize our financial advisors, Ehlers and Associates, to advertise and solicit bids for the general obligation bonds. A future action by the council will provide for the actual sale of those bonds.

Options & Alternatives: The options and alternatives were discussed in a previous agenda item. This one step of a three step process required for the sale of the bonds.

Financial Remarks:

As indicated in the previous Common Council workshop the issuance of the General Obligation debt, will require principle and interest payments from the General Fund beginning in 2013. The city's total debt service for all debt would be approximately \$401,000. The amount of the total debt service levy will go up and down over the life of the current bonds we have sold, ranging from a low of \$391,000 to a high of \$605,000.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole and is placed on the Common Council Agenda the same night for consideration.

**RESOLUTION PROVIDING FOR THE SALE OF
\$3,190,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS**

WHEREAS, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") has heretofore adopted an initial resolution (the "Initial Resolution") authorizing the issuance of general obligation bonds in an amount not to exceed \$3,190,000 for the public purpose of paying the cost of street improvement projects (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, cities are authorized by the provisions of Section 67.04 of the Wisconsin Statutes to borrow money and to issue general obligation bonds for such public purpose.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Issuance of the Bonds. The bonds authorized by the Initial Resolution shall be designated "General Obligation Street Improvement Bonds (the "Bonds") and the City shall issue Bonds in an amount not to exceed \$3,190,000 for the purpose above specified.

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

Section 3. Notice of Sale. The City Clerk (in consultation with the City's financial advisor, Ehlers & Associates, Inc. ("Ehlers")) is hereby authorized and directed to cause notice of sale of the Bonds to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with Ehlers) shall also cause an Official Statement to be prepared and distributed. The appropriate City Officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 5. Award of the Bonds. Following receipt of bids for the Bonds, the Common Council shall consider taking further action to provide the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Section 6. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not

affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Introduced: April 4, 2012.
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Police Department

224 E. Jefferson Street, Burlington, WI, 53105

(262) 342-1100 – (262) 763-5158 fax

www.burlington-wi.gov

Common Council Item Number: 14A	Date: April 4, 2012
Submitted By: Peter A. Nimmer, Chief of Police	Subject: Ordinance 1945(22) to repeal Section 187-15 and 187-16 and create Section 187-15, Revocation, Suspension, or Failure to Renew Alcohol Licenses

Details:

The current ordinance requires the City of Burlington Common Council to have a mandatory hearing each and every time a licensed establishment obtains a certain amount of demerit points. The requirement of a hearing can be costly and does not allow for other alternatives. The old and the new ordinance requires the city to follow the Wisconsin State Statute 125.12, which states “When a sworn complaint is filed by a resident of the City against a licensee,” however the new ordinance removes the mandatory requirement to hold a hearing for demerit point violations. The new ordinance will give the city some discretion on how to handle liquor license holders that are violating liquor or other laws.

The City Administrator will be developing an administrative policy to include a demerit point system along with general guidelines on how to monitor and handle liquor license holders who violate municipal and/or state laws. This administrative policy shall only be advisory to the City Administrator and will not be mandatory.

See the attached current ordinance for further information.

Options & Alternatives:

The city council could choose to keep the ordinance the same or could amend the ordinance further.

Financial Remarks:

The current ordinance mandates the City Council to have hearings after a certain amount of demerit points which does become costly. The new ordinance gives the City Administrator discretion and the ability to negotiate with the license holder prior to convening a costly hearing.

Executive Action:

This item was discussed at the March 20, 2012 Committee of the Whole meeting and is scheduled for the April 4, 2012 Common Council meeting for consideration.

(Draft: 2/21/12)

Ordinance No. 1945(22)
Introduced by: Committee of the Whole

**ORDINANCE TO CREATE A NEW SECTION 187-15
OF THE MUNICIPAL CODE REGARDING THE SUSPENSION,
REVOCATION, AND/OR FAILURE TO RENEW ALCOHOL LICENSES**

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

Section 1. Section 187-15 and 186-16 of the City of Burlington Code of Municipal Ordinances, entitled "Revocation and Suspension of Licenses" and "Nonrenewal of Licenses", respectively, are deleted in their entirety, and the following new replacement Section 187-15 is hereby adopted:

§ 187-15. Revocation, Suspension, or Failure to Renew Alcohol Licenses.

- A. Proceedings for the revocation, suspension, and/or failure to renew licenses may be instituted under and pursuant to the provisions of Section 125.12 of the Wisconsin Statutes (as may be amended from time to time and/or renumbered).
- B. The City Administrator may, should he so elect, establish a demerit point system with respect to persons or entities that hold licenses, ascribing a particular number of demerit points to a license holder for a given violation of the laws applicable to alcohol beverages. Any such demerit point system, however, shall only be advisory to the City Administrator in his monitoring of the conduct of license holders, and shall not constitute any type of mandatory or legal condition precedent for the institution of a proceeding against a license holder under above subsection A.

Section 2. This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced: March 20, 2012

Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

- D. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

§ 187-15. Revocation and suspension of licenses. [Amended 1-2-1991 by Ord. No. 1327(32)]

Proceedings for revocations and suspensions of licenses shall be instituted under one of the following methods:

- A. Under § 125.12, Wis. Stats., when a sworn complaint is filed by a resident of the City against a licensee; or
- B. When a licensee obtains 100 or more demerit points for violations of Chs. 125 and 139, Wis. Stats., or violations of the Wisconsin Administrative Code or any other local ordinance, which occur on the licensed premises by a licensee, agent, employee, or co-owner within any twelve-month period. **[Amended 11-18-2003 by Ord. No. 1740(20); 6-5-2007 by Ord. No. 1833(6)]**
- (1) If 100 demerit points are obtained, the Common Council shall hold a hearing. The hearing shall be conducted in the same manner as found in § 125.12(2)(b)1 to 5, Wis. Stats., with the exception of the penalties imposed by the Common Council.
 - (2) If the Common Council finds the violations to be true, the Council shall suspend the license for not less than three days nor more than five days.
 - (3) If the licensee obtains a combined total of 160 demerit points within any twelve-month period, the Common Council shall hold a hearing. The hearing process shall remain the same as the above. The penalties, if the Common Council finds the violation to be true, shall be a suspension of not less than five days nor more than 10 days.
 - (4) If the licensee obtains a combined total of 200 demerit points within any twelve-month period, the Common Council shall revoke the license.
 - (5) If the license is revoked, § 187-9H of this article shall be applied after a hearing is held and the allegations found true.
 - (6) Suspension by the Common Council may run concurrent with any court-imposed suspension if the Common Council so desires.
 - (7) The Common Council, upon learning of a violation of state or federal law which occurred on the licensed premises by the licensee, agent, employee, or co-owner, shall order a review of the license and, depending on the seriousness of the violation, may suspend or revoke the license. If the violation of state law falls under Ch. 125 or 139, Wis. Stats., or the Wisconsin Administrative Code, the violation will fall into the demerit point schedule.

- (8) If the licensee does not appear at the hearing, the Common Council shall find the violations to be true and shall recommend the prescribed penalty which would be derived from the combined point total.

- (9) The following is a list of violations and the respective demerit points:
- (a) Violation of state or federal law which occurs on the licensed premises: 100.
 - (b) Failing to permit a liquor license inspection of the premises: 100.
 - (c) Violation of local ordinance which occurs on the licensed premises: 50.
 - (d) Underage person being served alcohol on licensed premises: 50.
 - (e) Underage person on licensed premises: 30.
 - (f) Permitting unauthorized person to sell alcohol on licensed premises: 30.
 - (g) Unlicensed person selling alcohol: 30.
 - (h) Serving an intoxicated person alcohol on premises: 30.
 - (i) After-hours violation (serving or hours): 25.
 - (j) Keeping a disorderly or riotous house: 25.
 - (k) All other violations of Ch. 125, Wis. Stats.: 20.
 - (l) Violations of Wisconsin Administrative Code: 20.
- (10) A licensee will be considered in violation if the licensee, agent, employee, or co-owner was arrested for said violation. A dismissal of a criminal charge or civil forfeiture case which is subject to demerit points shall not, as a matter of procedure, nullify said charge for the purpose of a review before the Common Council due to the differing burdens of proof and procedural requirements.
- (11) Demerit points shall also be assessed on warnings issued. The amount of points for the warning will be 1/2 of the above schedule points.
- (12) The Common Council may issue an order to the licensee along with the imposed suspension to prohibit such activities which are directly related to the licensed premises which may cause violations of ordinances or state statutes off premises.
- (13) The licensee will be notified of the impending suspension or revocation hearing by a written notice from the City Clerk. The notice shall have a date and time when and where the Common Council will hold the hearing.
- (14) Upon completion of this process, if the suspended licensee wishes to appeal the decision of the Common Council, the licensee may do so by following the procedures outlined in § 125.12(2)(d), Wis. Stats.

§ 187-16. Nonrenewal of licenses.

Before renewal of any license issued under this article is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy

of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Common Council.

§ 187-17. Violations by agents and employees.

A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

§ 187-18. Violations and penalties. ¹¹

In addition to the suspension or revocation of any license or permit issued under this article and unless otherwise provided herein or under Ch. 125, Wis. Stats., any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Municipal Code.

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



CITY OF BURLINGTON

Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 7	Date: April 4, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance No. 1946(23) to amend the Official Traffic Map by creating No Parking in the Burlington Industrial Park.

Details:

It has been brought to the City's attention that some vehicles have been parking on-street in the Burlington Industrial Complex, causing vision and truck turning issues. Attached is an ordinance amending the City of Burlington Official Traffic Map. It creates No Parking Zones in the Burlington Industrial Complex. When this Industrial Park was originally approved in 1983, it included Restrictions and Covenants for the area. These Covenants included No Parking on any public streets. (A copy of the Covenants is attached.) Since the City Board (Industrial Park Control Board) that controlled the Park has long since dissolved with the majority of the park already developed, this would eliminate any confusion and enable enforcement of the No Parking Zones.

Options & Alternatives:

The option to do nothing would perpetuate the confusion if No Parking can be enforced.

Financial Remarks:

The financial impact would be minimal, with labor to install the No Parking signs, and the actual cost of the signs and posts themselves.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and is placed on the Common Council meeting for consideration the same night.

AN ORDINANCE AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING NO PARKING ZONES ON INDUSTRIAL DRIVE, BROOKVIEW AVENUE, KRIFT AVENUE, LONGMEADOW DRIVE AND A PORTION OF S. KANE STREET

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

Section 1. THE OFFICIAL TRAFFIC MAP of the City of Burlington, County of Racine, State of Wisconsin, is hereby amended by creating "No Parking Zones" at the following locations:

- S. Kane St., from Market St. to Industrial Dr.
- Industrial Dr., from S. Kane St. to Krift Ave. (all)
- Brookview Ave., Industrial Dr. to dead end (all)
- Krift Ave., from Industrial Dr. to dead end (all)
- Longmeadow Dr., from Brookview Ave. to Krift Ave. (all)

Section 2. THE OFFICIAL TRAFFIC MAP in all other respects shall remain the same.

Section 3. THIS ORDINANCE shall take effect and be in full force after its passage and publication as provided by law.

Introduced: April 4, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

WAINWRIGHT AVE

RR
PINE ST

Restricted angle
per Ord. 1505(16)

ALICE ST

E MARKET ST

MARKET ST

PROPOSED NO
PARKING ZONES

S KANE ST

INDUSTRIAL DR

BURLINGTON CITY

BROOKVIEW AVE

LONGMEADOW DR

KRIET AVE

DUNFORD

DALE



1" = 400'
City of Burlington DPW
March 15, 2012 19

HAYNES CT

MARGARET CT

EASTBROOK DR

SPRING BROOK

COPY

RESOLUTION # 2447 (42)

INTRODUCED BY: Alderman Thomas Reich

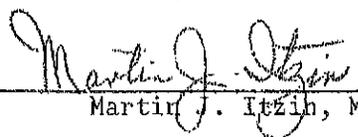
RESOLUTION ADOPTING DECLARATION OF RESTRICTIONS AND COVENANTS FOR THE
CITY OF BURLINGTON INDUSTRIAL PARK

BE IT RESOLVED BY THE COMMON COUNCIL, CITY OF BURLINGTON THAT the
Declaration of Restrictions and Covenants as set forth on Exhibit "A" hereto
be and is hereby ratified and adopted.

BE IT FURTHER RESOLVED THAT said Declaration be duly recorded in the
office of the Racine County Register of Deeds to apply and be enforceable against
the real estate described therein.

INTRODUCED: September 6, 1983

ADOPTED: October 4, 1983



Martin J. Itzin, Mayor



Ralph E. Epping, City Clerk

EXHIBIT "A"

DECLARATION OF RESTRICTIONS AND COVENANTS
FOR THE CITY OF BURLINGTON INDUSTRIAL
DEVELOPMENT, LTD.

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, the undersigned, CITY OF BURLINGTON, Racine County, Wisconsin, a municipal corporation, is the owner of that certain parcel of land more particularly described as:

PARCEL A

Part of the Northeast 1/4 of Section 5, Township 2 North, Range 19 East of the 4th P.M., and more particularly described as follows: Commence at the North 1/4 corner of said Section 5, as shown on the recorded plat of Perkin's South Park, a plat of record; thence South 2° 10' 17" East, 1210.11 feet along the West line of the Northwest 1/4 of Section 5 to the place of beginning of parcel of land hereinafter described; thence continue South 2° 10' 17" East, 1389.57 feet to the center of said Section 5; thence North 88° 10' 36" East, 1832.23 feet along the South line of said quarter section; thence North 1° 43' 03" West, 566.19 feet; thence North 86° 05' East, 400.75 feet; thence North 2° 37' 02" East (recorded as north 4° 03' 14" East), 249.86 feet; thence North 79° 06' 12" West (recorded as North 77° 40' West), 216.15 feet; thence North 34° 05' 50" West (recorded as North 32° 40' West), 571.73 feet; thence South 89° 06' 58" West 1745.65 feet (recorded as North 89° 23' 30" West, 1746.64 feet) to the place of beginning. Containing 61.354 acres of land more or less. Said land being in the City of Burlington, County of Racine and State of Wisconsin.

EXCEPTING therefrom the following parcel: Part of the Southeast 1/4 of the Northeast 1/4 of Section 5, Township 2 North, Range 19 East of the 4th P.M., City of Burlington, County of Racine, State of Wisconsin and more particularly described as follows: commence at the North 1/4 corner of said Section 5 per the recorded plat of Perkin's South Park, thence South 2° 10' 17" East, 1210.11 feet; thence North 89° 06' 58" East, 1745.65 feet; thence South 34° 05' 50" East, 571.73 feet to a concrete monument and the place of beginning of parcel of land hereinafter described; Thence South 79° 06' 12" East, 216.15 feet to a concrete monument; thence South 2° 37' 02" West, (Recorded as South 4° 03' 14" West) 249.86 feet to a 2" pipe; thence South 86° 05' West, 253.00 feet along the north line of Dunford Drive to a 1" pipe; thence North 9° 30' 47" East 312.03 feet to the place of beginning. Containing 65,114 square feet of land.

PARCEL B

Part of the Northwest 1/4 of the Southeast 1/4 of Section 5, Township 2 North, Range 19 East of the 4th P.M., and more particularly described as follows: Commence at the center of said Section 5; thence North 88° 10' 36" East, 1314.28 feet along the North line of said quarter section to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 5; thence South 2° 00' 53" East, 480.96 feet (recorded as about 28.25 rods) along the East line of aforesaid quarter quarter section and to the south bank of a ditch; thence North 75° 56' West, 1367.70 feet along the south bank of said ditch and an extension thereof to the West line of said quarter section; thence North 2° 04' 07" West, 106.49 feet (recorded as 90.75 feet) along the West line of said quarter section to the place of beginning. Containing 8.861 acres of land more or less. Said land being in the City of Burlington, County of Racine and State of Wisconsin.

WHEREAS, the undersigned is undertaking and intends to divide and improve or cause to be improved the above described parcel of land for use as an industrial park to be known as the CITY OF BURLINGTON INDUSTRIAL DEVELOPMENT LTD.,

NOW THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the lots contained within the City of Burlington Industrial Development Ltd. as well as all land located in the general vicinity of the City of Burlington Industrial Development Ltd. the undersigned hereby declare and provide that the entire area known as the City of Burlington Industrial Development Ltd. shall be subject to the following restrictions, covenants, and conditions to-wit:

1. USE OF LAND

It is the intention of the City of Burlington that the City of Burlington Industrial Development Ltd. be developed to enhance the future industrial growth of the City in a planned development for a general mix of heavy and light industry, distribution and limited retail operations if the latter are an integral part of the manufacturing or distribution process. The type of industry or industry "mix" will be subject to the review and approval of the Industrial Park Control Board.

2. AREA OF LOTS

No lot in the City of Burlington Industrial Development Ltd. shall be created which is less than one (1) acre in area.

3. SUBMISSION OF PLANS

No building or improvement shall be erected, placed or altered on any lot in the City of Burlington Industrial Development Ltd. until the plans for such building or improvement, including site plan, landscape plan, and building plan and specifications have been approved by the Industrial Park Control Board. Said Board shall review and approve, approve conditionally, or disapprove such plans with respect to conformity with these restrictions and other applicable enactments of the City, and with respect to harmony of external design and land use as it affects property

within and adjacent to the City of Burlington Industrial Development Ltd. Failure of the aforesaid Board to act upon such building or improvement plans within 60 days after submission to the City of Burlington, City Clerk, shall be deemed to constitute approval of such plans.

4. BUILDING SETBACK REQUIREMENTS

(a) FRONT YARD:

No portion or part of any building shall be erected, constructed, or extended nearer than thirty (30) feet from the street right-of-way line, or both street right-of-way lines on a corner lot of any lot in said industrial park. Parking of employee or visitor owned motor vehicles shall be prohibited within ten (10) feet of any street right-of-way line.

(b) REAR YARD:

No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five (25) feet to any rear lot line except in the case of the erection or construction of any building or structure used for outside railway car loading or unloading facilities, to which this restriction shall not apply.

(c) SIDE YARD:

No part or portion of any building shall be erected, constructed, or extended nearer than ten (10) feet to any side lot line. The combined total of side yards for any parcel shall not be less than thirty (30) feet. Corner lots shall be deemed to have two side lot lines.

5. ARCHITECTURAL CONTROL AND APPEARANCE

Thirty (30) percent of the front of all buildings, that is the side facing the street on which the building is deemed to front, shall be faced with concrete or brick masonry, stone, or other material approved by the Industrial Park Control Board. That portion of any building facing a street other than the street on which the building fronts, shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the industrial park. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of Industrial Park Control Board. All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformance with all applicable building codes. Buildings shall not exceed fifty (50) feet in height.

6. LANDSCAPING AND LANDSCAPING MAINTENANCE

The entire setback area shall be seeded or sodded and landscaped between the lot lines from the street curb to the building face. All landscaping shall be subject to the approval of the Industrial Park Control Board so as to provide an attractive appearance.

Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Industrial Park Control Board. Those off-street parking areas for five (5) or more vehicles if located adjoining a residential area shall be screened from such area by a solid wall or fence or by evergreen planting of adequate visual density, built and maintained at a minimum height of six (6) feet.

All such landscaping, drives, and walks shall be completed within six (6) months of the time of issuance of a building occupancy permit and zoning certificate of compliance unless weather or time of year does not permit completion.

7. OFF-STREET PARKING AND LOADING

- (a) NO PARKING ON PUBLIC STREETS: Vehicle parking by employees, visitors, company or commercial trucks shall not be allowed on public streets within the City of Burlington Industrial Development Ltd.
- (b) PARKING SPACES AND LOCATION: At least one parking space of not less than 180 square feet, excluding driveway and approaches, shall be required for each two (2) employees to provide a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles of employees and visitors expected on the site during peak hours of utilization. Employee or truck parking shall be prohibited within ten (10) feet of any street right-of-way line. Additional parking shall be provided on each property as required by the Industrial Park Control Board.
- (c) LOADING: In addition to employee and visitor parking, there shall be space provided as necessary for the parking of trucks and trailers. Truck loading berths shall be prohibited in the front yard of all building lots unless the face of each truck loading berth is set back at least seventy (70) feet from the street right-of-way line and suitable maneuvering area is provided trucks.

Truck loading berths shall be provided at the rate of one (1) space of at least 10 by 50 feet for each 10,000 square feet of floor area or part thereof of the building served.

- (d) CONSTRUCTION: All walks, driveways, parking lots, and loading areas in the front or side yards shall be surfaced with bituminous concrete or Portland cement concrete extending to the public street pavement. Other walks, driveways, parking lots, and loading areas shall be surfaced with a dustless surface and may be surfaced with bituminous concrete or Portland cement concrete.

8. OUTDOOR STORAGE

All materials, products, or solid or liquid waste materials stored outside of buildings shall be kept behind the building setback line, and shall be screened from view from the street and adjoining properties with a solid wall or fence or other screening approved by the Industrial Park Control Board. Walls and fences must be kept painted or have such other finish so as to provide a good appearance. Wire fence is not acceptable for this purpose.

9. WASTE INCINERATION

No waste material shall be burned on the premises except in an incinerator especially designed and constructed for such purpose.

10. SECURITY FENCING

Lots within the City of Burlington Industrial Development Ltd. may be fenced subject to the following terms and conditions:

- (a) TYPE: Fences shall be of chain-link design and may have located on the top thereof a barbed wire Y or angle security band not to exceed eighteen (18) inches in height.
- (b) HEIGHT: Fences shall not exceed ten (10) feet in height including the security band along the top.
- (c) MAINTENANCE: All fences shall be maintained in good condition including painting as required.
- (d) PLACEMENT: Fences shall not be permitted in the front yard building setback area.

11. SIGNS AND BILLBOARDS

No signs other than company and product identification, and directional signs will be permitted. The type, location, and placement of signs shall be approved by the Industrial Park Control Board.

12. UTILITY CONTROL

All utilities including all electric power, telephone and other communication equipment, gas, water, storm and sanitary sewers, excepting electric power lines exceeding 12,000 volts, shall be underground. The location of the utility shall be subject to approval by Industrial Park Control Board and City Plan Commission.

13. COOPERATION FOR MINOR EASEMENTS

All owners and occupants of parcels within the City of Burlington Industrial Development Ltd. shall cooperate with the City and other owners and occupants within said industrial park in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, access roads, railway spurs, and loading tracks to the extent that such easements do not interfere with the existing uses of the land or unduly restrict future use or development. Nothing contained in this section shall be deemed to require the purchaser to grant any specific easement, nor grant easements or rights-of-way without reasonable compensation therefore.

14. DRAINAGE CONTROL

No land shall be developed and no use shall be permitted that results in flooding, erosion or sedimentation on adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other stormwater management facility.

15. NUISANCE CONTROL

No operation, process, manufacturing, or building use in said industrial park shall produce or create excessive noise, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other excessive measurable external nuisance to an extent greater than the following maximum allowable levels:

- (a) AIR POLLUTION: No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.
- (b) FIRE AND EXPLOSIVE HAZARDS: All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed following 200,000 gallons.
- (c) GLARE AND HEAT: No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

- (d) WATER QUALITY PROTECTION: No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or sub-surface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (e) NOISE: All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittance, duration, beat frequency, impulse character, periodic character or shrillness.
- (f) ODORS: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthfull outside their premises.
- (g) RADIOACTIVITY AND ELECTRICAL DISTURBANCES: No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- (h) VIBRATION: No activity shall emit vibrations which are discernible without instruments outside its premises.

16. RECAPTURE AND RESALE OF LAND

- (a) If a buyer of any lot does not commence construction of a building or buildings thereon within twelve (12) months after the date of purchase and complete the construction of a building or buildings thereon within two (2) years after the date of purchase, the City shall have the option to repurchase the property. Exercise of the option shall be effected by resolution adopted by the Common Council. Such option shall be exercisable upon delivery in writing of a notice to the buyer within six (6) months after the expiration of such twelve-month or two-year period. Closing shall take place within sixty (60) days following the exercise of such option on such date as shall be designated by the City specified in such notice. The purchase price to be paid by the City upon the exercise of such option shall be the sum of the following:

- (1) the purchase price paid for the land by the buyer;
- (2) all special assessments which may have been paid by the buyer or levied against the premises during the period of such buyer's ownership;

less the sum of the following:

- (1) unpaid real estate taxes;
- (2) proration of current year's real estate taxes to date of closing;
- (3) title insurance policy premium;
- (4) liens and encumbrances on the property.

Conveyance shall be by warranty deed, free and clear of all liens and encumbrances, except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, recorded easements for public utilities, and recorded Declaration of Restrictions and Covenants and amendments thereto. Seller shall furnish title insurance policy at seller's expense for full amount of purchase price.

- (b) In the event a buyer elects to sell all or any part of any parcel which is vacant, the same shall first be offered for sale, in writing, to the City at a price per acre computed as set forth in Subsection (a) above. The City shall have sixty (60) days from the receipt of such offer to accept or reject same. Acceptance or rejection of such offer shall be effected by resolution adopted by the Common Council. Upon acceptance by the City, conveyance shall be by warranty deed free and clear of all liens and encumbrances, except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, easements for public utilities, and building restrictions and ordinances. The seller shall furnish title insurance policy at seller's expense.
- (c) If the City fails to timely exercise the option described in Subsection (a) above or fails to timely accept the offer described in Subsection (b) above or rejects said offer, buyer may then sell such property to any other buyer and the City shall have no further interest therein, except that any use of said property by any subsequent buyer shall be subject to applicable zoning and land division ordinances, restrictions, and regulations of the City relating to the use of said property at the time of such sale and to the provisions of this Declaration of Restrictions and Covenants.
- (d) Nothing contained herein shall be deemed to give the City a right of first refusal or option in the event that a buyer of a parcel who has improved the same by construction of a building or buildings thereon shall propose to sell all of such property as one parcel together with the improvements thereon, it being intended that the provisions of this shall apply only to the resale of vacant parcels.

17. NUMBER OF YEARS RESTRICTIONS AND COVENANTS TO RUN WITH THE LAND

Each lot shall be conveyed subject to the within restrictions and covenants, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of ten (10) years from the date this Declaration of Restriction and Covenants is recorded, after which time said restrictions and covenants as are then in force and effect shall be automatically extended for successive periods of ten (10) years each, unless an instrument terminating such restrictions and covenants by the Common Council as evidenced by a resolution duly adopted by at least three-fourths (3/4) favorable vote of all members of the Common Council.

18. MODIFICATION AND AMENDMENT OF DECLARATION OF RESTRICTIONS AND COVENANTS

The within restrictions and covenants, except the provisions of Paragraph 16 of these restrictions, may be modified and amended only upon the execution and recording of a written instrument to said effect by the majority of the Common Council evidenced by a resolution duly adopted by at least three-fourths (3/4) favorable vote of all members of the Common Council at any time.

19. ENFORCEMENT

The enforcement of the restrictions and covenants contained in this declaration of restrictions and covenants shall be by proceedings at law or equity against any person or persons violating or attempting to violate any restrictions or covenants, to restrain violation, obtain substantial compliance, and recover any damages. Such proceedings may be commenced by the City of Burlington or by any owner or owners of lots in said industrial park.

20. SEVERABILITY

Invalidation of any one of these restrictions or covenants contained within this declaration of restrictions and covenants, by judgment or court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

21. VARIANCES

Where, in the judgment of the Industrial Park Control Board, it would be inappropriate to apply literally the provisions of this Declaration of Restrictions and Covenants because exceptional or undue hardship would result, the Industrial Park Control Board may waive or modify any requirements of Sections 4, 5, 6, 7, 8, 10, and 11 of this Declaration of Restrictions and Covenants pursuant to City ordinances establishing the Industrial Park Control Board.

22. OTHER APPLICABLE LAWS

Notwithstanding the provisions contained herein in this Declaration of Restrictions and Covenants, all development within the City of Burlington Industrial Development Ltd, shall be in accordance with all applicable local, state, and federal laws.

IN WITNESS WHEREOF, the said City of Burlington has caused these presents to be signed by Martin J. Itzin, its Mayor, and Ralph F. Epping, its Clerk, and its corporate seal to be hereunto affixed this 4th day of Oct, 1983.

Approved by Common Council
City of Burlington
Oct 4, 1983

By MEI
Martin J. Itzin, Mayor

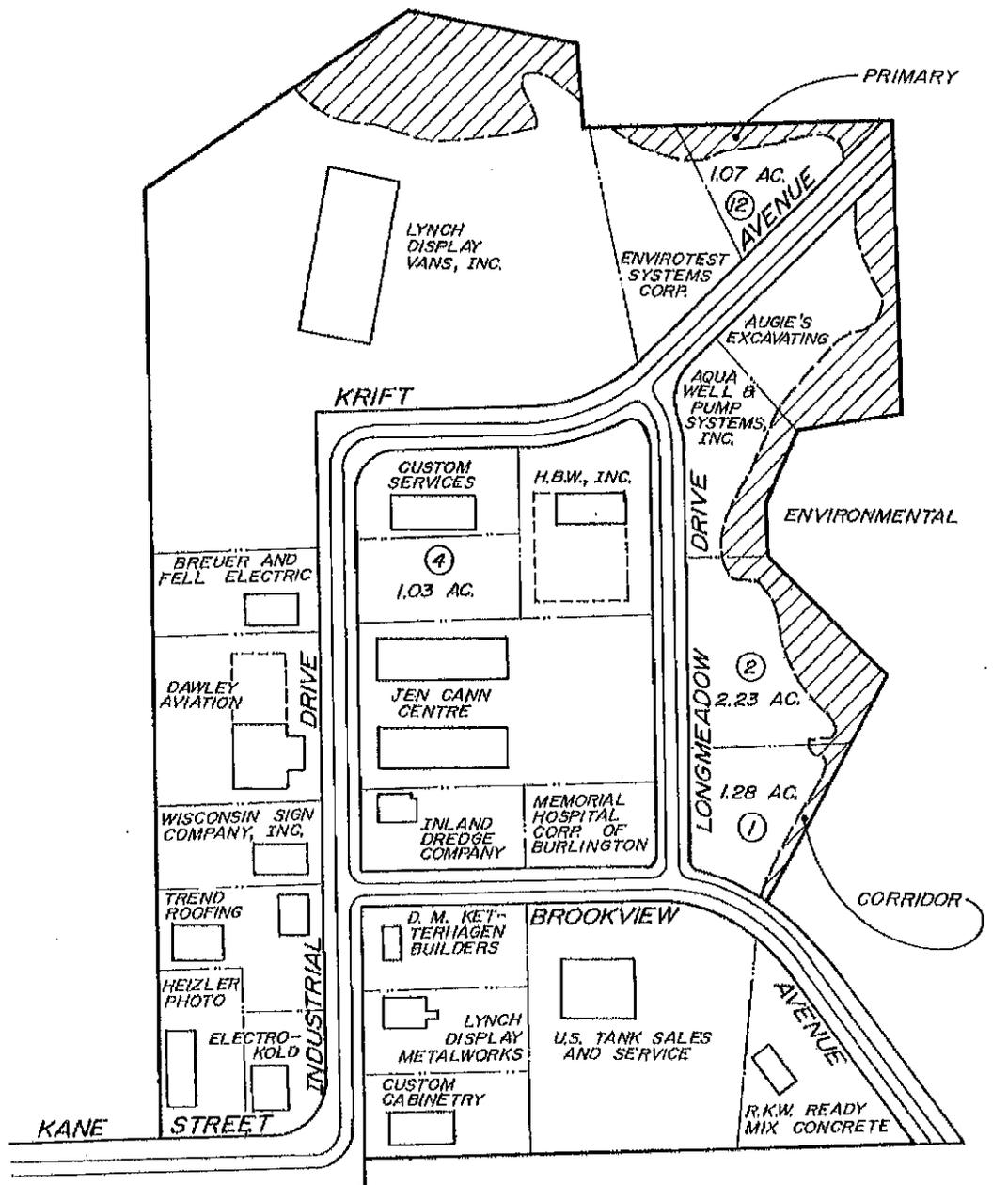
ATTESTATION:

RE
Ralph F. Epping, City Clerk

State of Wisconsin
Racine County

NOTARIZATION:

BURLINGTON INDUSTRIAL COMPLEX



← TO DOWNTOWN BURLINGTON

- ⑤ LOT NUMBER OF CITY-OWNED PARCEL
- POSSIBLE FUTURE BUILDING OR ADDITION
- /// NATURAL AREA TO BE PRESERVED

NOTE: ACREAGE FIGURES MAY BE APPROXIMATE





CITY OF BURLINGTON

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

Committee of the Whole Item Number: 8	Date: April 4, 2012
Submitted By: Alderman Jim Prailes and Gary Meisner, Airport Manager	Subject: Motion 12-737 to accept an Airport Hangar Lease with Robert Dillman the Burlington Municipal Airport.

Details:

The Airport Committee met on Thursday, February 23, 2012 and recommends that the City enter into a twenty-nine year Airport Hangar Lease agreement with Robert Dillman for 1516 Mike Taxiway. The amount of the lease equals the sum of \$.095 per square foot with a total of 3,000 square feet, equaling \$285.00 payable before January 1, 2013 and each year thereafter.

Options & Alternatives:

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

Financial Remarks:

An annual payment of \$285 will be paid to the City each year by January 1 for rent of the hangar.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and is placed on the Common Council meeting for consideration the same night.

AIRPORT LEASE

This lease Agreement, made and entered into this 1st day of February, 2012, by and between the City of Burlington, State of Wisconsin, a municipal corporation existing through and under the authority of the laws of the State of Wisconsin, hereinafter referred to as "Lessor," and Robert Dillman, whose mailing address is W3991 Kenyon Dr., Lake Geneva, WI, 53147, hereinafter referred to as "Lessee;" the Lessor and Lessee for and in consideration of the keeping by the parties of their respective obligations hereinafter contained, agree as follows:

ARTICLE 1 PREMISES SUBJECT TO LEASE

The premises subject of this Lease are:

That part of the hangar area of the Burlington Municipal Airport delineated on the official map of the Burlington Municipal Airport maintained at the office of the City Clerk at City Hall and identified as 1516 Mike Taxiway. This Lease does not include use of City Water.

ARTICLE 2 TERM

The term of this Lease shall be from January 1, 2012 to December 31, 2040, [not to exceed 29 years] both dates inclusive. This Lease shall be automatically renewed for successive ten-year periods thereafter upon mutually agreed-upon terms and approval of the renewal shall not be unreasonably withheld by the Lessor. This Lease is not transferable, See Article 5, Section G.

ARTICLE 3 RENT

The Lessee shall pay to the Lessor as rent for the Leased Premises the sum of \$ 0.095 per square foot for the leased area, which contains a total of 3,000 square feet, for a total amount of \$ 285.00, prorated in the first and last years of the Lease with the first-year payment of \$ 166.25 due upon occupancy (expected on June 1, 2012), and payable thereafter in advance of the 1st day of January of each and every consecutive year of the lease term commencing on January 1, 2012 subject to the provisions set forth in Article 5, Section A.

ARTICLE 4 USE

Lessee agrees that rent charged is based on intended:

 x Personal Use, defined as the use of the Leased Premises in a manner which does not meet the definition of Commercial Use; or

 Commercial Use, defined as the operation of an airport-related business, which is open to the public, on or in the Leased Premises.

Lessee may change the intended use to that of another type, to be effective the following January 1st, if Lessee petitions the Airport Committee in writing no later than December 10th and the Committee approves the change no later than its December meeting. See also Article 5,

Section F.

**ARTICLE 5
ADDITIONAL PROVISIONS**

A. RENTAL INCREASES. The Lessor may adjust the rental charge rate in the year 2010 and every five years thereafter, as determined by the Airport Committee in the same proportion as the cumulative change in the Consumer Price Index for all urban customers (CPI-U) over the same time period. In the event of a rate change, Lessor shall give Lessee sixty (60) days advance notice.

B. IMPROVEMENTS. Lessee agrees to erect on the Leased Premises a hangar, if not already constructed, and shall comply with all ordinances, building codes, and zoning restrictions for said airport, and the rules, regulations, and orders of the Airport Committee relative thereto.

C. USE OF FACILITIES. Lessee shall have the right to the non-exclusive use in common with others of the airport parking areas, appurtenances and improvements thereon; the right to install, operate, maintain and store, subject to approval of the Airport Committee, all equipment necessary for the safe hangaring of the Lessee's planes, specifically excluding any aviation gasoline or fuel; the right of ingress to or egress from the demised premises, which shall extend to Lessee's employees, guests and patrons; the right, in common with others so to do, to use common areas of the airport including runways, taxiways, aprons, roadways, and other conveniences for the take-off, flying and landing of aircraft of Lessee. Lessee shall not store any equipment or other material outside of its hangar without the written consent of the Airport Committee.

D. COMPLIANCE WITH LAWS. Lessee agrees to observe and obey during the term of this Lease all laws and ordinances, and the rules and regulations promulgated and enforced by the Airport Committee of the City of Burlington, and other proper authority having jurisdiction over the conduct of the operations of the airport including city, county, state and federal agencies or departments.

E. INDEMNIFICATION. Lessee agrees to indemnify and hold the Airport Committee and the City of Burlington free and harmless from loss from each and every claim and demand, of whatever nature, made on the behalf of or by any person or persons for any act or omission on the part of the Lessee, or Lessee's agents, employees, guests and patrons and from all loss or damage by reason of such acts or omissions.

F. SUBLEASE-RENTAL OF PREMISES. Lessee may sublet portions of the hangar constructed on the Leased Premises for the same purposes as stated in this Lease, subject to this policy of the Airport Committee relative to rental rates: It is agreed and understood by Lessee that the rate agreed to in this Lease is for (choose one) x personal use _____ commercial use. Under this agreement it is understood by the parties that if property is sublet, the appropriate rate will be applied to this Lease from the following January 1. In the event that Lessee fails to disclose a sublease, he agrees to pay the City the amount of the increased rental for the period of any failure to so disclose.

In the event Lessee does enter into a sublease, Lessee shall require any subtenant to abide with all of the conditions of this lease agreement including the requirement that the subtenant

shall hold the Airport Committee and the City of Burlington free and harmless from any loss for each and every claim or demand, of whatever nature, made by the subtenant against the Lessee herein or on behalf of or by any other person or persons for any act or omission on the part of the Lessee or subtenant or their agents or employees, or for any loss or damage by reason of such acts or omissions by the Lessee or its subtenant.

G. OWNERSHIP OF IMPROVEMENTS. Lessee shall retain title to all building or buildings constructed on said premises and such title shall be transferable subject to the Common Council's approval of a new Lease by and between the City of Burlington and the proposed transferee.

H. MAINTENANCE. Lessee shall maintain the structure(s) it occupies and the surrounding land and premises in good order and shall make such repairs as are necessary. In the event of fire or any other casualty, the owner of any such structure so affected shall either repair or replace the building and restore the leased land to its original condition or remove the damaged building and restore the leased area to its original condition; such action must be accomplished within 120 days of the date the damage occurred. In the event that Lessee determines not to rebuild and in fact restores the Leased area to its original condition, this Lease may be terminated pursuant to Article 5, Section U(3).

In the event Lessee fails to comply with this provision, Lessor may, after thirty (30) days notice to the Lessee, enter onto the premises for the purpose of completing said maintenance, making such repairs as are necessary, or restoring the leased land to its original condition. In the event Lessor does so, Lessor shall charge the Lessee the cost of any such maintenance or repairs. If Lessee refuses to pay any such charge within thirty (30) days, Lessor shall have the right to terminate this lease. See Article 5, Section U. In the event the Lessor removes Lessee's hangar under this section, Lessor shall proceed to enforce its lien rights pursuant to Article 5, Section U.

I. ACCESS FOR INSPECTION. Lessor reserves the right to enter upon the premises at any reasonable time for the purpose of making any inspection it may deem expedient to the proper enforcement of any of the covenants or conditions of this agreement.

J. FIRE AND POLICE PROTECTION. Lessor agrees to extend to Lessee the same fire and police protection extended to the other tenants of facilities in the airport. Lessee shall arrange for annual inspection of the hangar sites and buildings by the local fire inspector, or at such other frequency as required by state statute.

K. TAXES. Lessee shall pay all taxes or assessments that are levied against personal property of the Lessee and/or the buildings which are erected on lands leased exclusively to Lessee. In the event that said personal property taxes are not paid 30 days after becoming due, Lessee shall be considered in default of this Lease. See Article 5, Section M.

L. ADVERTISING. Lessee agrees that no sign or advertising matter may be erected without the written consent of the Lessor.

M. DEFAULT. If Lessee fails to pay rent when due, or commits waste or breaches any other covenant or condition of this Lease, Lessor shall give Lessee notice to pay the rent, repair the waste or comply with the Lease on or before a date at least 30 days after the giving of the

notice, and that failure to comply will result in the termination of the tenancy. If the tenancy is so terminated, Lessor shall proceed under Article 5, Section U.

N. FUTURE DEVELOPMENT. Lessor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the Lessee and without interference or hindrance from Lessee. The Lessor reserves the right, but shall not be obligated to the Lessee, to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport; together with the right to direct and control all activities of the Lessee in this regard.

Lessor reserves the right to take any action it considers necessary to protect the aerial approaches to the airport against construction, together with the right to prevent the Lessee from erecting, or permit to be erected, any building or other structure on the airport which, in the opinion of the Lessor, would limit the usefulness of the airport or constitute a hazard to aircraft.

O. RESTRICTIONS. Lessor will not exercise or grant any right or privilege which would operate to prevent the Lessee from performing any services on its aircraft with its own employees that it may choose to perform. These services shall include, but are not limited to, maintenance and repair. Lessee may not provide any type of maintenance or service to aircraft not owned by Lessee upon said Leased Premises .

P. PREEMPTION OF LEASE. During the time of war or national emergency, Lessor shall have the right to lease the landing area, or any part thereof, to the United States Government for military or naval use; and if any such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.

All leases shall be subordinate to the provisions of any existing or future agreement between the Lessor and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

Q. NON-DISCRIMINATION. The Lessee, for himself or successors in interest and assigns, as a part of the consideration hereof, does hereby covenants and agree that: (1) no person, on the grounds of race, color, religion, or national origin, shall be excluded from participation in, denied the benefits of, or otherwise subject to discrimination in the use of the leased facilities of the City of Burlington Municipal Airport; (2) in the construction and maintenance of any improvements on, over, or under such land and the furnishing of services thereon or therein, no person on the grounds of race, color, religion or national origin shall be excluded from participation in, denied the benefits of, or otherwise subject to discrimination; (3) the Lessee shall use the premises in compliance, as applicable, with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub-Title A, Office of the Secretary, Part 21, Non-Discrimination, in federally assisted programs of Title VI of the Civil Rights Act of 1964, and as said regulation may be amended.

R. HAZARDOUS SUBSTANCE INDEMNIFICATION. Lessee represents and warrants that its use of the Premises herein will not generate any Hazardous Substance, and it will not store or dispose on the Premises nor transport to or over the Premises any Hazardous Material or Substance in violation of any applicable federal, state, or local law, regulation or rule then

presently in effect. Lessee further agrees to hold the City of Burlington harmless from and indemnify the City of Burlington against any release of such Hazardous Substance and any damage, loss, or expense or liability resulting from such release, including all attorney's fees, costs and penalties incurred as a result thereof which was caused by Lessee or any of its employees or agents. "Hazardous Substance" shall be interpreted broadly to mean any substance or material defined as a radioactive substance, or other similar term by any federal, state or local environmental law, regulation or rule presently in effect or promulgated in the future, as such laws, regulations or rules may be amended from time to time, and it shall be interpreted to include, but shall not be limited to, any substance which after release into the environment will or may reasonably be anticipated to cause sickness, death or disease.

The City of Burlington represents and warrants that it has no knowledge of any Hazardous Substance existing on the Owned Premises in violation of any applicable federal, state or local law, regulation or rule. The City of Burlington further agrees to hold Lessee harmless from and indemnify Lessee against any damage, loss, or expense or liability resulting from the existence on the Owned Premises of any such Hazardous Substance, including all attorneys' fees, costs and penalties incurred as a result thereof, unless caused by Lessee, any other Lessee, or any of their employees, agents, guests or patrons.

S. INSURANCE. The Lessee agrees that it will deposit with the Lessor a policy of comprehensive liability insurance. The policy shall be issued by a company licensed to do business in Wisconsin and shall insure the Lessee against loss from liability to the amount of \$1,000,000 for each occurrence and in the amount of \$2,000,000 aggregate, which shall name the Lessor as an additional insured. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically terminate the Lease unless another policy has been filed and approved pursuant to this section and shall be in effect at the time of such cancellation or termination.

T. SNOW REMOVAL POLICY. The Lessor's and the Lessee's responsibilities for snow removal are defined under the City of Burlington's Snow Removal Policy. This Policy was adopted by a resolution of the Burlington Common Council. This policy may be amended or updated at any time without notification. Each party agrees to abide by the then - current terms of said Policy.

U. TERMINATION. (1) By Default. In the event that Lessee defaults under Article 5, Sections H., M., or S., or by other operation of law, the tenancy shall be terminated, Lessor shall have the right to re-enter or repossess the leased property, either by force, summary proceedings, surrender, or otherwise, and dispossess and remove there from Lessee, and its effects, without being liable to any prosecution therefore, and Lessee shall surrender possession of the premises, and Lessee hereby expressly waives the service of notice of intention to re-enter or of instituting legal proceedings to that end.

(2) By Expiration. In the event that this Lease is terminated pursuant to Article 2 hereof, Lessee shall either: a. Sell its hangar to a third party, and the buyer thereof shall enter into a new Lease with the City of Burlington, which sale and transfer shall not be effective until and unless approved by the Common Council; or b. By or before the last date of the term of the Lease, remove its hangar and all equipment and restore the premises to the condition it was in prior to the construction of the hangar.

(3) By Mutual Consent. This Lease may be terminated by the mutual consent of the parties, upon the entry into a new Lease or such other terms and conditions agreed to as evidenced by the signatures of the parties hereto.

(4) Lien Rights. Lessor shall, in any event, have liens on Lessee's hangar and other personality, including Lessee's aircraft, pursuant to Wis. Stat. ss. 704.05(5) and 779.43(3), and shall enforce such liens as provided by law, but shall have, in addition to those rights provided by Wis. Stat. s. 704.05(5)(a) 1. and 2., the right to demand payment of past due rent and/or other charges due from Lessee under the terms of this Lease for release of the lien, or apply the proceeds of sale to past due rent and/or other charges due from Lessee under the terms of the Lease.

V. GENERAL PROVISIONS. The following provisions shall apply to this Agreement:

(1) Rights and liabilities of the parties shall bind and inure to the benefit of their personal representatives, heirs, successors and assigns.

(2) This agreement constitutes the entire agreement pertaining to the subject matter and supersedes all prior and contemporaneous agreements of the parties in connection therewith.

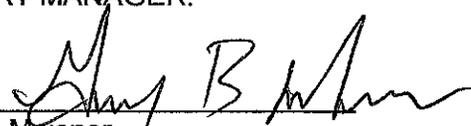
(3) In construing this Lease, feminine or neuter pronouns may be substituted for those masculine in form and vice versa and plural terms may be substituted for singular and singular for plural in any place in which the context so requires.

(4) The captions contained in this Agreement are for reference only and do not form part of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals they day and year first herein written.

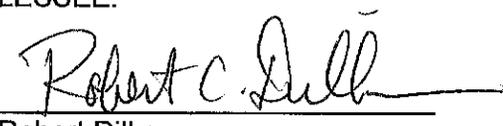
Approved by the Airport Committee on: 2/23/12

AIRPORT MANAGER:



Gary B. Meisner

LESSEE:



Robert Dillman

Approved by Common Council on: _____

CITY OF BURLINGTON

Signature

Title

**ADDENDUM
to
AIRPORT LEASE
West End Hangar Sites
Pre-construction Only**

THIS ADDENDUM TO THE AIRPORT LEASE made and entered into on the 1st day of February, 2012 by and between the City of Burlington, Lessor and Robert Dillman, Lessee, is intended to memorialize the understanding of the parties regarding items not specifically set forth in the Airport Lease and shall constitute further agreement between the parties and shall be binding on the parties hereto as if originally included in the Airport Lease Agreement entered on the above date.

A.1. Surcharge. The parties recognize and agree that the expansion of the Airport and the improvements to land which primarily benefit the Lessees of the West End Hangars, are a cost to the Lessor over and above the cost of airport operations and maintenance, which are paid for in part by the revenue generated by the lease of hangar sites. In order to recover the Lessor's share of the costs of the Airport improvements, the parties agree that the Lessee shall pay to the Lessor, at the time of the signing of this Lease, a surcharge of \$94.00 per linear foot of the leased area (which will be measured by the width of the hangar plus two five-foot easements), over and above the rent due under the terms of the Lease. [This payment has been made.]

A.2. Responsibility for Costs of Construction of Approach to Taxiway. The parties agree that the responsibility for the cost of construction of the approach from the Lessee's hangar site, over non-leased property, to the taxiway, shall be borne exclusively by the Lessee.

A.3. Use and Hangar Size / Height Limited. The Lessee understands and agrees that, due to the location of the site being leased, the Lessee shall use the leased premises only for personal or multi-party use (not commercial use), and shall construct a hangar of a size approved by the Airport Committee which conforms to the specifications for West End hangars

as issued by the Lessor.

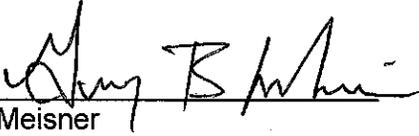
THIS AGREEMENT is binding on the parties hereto, their respective personal representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Addendum to the Airport Lease on this

_____ day of _____, _____.

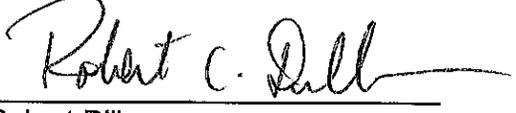
Approved by the Airport Committee on: 2/23/12

AIRPORT MANAGER:



Gary Meisner

LESSEE:



Robert Dillman

Approved by Common Council on: _____, 200__

CITY OF BURLINGTON

Signature

Title



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

Committee of the Whole Item Number: 9	Date: April 4, 2012
Submitted By: Patrick Scherrer, Building Inspector	Subject: Motion 12-738 to approve a Certificate of Appropriateness Application in the HPC Overlay District for 166 E. Jefferson Street (Library).

Details:

The Historic Preservation Commission (HPC) recommends approval of a Certificate of Appropriateness Application for the project located at 166 E. Jefferson Street.

The proposed project consists of:

- The replacement of two exterior doors, both of which are located on the west side of the building facing west and also facing the Burlington Library's parking lot located on the west side of the building. Neither of these two doors is a major entrance door to the Library used by patrons.

This Certificate of Appropriateness Application was reviewed and approved at the March 22, 2012 HPC meeting.

Options & Alternatives:

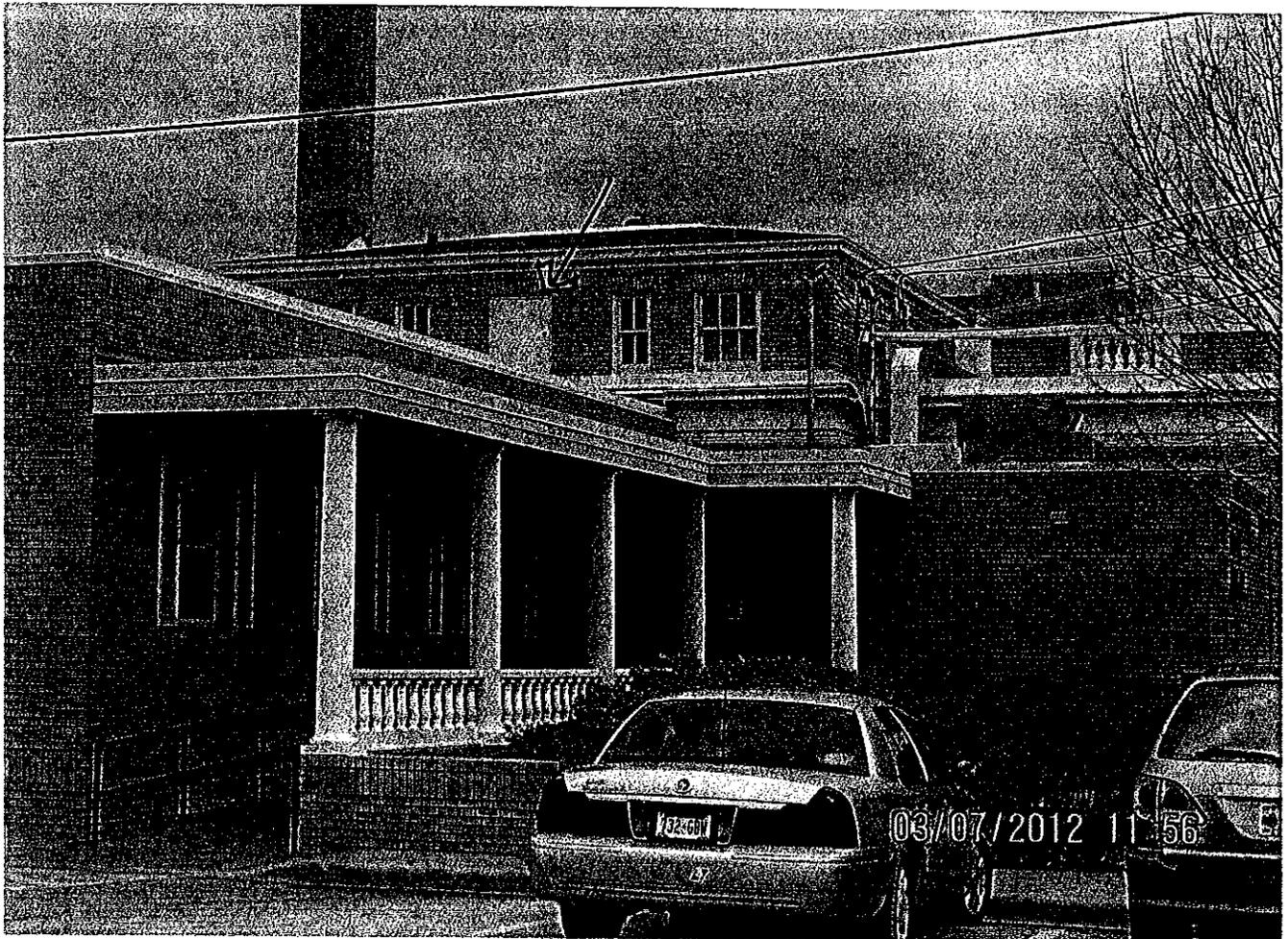
The alternative would be to not approve this request and request a different proposal.

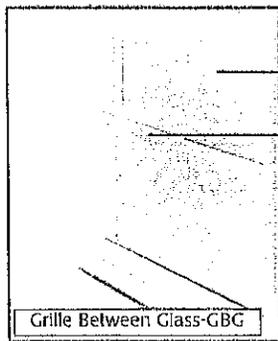
Financial Remarks:

The approved items will be paid 100% from Library Funds.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and per common practice it is scheduled for the Common Council meeting for consideration the same night.





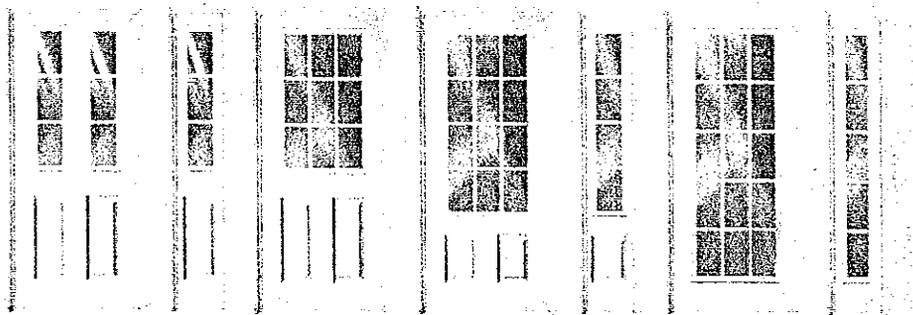
Clear Glass

Grille Between Glass

Grille Between Glass-GBG

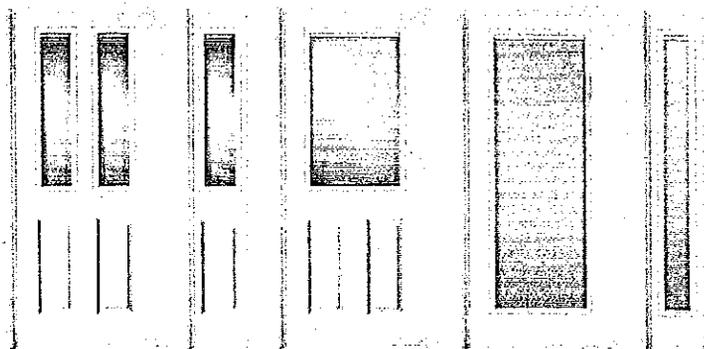
GBG Collection

(White or Sandstone Contoured Grille Between Glass)



W-486 GBG WS-486 GBG W-489 GBG W-595 GBG WS-591 GBG W-238 GBG WS-237 GBG

Mini Blinds



W-485 BLD WS-485 BLD W-491 BLD W-234 BLD WS-233 BLD

Transoms



WCT-CLR
Circle Top Transom



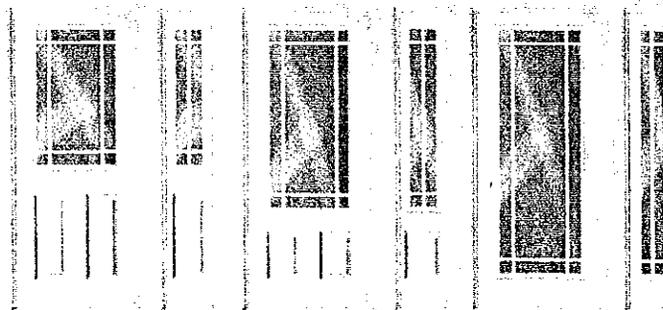
WRTS-CLR
Rectangular Transom



WRT-CLR
Rectangular Transom

Prairie Collection

(White Contoured Grille Between Glass)



W-492 GBG WS-492 GBG W-595 GBG WS-591 GBG W-242 GBG WS-242 GBG



WRT-CLR
Rectangular Transom



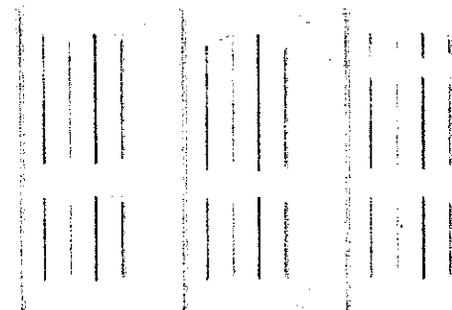
WRTS-CLR
Rectangular Transom



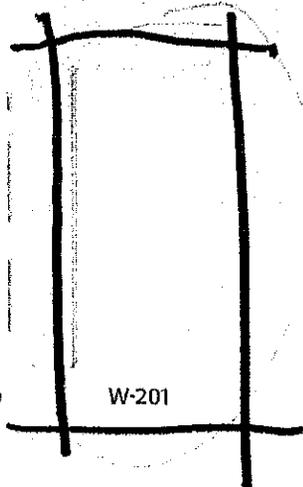
WET-CLR
Elliptical Transom



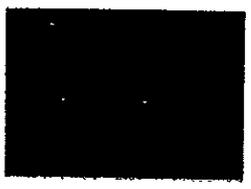
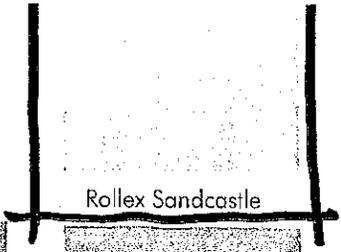
WETS-CLR
Elliptical Transom



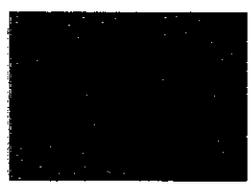
W-481 W-488 W-470



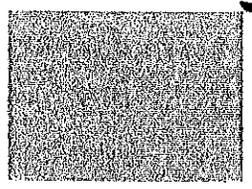
W-201



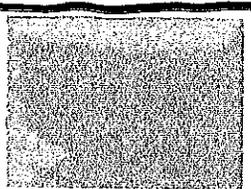
WBP Burgundy



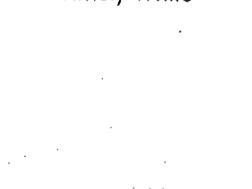
WBP Rustic Brown



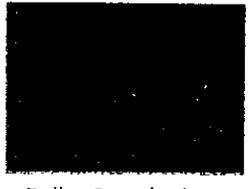
Restrained Gold



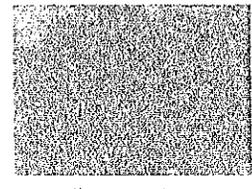
Norwegian Wood



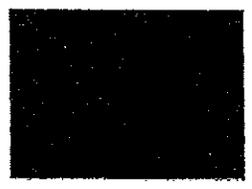
Timely White



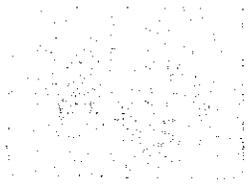
Rollex Brandywine



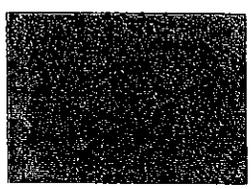
Rollex Heather



Jute Brown



Rollex Almond



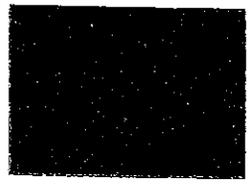
Anonymous



Cordovan



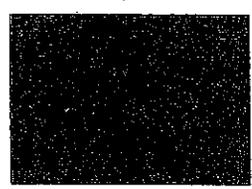
Rollex Musket



Timely Autumn Brown



Sable



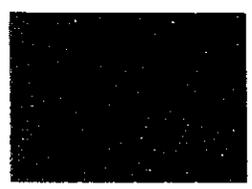
Rollex Bronze



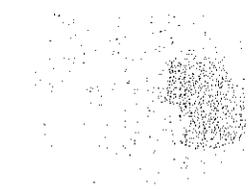
Marooned



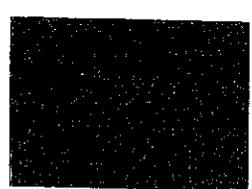
Rollex Shell



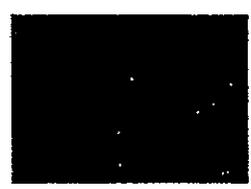
Well-Bred Brown



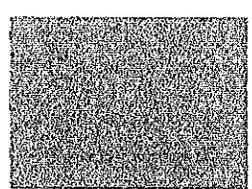
WBP Vanilla



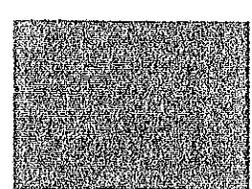
WBP Mocha



WBP Rustic Red



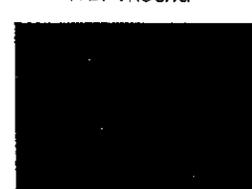
WBP Sandstone



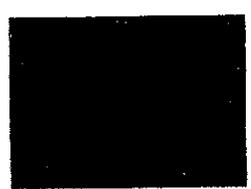
Burlap



Suitable Brown



Rollex Mocha



Rollex Brown



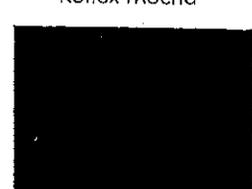
Griffin



Superior Bronze



Enduring Bronze

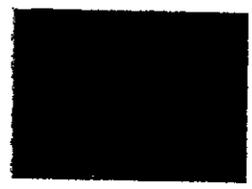


Timely Browntone

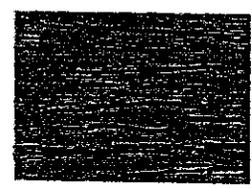
Stain Selections



Rosewood



Dark Mahogany



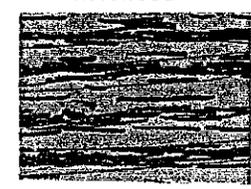
Early American



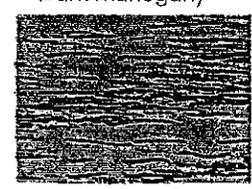
Cherry



Teak Natural



Spanish Oak



Colonial Pine



Modern Walnut



Committee of the Whole Item Number: 10	Date: April 4, 2012
Submitted By: Patrick Scherrer, Building Inspector	Subject: Motion 12-739 to approve a Certificate of Appropriateness and Sign Permit Application in the HPC Overlay District for 492 N. Pine Street (The Coffee House).

Details:

The Historic Preservation Commission (HPC) recommends approval of a Certificate of Appropriateness Application for the project located at 492 N. Pine Street. The proposed project consists of:

- One overhanging sign which measures 4' X 5' hung from a bracket.
- Awnings: One awning to extend across the length of the first floor building elevation facing N. Pine Street measuring 4'+/- tall, 3.5'+/- in depth, and 23'-8" long and be alternating vertical stripes of dark green and white. One awning valance (lower portion of the awning) with signage indicating "The Coffee House at Chestnut & Pine" in either dark green or black. One awning to extend across the western part of the first floor building elevation facing Chestnut Street measuring 4'+/- tall, 3.5'+/- in depth, and 8'-2" long indicating "The Coffee House at Chestnut & Pine" in either dark green or black. One awning to extend across the doorway of the first floor building elevation facing Chestnut Street measuring 4'+/- tall, 3.5'+/- in depth, and 6.5' long indicating "The Coffee House".
- Two 2' X 2.5' "THE COFFEE HOUSE" graphic signs, each of which is 5 square feet and totaling 10 square feet for both signs and Two 0.67' X 4' "PASTRIES & SANDWICHES" window signs, each of which is 2.68 square feet.
- The removal of two existing window air-conditioning units, restoring the window following the removal of one of the air-conditioning units, blocking up the hole in the wall from the removal of the second air-conditioning unit, and other brick masonry repair to the wall.

This Certificate of Appropriateness Application was reviewed and approved at the March 22, 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 property owner.

Executive Action:

This item is for discussion at the April 4, 2012 Committee of the Whole meeting and per common practice it is scheduled for the Common Council meeting for consideration the same night.

30"

The
Coffee
House

At Chestnut & Pine

- PASTRIES
- SANDWICHES
- BEER & WINE
- BOOKS



6'

The
Coffee
House

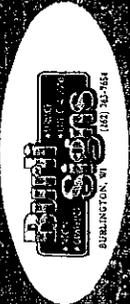
At Chestnut & Pine

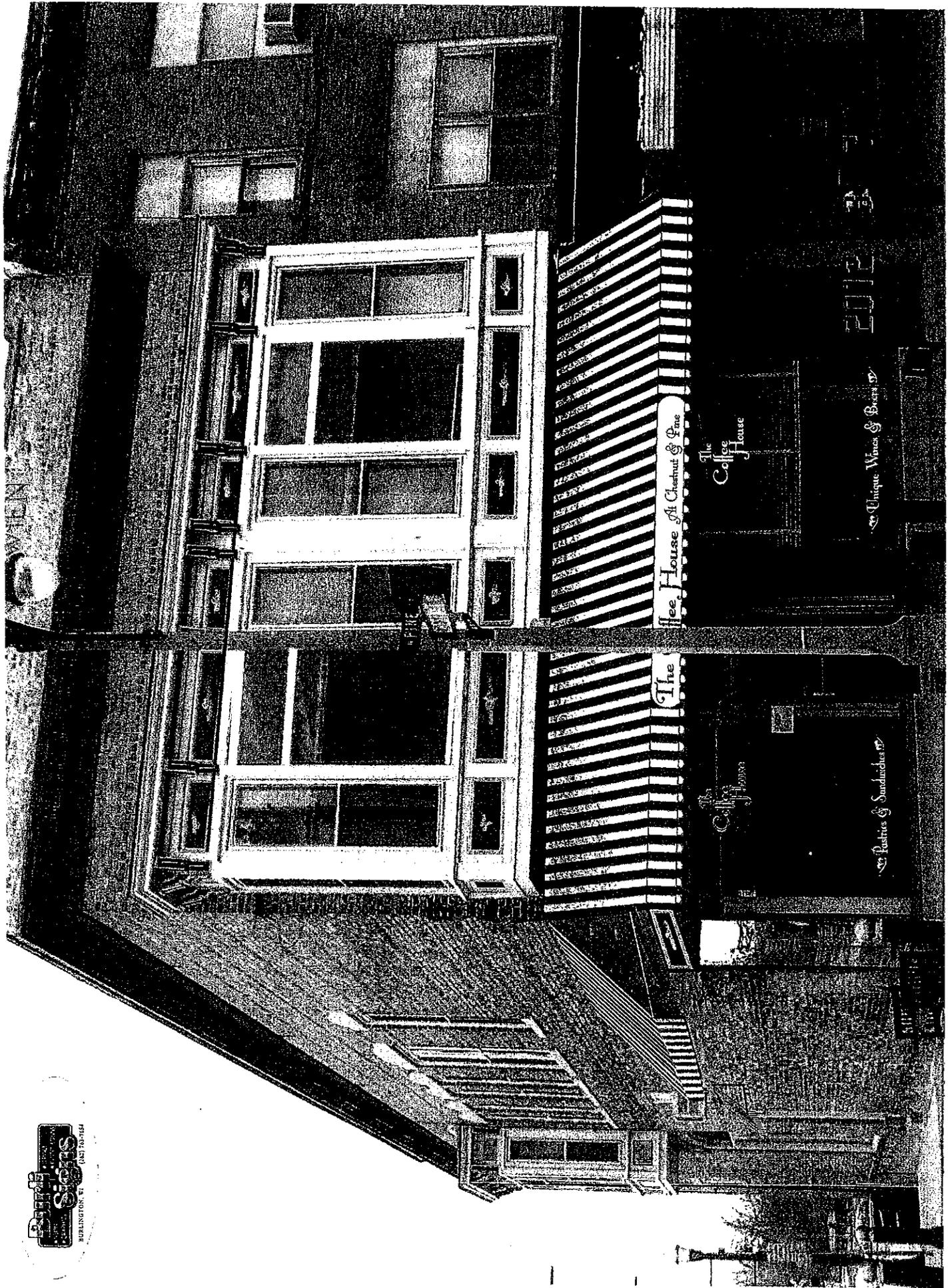
4' X 5'

2012 3 9



The Coffee House





The Coffee House At Chestnut & Pine

The Coffee House

2012

Unique Wines & Beers

The Coffee House

The Coffee House

Pastries & Sandwiches

