



**AGENDA  
COMMON COUNCIL**

**Tuesday, May 15, 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, 1<sup>st</sup> District  
Edward Johnson, Alderman, 1<sup>st</sup> District  
Peter Hintz, Alderman, 2<sup>nd</sup> District  
Ruth Dawidziak, Alderman, 2<sup>nd</sup> District  
Tom Vos, Council President and Alderman, 3<sup>rd</sup> District  
Steve Rauch, Alderman, 3<sup>rd</sup> District  
Katie Simenson, Alderman, 4<sup>th</sup> District  
Tom Preusker, Alderman, 4<sup>th</sup> 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 May 1, 2012. *(E. Johnson)*
6. Letters and Communications: None.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-3: *(P. Hintz)*
  - Report 1 – Committee of the Whole minutes, May 1, 2012
  - Report 2 – Plan Commission minutes, April 10, 2012
  - Report 3 – Recall Primary Report, May 8, 2012
9. Payment of Vouchers. *(T. Vos)*
10. Licenses and Permits. *(S. Rauch)*
11. Appointments and Nominations: *(K. Simenson)*
  - A. Election Inspectors for 2012

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to consider a rezone request from O'Reilly Automotive Stores for property located at 824 Milwaukee Avenue to rezone the property from M-1, Light Manufacturing District to B-1, Neighborhood Business District. (*R. Prailes*)

13. **RESOLUTIONS:**

- A. Resolution 4550(1) to approve a contract with Voorhees Associates, LLC to conduct the 2012 Strategic Planning Session. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*E. Johnson*)
- B. Resolution 4551(2) to approve Amendment Number One to Task Order Number Seventy-Nine with Kapur & Associates for civil engineering services and construction management with the Radium Removal project in the amount of \$16,410. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*P. Hintz*)
- C. Resolution 4552(3) to approve a preliminary resolution to declare intent to exercise Special Assessment powers for the alley in Elmhurst Subdivision. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*T. Vos*)
- D. Resolution 4554(5) to approve Amendment One to the Planned Unit Development Agreement with JW West Ridge, LLP. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*S. Rauch*)
- E. Resolution 4555(6) to authorize the issuance and establishing parameters for the sale of not-to-exceed \$1,465,000 Taxable General Obligation Refunding Bonds. This item was discussed at tonight's Committee of the Whole meeting. (*K. Simenson*)

14. **ORDINANCES:**

- A. Ordinance 1947(1) to amend the Official Zoning Map by rezoning 216 W. Jefferson Street from Rd-2, Two-Family Residential to B-2, Central Business District. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*E. Johnson*)
- B. Ordinance 1948(2) to amend the Official Zoning Map by rezoning 649-657 W. State Street from B-1, Neighborhood Business District to Rm-2/PUD, Multiple-Family Residential District with a Planned Unit Development Overlay. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*P. Hintz*)
- C. Ordinance 1949(3) to amend the Racine County Multi-Jurisdictional Comprehensive Plan for 216 W. Jefferson Street from Medium-Density Residential to Commercial Zoning. This item was discussed at the May 1, 2012 Committee of the Whole meeting. (*T. Vos*)

D. Ordinance 1950(4) to amend the Racine County Multi-Jurisdictional Comprehensive Plan for 649-57 W. State Street from Commercial to High-Density Residential Zoning. This item was discussed at the May 1, 2012 Committee of the Whole meeting. *(S. Rauch)*

E. Ordinance 1951(5) to dissolve the Board of Public Works. This item was discussed at the May 1, 2012 Committee of the Whole meeting. *(K. Simenson)*

15. **MOTIONS:**

A. Motion 12-743 to approve the annual insurance renewal with EMC Insurance. This item was discussed at tonight's Committee of the Whole meeting. *(R. Prailes)*

B. Motion 12-744 to approve an Agricultural Lease with Don Bonner for three years in the amount of \$125 per year. This item was discussed at tonight's Committee of the Whole meeting. *(E. Johnson)*

16. **ADJOURN INTO CLOSED SESSION** *(P. Hintz)*

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 on sale of property.

17. **RECONVENE INTO OPEN SESSION** *(T. Vos)*

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** *(S. Rauch)*

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

<b>Common Council Agenda Item Number: 5</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Beverly R. Gill, City Clerk	<b>Subject:</b> Meeting Minutes

**Details:**

Attached please find the minutes from May 1, 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 May 15, 2012 Common Council meeting.



City of Burlington  
Official Minutes  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
May 1, 2012

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

Mayor Bob Miller called the meeting to order at 8:07 p.m. starting with roll call. Aldermen present: Bob Prailles, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Steve Rauch, Tom Preusker, Katie Simenson

Student Representative present: Paul Dhillon Excused: Dale Morrow

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Public Works Director Connie Wilson, Fire Chief Dick Lodle, Tom Foht of Kapur Engineering, Mr. David Wagner of Ehlers and Associates, Mr. John Grosskreutz of Kapur Engineering

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

3. **CITIZEN COMMENTS**

None

4. **CHAMBER OF COMMERCE REPRESENTATIVE**

None

5. **APPROVAL OF COUNCIL MINUTES FOR APRIL 17, 2012**

A motion was made by Hintz with a second by Rauch to approve the minutes from April 17, 2012. With all in favor, the motion carried.

6. **LETTERS AND COMMUNICATIONS**

A motion was made by Vos with a second by Hintz to approve the letters and communications. With all in favor, the motion carried.

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

Simenson reported on the success of the recent Clean Sweep and suggested it be done again next year. She attended her first ChocolateFest meeting and reported they would like people to use Facebook to get the word out about the festival.

Vos questioned the traffic analysis study and when it would be implemented. Lahner reported he had met with Kapur to review the comments from council and hopefully will have the report to council in the next couple of weeks.

Prailles questioned if the path along Milwaukee Avenue was going to be completed in time for ChocolateFest. Lahner replied that it is anticipated to be completed.

Wilson reported on the huge success of the Clean Sweep Program with three-hundred and fifty pounds of prescription drugs collected. Wilson also reported on the upcoming bid opening on May 10<sup>th</sup> for Phase II of the Wastewater Treatment Plant.

## **8. REPORTS 1-8**

A motion was made by Rauch with a second by Johnson to approve Reports 1-8. With all in favor, the motion carried.

## **9. PAYMENT OF VOUCHERS**

A motion was made by Simenson with a second by Hintz to approve vouchers, prepaids and reimbursements in the amount of \$316,579.98. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos Rauch, Preusker, Simenson Nay: None Motion carried 8-0

## **10. LICENSES AND PERMITS**

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

## **11. APPOINTMENTS AND NOMINATIONS**

A motion was made by Johnson with a second by Prailes to approve appointments as presented. With all in favor, the motion carried.

## **12. PUBLIC HEARING**

### **A. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REZONE REQUEST FROM MS. MEGAN MCCARTHY FOR PROPERTY LOCATED AT 216 WEST JEFFERSON STREET TO REZONE THE PROPERTY FROM RD-2, TWO-FAMILY RESIDENTIAL DISTRICT TO B-2, CENTRAL BUSINESS DISTRICT**

The mayor opened the public hearing at 8:17 p.m.

Ms. Marion McCarthy, 680 North Lake Shore Drive, Chicago, Illinois stated she and her husband were interested in purchasing the historical property at 216 West Jefferson Street for their daughter Ms. McCarthy and was aware the zoning needed to be changed to suit their business plan. She stated the family roots are deep in Burlington and her family is concerned with the preservation of history in this area.

Ms. Sarah Nason, W5717 Ridge, Elkhorn spoke in favor of the Jefferson Street property as a class site. As a member of the "Healing Class for Yoga" that Ms. McCarthy teaches, she said there is a need at times for privacy which a public location like the Wellness Center does not afford. Ms. Nason said Ms. McCarthy is offering a wonderful service to Burlington and hoped the technicalities of the zoning could be worked out so the classes could be offered at that location. Ms. Nason said it is not only a yoga class but is also a support group for cancer survivors.

Mr. John Nason, W5717 Ridge Road, Elkhorn said the yoga class is a very quiet operation for the neighborhood. The property itself has four parking places, a parking lot next door with a commercial property behind. He said the type of classes that Ms. McCarthy is offering are very special and very much needed by many people.

Mr. George Dundore, 201 West Jefferson Street was the appointed spokesperson for the neighborhood and said the neighborhood was concerned with the parking. He said many of the residents do not park on the street because they consider it unsafe. He did not consider the area serene with the church bells ringing every fifteen minutes, traffic from the Log Cabin and B. J. Wentkers and the train sounds. He was concerned with the zoning change on the house and would the zoning continue to be changed all down the street. He did not think the zoning change would be conducive to the neighborhood. Devaluation of property was another concern of the neighborhood.

Mr. Mike Smith, property owner of 165-167 and 180 West Jefferson asked the council to deny the zoning request because it would change the character of the street and neighborhood and increase the traffic. He said his family also has deep roots in Burlington as his grandfather had donated the land for the hospital and the 180 West Jefferson Street address had been built by his family and is still owned by the family.

Ms. Jackie Kerkman, 324 West State Street spoke in favor of the zoning change. She said the yoga classes are now held at the Wellness Center and due to the noise level in that building, she felt the

Jefferson Street location would be much quieter. She also felt that the historic aspect of the building would be well maintained by Ms. McCarthy.

Ms. Laurie Dundore, 201 West Jefferson Street was not in favor of the zoning change. She did not think the interior of the house due to its smallness, would be conducive to conducting a class and she also was concerned with the parking.

Ms. Dorothy Kline, 1200 Raptor Court, Unit #16, had taken many different yoga classes in many different settings and preferred classes in a home-like setting. She said Ms. McCarthy is trying to create just that type of situation on Jefferson Street.

Ms. Brenda Brustman, 189 West Jefferson spoke against the rezoning. She wanted the area to remain residential.

Mr. John Elliot, 125 West Jefferson did not want to see more business allowed on the street and wanted the area to remain residential.

A motion was made by Hintz with a second by Rauch to close the Public Hearing. With all in favor, the public hearing closed at 8:45 p.m.

**B. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 216 WEST JEFFERSON STREET MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL**

The mayor opened the public hearing at 8:46 p.m.

A motion was made by Vos with a second by Simenson to close the public hearing. With all in favor, the public hearing closed at 8:47 p.m.

**C. A PUBLIC HEARING TO CONSIDER A REZONE REQUEST FROM JW WEST RIDGE, LLP FOR PROPERTY LOCATED AT 649-657 WEST STATE STREET TO REZONE THE PROPERTY FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO RM-2/PUD, MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY**

The mayor opened the public hearing at 8:48 p.m.

A motion was made by Rauch with a second by Preusker to close the public hearing. With all in favor, the public hearing closed at 8:48 p.m.

**D. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 649-657 WEST STATE STREET COMMERCIAL TO HIGH DENSITY RESIDENTIAL**

The mayor opened the public hearing at 8:49 p.m.

A motion was made by Simenson with a second by Johnson to close the public hearing. With all in favor, the public hearing closed at 8:50 p.m.

**13. RESOLUTION**

**A. RESOLUTION 4553(4) "A RESOLUTION TO AWARD THE SALE OF \$3,190,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2012A"**

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

**14. ORDINANCES**

None

**15. MOTIONS**

**A. MOTION 12-740 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HPC OVERLAY DISTRICT FOR 133 EAST CHESTNUT STREET"**

**B. MOTION 12-741 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HPC OVERLAY DISTRICT FOR 492 NORTH PINE STREET"**

**C. MOTION 12-742 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 615 NORTH PINE STREET"**

A motion was made by Johnson with a second by Hintz to approve Motion 12-740, 12-741, 12-742. With all in favor the three motions carried.

**16. ADJOURNMENT**

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



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



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**City Clerk**

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<b>Common Council Agenda Item Number: 10</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Beverly R. Gill, City Clerk	<b>Subject:</b> Licenses

**Details:**

**OPERATOR'S LICENSE**

Schulz, Jodie I.  
Vyvyan, Christine M.

**Financial Remarks:**

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

**Executive Action:**

Staff recommends the Common Council accept the presented licenses at the May 15, 2012 Council meeting.



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<b>Common Council Agenda Item Number: 11</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> City Clerk	<b>Subject:</b> Election Inspector Appointments

**Details:**

Election Inspector Appointments  
Margie Hoffman  
Tom Lebak  
Diana Molumby

**Options & Alternatives:**

**Financial Remarks:**  
None.

**Executive Action:**  
Staff recommends that the Council accept these appointments at the May 15, 2012 Common Council meeting.



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<b>Common Council Agenda Item Number: 8</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> City Staff	<b>Subject:</b> Reports 1-3

**Details:**

Attached please find the following reports:

Report 1 – Committee of the Whole minutes, May 1, 2012  
Report 2 – Plan Commission minutes, April 10, 2012  
Report 3 – Recall Primary Report, May 8, 2012

**Options & Alternatives:**  
N/A

**Financial Remarks:**  
None.

**Executive Action:**  
Staff recommends that the Council accept these reports at the May 15, 2012 Common Council meeting.



**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**April 10, 2012, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:32 p.m. Roll call: Alderman Tom Vos; Commissioners Darrel Eisenhardt, Chris Reesman and Michael Deans and Student Representative Bianca Clayton were present; Alderman Robert Prailes, and Commissioner John Lynch were excused; Town of Burlington Representative Phil Peterson and Student Representative Kyle Burns were absent. Also present were City Administrator Kevin Lahner City Planner Patrick Meehan and Zoning Administrator Patrick Scherrer.

**APPROVAL OF MINUTES**

Alderman Vos moved and Commissioner Eisenhardt seconded to approve the minutes of March 13, 2012. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None

**LETTERS & COMMUNICATIONS**

Commissioner Reesman moved and Commissioner Eisenhardt seconded to approve Communication "A" regarding Alderman Prailes' absence from the April 9<sup>th</sup> meeting.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

- A. Consideration to approve a Site Plan application for property located at 201 S. Pine Street to use as two commercial suites.**
- Alderman Vos recused himself from this topic at 6:35 p.m. due to a conflict of interest.
  - Mayor Miller opened this item for discussion.
  - There were no comments.

Commissioner Deans moved and Commissioner Eisenhardt seconded to approve a Site Plan at 201 S. Pine Street subject to Patrick Meehan's March 30, 2012 and Kapur & Associates' March 29, 2012 memorandums to the Plan Commission as follows:

- The existing, City of Burlington-owned street tree, which is proposed to be removed by the applicant, be replaced at the applicant's expense with a 2.5" to 3" caliper street tree (with a 2-year warranty) and of a species approved by the City Public Works Department. Said replacement tree shall be placed at a suitable public right-of-way curb lawn location in proximity to the subject property as determined by the Public Works Department. Said tree shall be replaced prior to the issuance of an Occupancy Permit.
- Due to the proximity to the neighboring residential property and residence, provide curb and gutter along the south line of the parking area. The curb will serve as both protection/notification for drivers and will divert the storm water runoff away from the residential property.
- The aisle and stall width is slightly below the 35' recommended by the Burlington City Code. The stalls to be striped to 18' in depth and use the remaining separation as aisle width.
- Striping is required as part of the plan. The striping should include all parking stall markings and the arrows with one way words. Provide a "DO NOT ENTER" sign at the northwest corner of the handicap access aisle striping facing Henry Street.
- Reduce/change the drive openings to match the drive aisle. The opening should be roughly 20-24' wide at the street and 14'-16' wide at the drive aisle. This will require closing about 7' on the south side.

*All in favor and the motion carried.*

Alderman Vos re-entered the meeting at 6:36 p.m.

**B. Consideration to approve a Site Plan application for property located at 216 W. Jefferson Street to use as a yoga studio.**

- Mayor Miller opened this item for discussion.
- Commissioner Reesman questioned Patrick Meehan's recommendation for a fence. Mr. Meehan stated this will fulfill the bufferyard requirement due to the close proximity of the neighboring property and is standard practice in these types of situations.
- There were no further comments.

Commissioner Deans moved and Commissioner Eisenhardt seconded to approve a Site Plan at 216 W. Jefferson Street subject to Patrick Meehan's March 30, 2012 and Kapur & Associates' March 29, 2012 memorandums to the Plan Commission as follows:

- The comprehensive plan map for the City of Burlington titled "Recommended Land Use Plan for the City of Burlington Planning Area: 2035" be amended by the City of Burlington from the "MEDIUM DENSITY RESIDENTIAL (6,200sq. ft. to 18,999 sq. ft. Per Dwelling)" land use designation to the "COMMERCIAL" land use designation.
- The Common Council must rezone the subject property from the Rd-2 Two-Family Residential District to the B-2 Central Business District.
- With respect to the bufferyard requirements of Table 9, since a minimum bufferyard width of 10 feet is not available on the east side of the subject property, that the Type 2 bufferyard provisions under Table 9 be used and that a minimum 6-foot tall solid fence be constructed on the east side of the subject property. But, due to inadequate space for the placement of, landscape plant materials, that no landscape plant materials be required by the Plan Commission to be planted within this required bufferyard.
- A variance (granted by the Zoning Board of Appeals) from the required 8-footwide side yard setback is required in order to add an additional 231 square-foot second floor addition over the 1-story existing flat roof area (in the rear of the structure) since such an addition would increase the intensity of the already nonconforming 1-story flat roof area of the structure which is already located within the required 8-footwide side yard setback.
- The existing driveway is in poor condition and has a square cut out of the center that serves as a low point. This square area is filled with two by ten boards that sit on soil.
- If a handicap stall is to be placed as shown on the site plan full reconstruction of the driveway will be required. Moving the ADA stall to the east side of the driveway will shorten the access route and allow use of the new walk as the accessible aisle. This may also eliminate the need to widen the driveway to extent as shown.
- There are two large trees, and multiple smaller ones along the west property line that would require removal if you widen the drive as shown on the site plan. If it is determined that driveway improvements are necessary we recommend that the entire driveway be reconstructed and the appropriate storm water inlet be provided.
- There is an existing pole at the middle of the driveway on the west side. This will need to be removed, or relocated.
- A lighting plan may be required for the driveway and walkway areas.

**C. Consideration to recommend approval of Ordinance 1947(1) to the Common Council to amend the Official Zoning Map by rezoning 216 W. Jefferson from Rd-2 District to B-2 District and consideration to approve Resolution 11 to amend the Multi-Jurisdictional Comprehensive Plan to match land use categories.**

- Mayor Miller opened this item for discussion.
- There were no comments.

Commissioner Deans moved and Commissioner Reesman seconded to recommend approval of Ordinance 1947(1) and approve Resolution 11.

**D. Consideration to approve a Site Plan application for property located at 649-657 W. State Street to construct an 8-unit apartment building.**

- Mayor Miller opened this item for discussion.
- Alderman Vos questioned if the Planned Unit Development (PUD) Agreement for Westridge Apartments will apply to this project. Pat Meehan responded that an amendment will be made to the original PUD to reflect this new building as it is under the same ownership.
- Alderman Vos questioned if the road adjacent this project site is a private drive. Meehan responded that it is a driveway easement.
- Patrick Scherrer introduced John Wirth, owner of Westridge Apartments, to answer questions.
- There were no further comments.

Alderman Vos moved and Commissioner Deans seconded to approve a Site Plan at 649-657 W. State Street subject to Patrick Meehan's March 30, 2012 and Kapur & Associates' March 29, 2012 memorandums to the Plan Commission as follows:

- The comprehensive plan map for the City of Burlington titled "Recommended Land Use Plan for the City of Burlington Planning Area: 2035" be amended by the City of Burlington from the "COMMERCIAL" land use designation to the "HIGH DENSITY RESIDENTIAL (Less Than 6,200 Sq. Ft. Per Dwelling)" land use designation.
- The Common Council rezone the subject property from the B-1 Neighborhood Business District to the Rm-2 Multiple-Family Residential District and the PUD Planned Unit Development Overlay District.
- A revised "Proposed Site Plan-Dimensions & Landscape" needs to be submitted to the City indicating landscape plant materials located in the area between the parking lot and the adjacent street right-of-way and indicating the size of this single row and aisle of parking as 45 feet in width.
- Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking stalls serving five (5) or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times. This requirement will need to be met prior to the issuance of an Occupancy Permit.
- Section 315-48(D)(5) of the City Zoning Ordinance requires that: *"All public off-street parking areas which serve 10 vehicles or more and are created, redesigned and/or rebuilt shall be provided with evenly dispersed landscape areas within the interior of such off-street parking areas. Landscape area shall total not less than 5% of the surfaced area (inclusive of both parking stalls and associated drives). Perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required*

*5%. The minimum size of each such required landscape area in the off-street parking lot shall not be less than 100 square feet in area nor not less than nine feet in width or length. Canopy trees shall be provided at the rate of one tree for each 15 off-street parking spaces (or fraction thereof) within the interior of the off-street parking area. The preservation of existing canopy trees in the parking area may be included in the calculation of the required minimum landscape area."* A revised "Proposed Site Plan-Dimensions & Landscape" needs to be submitted to the City fully addressing the above requirement showing additional landscape plant materials and also providing one (1) canopy tree of a minimum size of 3-inch prior to the issuance of an Occupancy Permit.

- Six landscape bufferyard options are provided the applicant in Table 10 of the City Zoning Ordinance and one of them needs to be graphically indicated (with the requirement number of landscape plant materials graphically noted and identified as to type) on a revised "Proposed Site Plan-Dimensions & Landscape" and submitted to the City fully addressing the above requirement prior to the issuance of an Occupancy Permit.
- The total area to be included in the PUD, area of open space, residential density computations, and population analysis shall be provided in either a letter to the City or on a revised and resubmitted "Proposed Site Plan-Text" for City staff review for compliance.
- The general summary of the estimated value of structures and site improvement costs (including landscaping and special features) needs to be submitted by the applicant.
- The expected date of commencement and completion of physical development needs to be submitted by the applicant.
- Density of residential uses and the number of dwelling units by type shall be noted on a revised and resubmitted "Proposed Site Plan-Text" for City staff review for compliance.
- A graphic outline of any development staging or phasing which is planned shall be noted on the site plan. The expected date of commencement and completion of physical development needs to be submitted by the applicant.
- Architectural plans, elevations, and perspective drawings and sketches illustrating the design, character, materials, and dimensions of proposed structures shall be noted on the site plan and the such data either in a letter to the City or on a revised and resubmitted "East, West, North, & South Exterior Elevations" sheet for City staff review for compliance.
- Lighting data shall be submitted which indicates the type and illumination levels (in footcandles) of all outdoor lighting proposed shall be noted on the site plan.
- Full site plans are required and should include the following sheets: Title Sheet, Erosion Control Plans, Grading Plans, Utility Plans, Storm Sewer, water, sanitary, Details sheets, construction notes, specifications, and sequencing, Lighting plans, and all calculations for utility sizing, etc.

- While post construction storm water management is not required under ordinance this is part of a larger development with the existing 8 unit to the east. The engineering and landscaping plan shall utilize methods to control storm water runoff to the maximum extent practicable.

**E. Consideration to recommend approval of Ordinance 1948(2) to the Common Council to amend the Official Zoning Map by rezoning 649 W. State Street from B-1 District to RM-2 District with a PUD Overlay and consideration to approve Resolution 12 to amend the Multi-Jurisdictional Comprehensive Plan to match land use categories.**

- Mayor Miller opened this item for discussion.
- There were no comments.

Commissioner Eisenhardt moved and Commissioner Reesman seconded to recommend approval of Ordinance 1948(2) and approve Resolution 12.

**ADJOURNMENT**

Alderman Vos moved and Commissioner Deans seconded to adjourn the meeting at 6:43 p.m. *All were in favor and the motion carried.*



Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator

**Recall Primary Election May 8, 2012**

	<b>POLLING PLACE #1</b>	<b>POLLING PLACE #2</b>
	<b>DISTRICT 1 &amp; 2</b>	<b>DISTRICT 3 &amp; 4</b>
	<b>WARDS 1,2,3,4</b>	<b>WARDS 5,6,7,8</b>
<b>REGISTERED VOTERS</b>	<b>2715</b>	<b>3058</b>
<b>VOTES CAST</b>	<b>1054</b>	<b>1428</b>
<b>PERCENT</b>	<b>38.82%</b>	<b>46.70%</b>
<b>REPUBLICAN PRIMARY FOR GOVERNOR</b>		
Scott Walker	585	798
Arthur Kohl-Riggs	17	13
Write-In	0	0
<b>DEMOCRATIC PRIMARY FOR GOVERNOR</b>		
Gladys R. Huber	5	5
Kathleen Vinehout	9	15
Doug LaFollette	15	14
Kathleen Falk	148	200
Tom Barrett	270	379
Write-In	1	0
Over-votes	1	1
Under-votes	3	3
<b>DEMOCRATIC PRIMARY FOR LIEUTENANT GOVERNOR</b>		
Isaac Weix	186	226
Mahlon Mitchell	248	331
Ira Robins	116	158
Write-In	16	14
Over-votes	0	0
Under-votes	488	699



CITY OF BURLINGTON

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

<b>Common Council Item Number: 12A</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> A Public Hearing to discuss a rezone request for property at 824 Milwaukee Avenue.

**Details:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a rezone request from O'Reilly Automotive Stores for property located at 824 Milwaukee Avenue (former Public Works site). The applicant is requesting to rezone the property from M-1, Light Manufacturing District to B-1, Neighborhood Business District to construct a retail automotive parts store.

**Options & Alternatives:**  
For public comment only.

**Financial Remarks:**  
None.

**Executive Action:**  
This item for a Public Hearing at the May 15, 2012 Common Council.

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

TO WHOM IT MAY CONCERN:

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

**Owner:** City of Burlington  
**Applicant:** O'Reilly Automotive Stores, Inc., Charlie Downs  
**Applicant Address:** 233 S. Patterson, Springfield, MO 65801  
**Location of Request:** 824 Milwaukee Avenue  
**Existing Zoning:** M-1, Light Manufacturing District  
**Proposed Zoning:** B-1, Neighborhood Business District  
**Proposed Use:** Commercial Use

**Legal Description:**

All of Lot 1 of Certified Survey Map No. 3046, as recorded in the Racine County Register of Deeds Office in Volume 9, on Page 901, described by metes and bounds as follows:

Commencing at the northernmost corner of said Lot 1; thence South 46 degrees 27 minutes 25 seconds East, assumed bearing along the northeasterly line of said Lot 1, a distance of 200.00 feet to the easternmost corner of said Lot 1; thence South 43 degrees 24 minutes 07 seconds West, a distance of 205.38 feet to the southernmost corner of said Lot 1; thence North 46 degrees 32 minutes 25 seconds West, a distance of 200.00 feet to the westernmost corner of said Lot 1; thence North 43 degrees 24 minutes 08 seconds East, a distance of 205.67 feet to the point of beginning and there terminating.

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

**TUESDAY, MAY 15, 2012 DURING THE MEETING OF THE COMMON COUNCIL  
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

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

CITY OF BURLINGTON

Dated at Burlington, Wisconsin, this 24<sup>th</sup> day of April, 2012.

Beverly R. Gill, City Clerk

Published in the Burlington Standard Press  
April 26 and May 3, 2012



## CITY OF BURLINGTON

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

<b>Common Council Item Number: 13A</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Resolution 4550(1) to consider a contract with Voorhees Associates to conduct the 2012 Strategic Planning Session.

### **Details:**

At the request of the Mayor, staff sought out proposals from strategic planning facilitators in Wisconsin. The last Strategic Planning Session was conducted in 2008 by Public Management Partners. After completing the review of potential firms, staff recommends approving an agreement with Voorhees Associates, LLC. Sharon and Mark Morien of Voorhees (formerly The PAR Group) have worked with the City on several occasions including recently conducting the employment search for the City Administrator and Police Chief positions and have extensive experience in conducting strategic planning sessions. Further, Mark held the position of Interim Administrator for Burlington in 2007 and knows the vision and values of the City.

The attached contract has two options for the scope of services the Council may choose from. Option 1 includes the preparation of and conducting the session, processing the questionnaire, conducting a full day retreat for Council and senior staff, drafting the plan and presenting the final report. Option 2 includes everything from Option 1 but also includes meeting with the Council and staff individually. Voorhees estimates a minimum of 32 hours to conduct the full study.

### **Options & Alternatives:**

The Common Council could choose to seek further bids for this session, or seek to not conduct a session at all. Moving forward now will allow the results to be incorporated into our 2013 budget session.

### **Financial Remarks:**

Option 1 will cost \$3,080 and Option 2 will cost \$3,980.

### **Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

Resolution No. 4550(1)  
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING AN AGREEMENT WITH VOORHEES  
ASSOCIATES, LLC FOR THE DEVELOPMENT AND FACILITATION  
OF A STRATEGIC PLANNING WORKSHOP**

**WHEREAS**, the City of Burlington from time to time seeks to conduct Strategic Planning Workshops; and,

**WHEREAS**, Voorhees Associates, LLC has conducted Strategic Planning Workshops for the City in past years; and,

**WHEREAS**, the fee for such services from Public Management Partners, LLP will not exceed \$\_\_\_\_\_ as indicated in the attached agreement, attached hereto as Attachment "A".

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington that a retaining Voorhees Associates, LLC to develop and facilitate a Strategic Planning Workshop is hereby approved.

**BE IT FURTHER RESOLVED** that the Mayor be and are hereby authorized and directed to execute such agreement on behalf of the City.

Introduced: May 1, 2012  
Adopted:

---

Robert Miller, Mayor

Attest:

---

Beverly R. Gill, City Clerk



## CITY OF BURLINGTON, WISCONSIN Strategic Planning Session Proposal

### CONSULTING FIRM BACKGROUND AND STATEMENT OF STAFF EXPERIENCE

Voorhees Associates is a public sector management consulting firm specializing in executive recruitment and management consulting. All services are provided solely for public jurisdictions and not-for-profit entities. Voorhees Associates provides service to jurisdictions and agencies in a variety of contemporary issues, providing management, financial, and human resources assistance. Our organization has a staff of fourteen consultants. Though Voorhees Associates was formed in 2009, all of our consultants previously worked together at The PAR Group. The PAR Group was a public sector management consulting firm in business for over 30 years.

It is a pleasure for Voorhees Associates to provide the City of Burlington with a proposal for a Strategic Planning Session. The following is our consulting team, the proposed Scope of Services and the cost structure for this project.

#### I. PROPOSED CONSULTING TEAM

The consulting team assigned to perform the City of Burlington assignment will be conducted by members of Voorhees Associates' regular, permanent staff. Ms. Sharon Morien will be the Lead Consultant. Mr. Mark Morien will assist Ms. Morien in doing the background work, conducting the Strategic Planning sessions, and report preparation.

##### **Ms. Sharon M. Morien**

Sharon Morien joined Voorhees Associates in 2009 and is the Managing Director. Prior to this, Ms. Morien spent ten years with The PAR Group as a Vice President and Managing Director, where she participated in both executive search and general management consulting assignments. Ms. Morien received her Master's Degree Certificate in Human Resource Management from Illinois Benedictine College in Lisle, Illinois. She also acquired a Bachelor's Degree in Social Work from the University of Wisconsin, Milwaukee and an Associate Arts Degree from the University of Wisconsin, Oshkosh.

Ms. Morien has been involved in all aspects of over 100 recruitments, including those for municipal and county Managers/Administrators, Department Directors such as Chief of Police, Fire Chief, Public Works Director, Finance Director, etc., and Executive Directors for non-profit associations. However, her area of expertise is in performing Management Studies. She has conducted numerous studies for municipalities, counties, park districts and school districts. Studies/projects include Classification and Compensation Studies, Salary/Benefit Surveys and Analysis, Performance Evaluation Studies, Assessment Centers, Job Description Review and Development and Strategic Management Planning Sessions.

As a former Personnel Technician at Family Hospital in Milwaukee, Wisconsin and Human Resources Assistant with the Village of Skokie, Illinois, along with her tenure with The PAR Group and Voorhees Associates, Ms. Morien has over 17 years of experience in the combined areas of human resource management, local government, and public management consulting.

- **Preparation and Initial Project Meeting.** Meet with City of Burlington representatives to discuss the strategic planning session approach and set up retreat schedule/dates. Develop and review questionnaire for session participants to complete to help ascertain their thoughts on alternative revenues and service cuts/modifications, as well as on goals and objectives for the City.
- **Participants.** We are mindful of the tight fiscal conditions of municipalities today. Therefore we offer two alternatives for obtaining information from the elected officials and senior staff:
  1. **Email.** Using the questionnaire developed above, email the document to each participant and ask them to complete it and return to the consultants; or
  2. **Individual Meetings.** Using the questionnaire developed above, meet with each elected official and senior staff member to discuss the issues with each participant.
- **Questionnaire Processing.** Read all questionnaires and prepare outline of results to be discussed at the Retreat.
- **Retreat.** Voorhees Associates will facilitate a full day Retreat for the elected officials and senior staff to fully discuss the issues/challenges and goals/objectives identified through the individual questionnaires. Our objective is to discuss these matters and gain a consensus approach for each issue and challenge moving forward.
- **Draft Strategic Plan.** Voorhees Associates will take the information gathered at the Retreat and prepare a draft report.
- **Present Report.** Voorhees Associates will present the report to the Mayor and City Council. Any suggestions/omissions will be incorporated into a final Report. One copy and one electronic copy will be provided to the City.

III. **PROJECT COSTS**

Voorhees Associates proposes the following costs for this project:

	<u>Option 1</u>	<u>Option 2</u>
• <b><u>Study Preparation and Initial Project Meeting.</u></b>	4 hours---\$360	4 hours---\$360
• <b><u>Meets with Elected officials and Senior Staff</u></b>		10 hours---\$900
• <b><u>Questionnaire Processing.</u></b>	4 hours---\$360	4 hours---\$360
• <b><u>Retreat.</u></b>	12 hours---\$1,080	12 hours---\$1,080
• <b><u>Draft Strategic Plan.</u></b>	8 hours---\$720	8 hours---\$720
• <b><u>Present Draft Report/Prepare Final Report.</u></b>	<u>4 hours---\$360</u>	<u>4 hours---\$360</u>
<b><u>Total Hours/Cost</u></b>	32 hours---\$2,880	42 hours \$3,780

Expenses for this project will be \$200.

TOTAL COST: Option 1: \$3,080                      Option 2: \$3,980



**Strategic Planning Session Contract**

Between the City of Burlington, Wisconsin and Voorhees Associates, LLC

The City of Burlington agrees to have Voorhees Associates, LLC conduct a Strategic Planning Session for City Council Members and Senior Staff.

\_\_\_\_\_ **Project Cost:** Option 1 - \$3080 (\$2,880 for professional fees; \$200 for expenses).

\_\_\_\_\_ **Project Cost:** Option 1 - \$3980 (\$3,780 for professional fees; \$200 for expenses).

ACCEPTED BY THE CITY OF BURLINGTON, WISCONSIN

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_



## CITY OF BURLINGTON

### Department of Public Works

Wastewater & Water Utility

6551 S. Pine Street, Burlington, WI 53105

(262) 539-3646 - (262) 342-1173 - (262) 539-3648 fax

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

<b>Common Council Item Number: 13B</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Connie Wilson, Department of Public Works Director	<b>Subject:</b> Resolution 4551(2) to consider Amendment Number One to Task Order 79 for construction management services with the radium removal project in the amount of \$16,410.

#### Details:

Attached for your review is Amendment One to Task Order 79 with Kapur and Associates to provide construction management services for "Radium and Gross Alpha Treatment Systems for Wells No. 9 and No. 10". The work consists of extended construction management services because of delayed start-up due to well rehab and to provide design and construction management services for DNR required upgrades at existing well No. 10 as addressed in attached email.

This work 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.

City staff has reviewed and recommend approval of the Amendment of Task Order #79 in the amount of \$16,410.

#### Options & Alternatives:

The additional work can be denied. Doing so would result in being in non-compliant with the Bureau of Drinking and Ground water plan review requirements.

#### Financial Remarks:

This work effort was anticipated and an application was submitted and approved to 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 additional work results in \$16,410 of additional costs.

#### Executive Action:

This item was discussed at the May 1, 2011 Committee of the Whole meeting and is scheduled for the May 15, 2011 Common Council meeting for consideration.

**A RESOLUTION APPROVING AMENDMENT NUMBER ONE TO TASK ORDER NUMBER SEVENTY-NINE WITH KAPUR AND ASSOCIATES, INC. TO PROVIDE CIVIL ENGINEERING SERVICES AND CONSTRUCTION MANAGEMENT FOR THE RADIUM AND GROSS ALPHA TREATMENT SYSTEMS PROJECT WITH WELLS 9 AND 10 IN THE AMOUNT OF \$16,410**

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

**WHEREAS**, the City has requested assistance with construction management and inspection services with the construction of two new buildings at Wells 9 and 10 which includes HMO Treatment System, pumps, piping, valves, electrical, controls, HVAC, chemical components, site grading, access driveway, landscaping; and prepare a study of the existing HWY 11 Lift Station, which resulted in Task Order Seventy-Nine; and,

**WHEREAS**, Task Order Seventy-Nine for amount of \$179,570 was approved on April 6, 2011 and was recommended for approval by the Public Works Director; and,

**WHEREAS**, the City has requested additional assistance to with the engineering services with the Radium and Gross Alpha Treatment Systems Project with Wells 9 and 10 including providing extended construction management due to late start up, providing design and construction management for DNR required upgrades at existing Well No. 10 and attend meetings with contractor on a bi-weekly basis, which resulted in Amendment Number One to Task Order Seventy-Nine attached hereto for the not-to-exceed amount of \$16,410.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington that Amendment Number One to Task Order Number Seventy-Nine is hereby approved for the not-to-exceed amount of \$16,410.

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

Introduced: May 1, 2012  
Adopted:

---

Robert Miller, Mayor

Attest:

---

**AMENDMENT TO TASK ORDER NUMBER #79  
CIVIL ENGINEERING SERVICES**

This Task Order is made as of May 1, 2012, under the terms and conditions established in the MASTER AGREEMENT FOR ENGINEERING SERVICES, (the Agreement), between the **City of Burlington (Owner)** and **Kapur & Associates, Inc. (Engineer)**. This Task Order is made for the following purpose:

To provide extended construction management services for the construction project **“Radium and Gross Alpha Treatment Systems for Wells No. 9 and No. 10”** The work consists of the construction of two new buildings one at each well site which includes HMO Treatment System, pumps, piping, valves, electrical, controls, HVAC, chemical components, site grading, access driveway, landscaping and incidental work for the Water Utility. This work 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.

**Section A. – Scope of Services**

Engineer shall perform the following Services:

1. Provide extended construction management, this project has been delayed by 90 days from the original Start-Up date and an extension was requested by the contractor and approved by the owner.
2. Provide design and construction management for DNR required upgrades at existing Well No. 10.
3. Attend meetings with contractor on a bi-weekly basis and as required with Water Utility Department and/or Contractor.

**Section B. – Schedule**

Engineer shall perform the Scope of Services and deliver the related Documents according to the following schedule:

1. Schedule shall be coordinated with contractor and is estimated to be 60 working days.

**Section C. – Compensation**

In return for the performance of the foregoing obligations, Owner shall pay to Engineer an amount not-to-exceed Sixteen Thousand Four Hundred Ten Dollars (\$16,410.00) payable according to the following terms:

A not-to-exceed amount based on the rates as listed in Attachment A of the Agreement, plus direct expenses. Cost plus services are limited to an agreed maximum figure unless amended.

Engineer may request a change to the billing hours if scope changes, beyond the control of the Engineer, resulting in an extension of the schedule or necessitates a change in personnel.

Compensation for Additional Services (if any) shall be paid by Owner to Engineer according to the hourly billing rates shown in Attachment A of the Agreement.

IN WITNESS WHEREOF, the Owner and Engineer have executed the Task Order.

Owner: City of Burlington

Engineer: Kapur & Associates, Inc.

By: \_\_\_\_\_

By: John Grosskreutz

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Title: Project Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment A  
 Kapur Associates, Inc.  
 Summary of Staff Hours and Labor Costs  
 for the  
 City of Burlington

AMENDMENT TO TASK ORDER 79																
Construction Management for the Radium and Gross Alpha Treatment Systems for Wells No. 9 and No. 10																
CLASSIFICATION	TASK DESCRIPTION	ACT. Code	Project Manager/Electrical Engineer		Project Engineer		Surveyor		Construction Staff Engineer		Senior Technician		Survey Crew		Total Labor	
			Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars
	Average Hourly Wage			\$133.00		\$103.00		\$90.00		\$78.00		\$75.00		\$115.75		
	Administration				8	\$824.00									8	\$824.00
	Bi-Weekly Project Meetings				12	\$1,236.00									12	\$1,236.00
	O&M Review		8	\$1,064.00	16	\$1,648.00									24	\$2,712.00
	DNR Loan Information Request's								8	\$624.00					8	\$624.00
	As-built/Record Drawings		4	\$532.00	8	\$824.00			16	\$1,248.00	8	\$600.00			36	\$3,204.00
	DNR Required Upgrades at Well #10		2	\$266.00	32	\$3,296.00			16	\$1,248.00	40	\$3,000.00			90	\$7,810.00
	<b>TOTALS</b>		14	\$1,862.00	76	\$7,828.00			40	\$3,120.00	48	\$3,600.00			178	\$16,410
<b>Expenses:</b>																
<b>Project Total:</b>															<b>\$16,410</b>	

Summary of Expenses	Units	Cost	Total
Estimated Expenses			
<b>Totals</b>			

## **John J. Grosskreutz**

---

**Subject:**

FW: Burlington Meeting held on March 13

Connie Wilson  
Director of Public Works  
Burlington WI

Connie:

The following eight points summarize the meeting held on Tuesday, March 13, at the Well No. 10 pumpstation and treatment facility:

- 1) Kapur & Associates will check the manhole rim elevations at the backwash waste tanks (at Well No. 9 and 10 treatment facilities) - to ensure that there is the required one foot elevation difference between the treatment building floor elevation and the manhole rim receiving the backwash waste discharge. Corrections will be proposed as necessary to meet the one foot code requirement.
- 2) The City of Burlington will submit to the Bureau of Drinking & Groundwater (DG) Plan Review staff as-built drawings (at Well No. 9 and 10 treatment facilities) for both sanitary sewer and water main pipe that does not provide the necessary horizontal and vertical code separation. Include an as-built drawing for the water main installed near the manhole located between the Well No. 10 pumpstation and the ground reservoir. This manhole is currently piped to receive a discharge from a pumpstation sump pump, the ground reservoir overflow, and pump to waste. [It was noted that the water main piping installed prior to any treatment project work was located within eight feet of the manhole.]
- 3) **Per DG Plan Review requirements, properly abandon the Well No. 10 ground reservoir overflow (currently discharging into the nearby manhole located between the Well No. 10 pumpstation and the ground reservoir).**
- 4) **Obtain DG plan approval for the installation of a new overflow pipe for the Well No. 10 ground reservoir.**
- 5) John Grosskreutz will check with the DG Plan Review to determine if it will be necessary to comply with the requirement for a 12 inch elevation difference between the Well No. 10 pumpstation floor and the rim elevation of the manhole - if the manhole will be used exclusively for pump to waste purposes.
- 6) Check with the DG Plan Review for the requirements for removal of the sump pump from the sump pump croc and sealing off both ends of the pipe (including the discharge into the manhole located between the Well No. 10 pumpstation and the ground reservoir). The sump pump croc was reported by Glenn Harjes (operator) to be dry all of the time. If required by DG Plan Review to maintain sump pump operation, provide an acceptable means for discharging the sump pump to the outside the building. [Note: Discharge of the sump pump through the existing buried piping may be possible by using a hub drain.]
- 7) **Obtain DG plan approval for any of the proposed Well No. 10 discharge piping modifications (including any proposed modifications for the pump to waste piping).**
- 8) **Install new riprap or other means to stabilize the ground surface near the 15 inch discharge to grade (including the slope down to the wetland area).**

NOTE: Based upon separate telephone conversations that I had with both Norm Hahn (DG Plan Review) and John Grosskreutz (Kapur & Associates) yesterday (Wednesday, March 14), they indicated that an agreement (by telephone) had been reached regarding the work that needs to be done. John indicated that Kapur & Associates will be submitting to DG plan review for approval of the work that is generally outlined in the above meeting summary.

If you have any questions regarding NR 811 code requirements or DG Plan Review, Norm Hahn can be reached by telephone at 608-2677661 (or by email at [norman.hahnjr@wisconsin.gov](mailto:norman.hahnjr@wisconsin.gov)). If you have questions regarding SRLF Loan 5475-01 eligibility questions, I can be contacted as outlined below. Thank you for your cooperation in this matter.

Francis G. Fuja, P.E.  
Construction Management Engineer



## CITY OF BURLINGTON

**Department of Public Works**  
Streets, Parks & Water Departments  
2200 S. Pine St. Burlington, WI, 53105  
(262) 539-3770– (262) 539-3773 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

<b>Common Council Item Number: 13C</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Resolution 4552(3) to consider a preliminary resolution to declare intent to exercise Special Assessment powers for the alley in Elmhurst Subdivision.

### Details:

An informational meeting regarding repaving of the alley in Elmhurst Subdivision (bounded by Walnut St., Summit Ave., N. Elmwood Ave. and N. Maple Ave.) was held with the property owners, at the Committee of the Whole meeting on January 17, 2012. Discussions centered on the cost-share issue with all property owners. In the past, the City has charged the full cost of the alley improvement to all abutting property owners, based on a front foot basis. Council requested several different options to base the assessments on. At the Committee of the Whole meeting on February 21, 2012, several options were looked at, and it was decided to divide the full cost of the alley evenly, on a per lot basis. This preliminary resolution begins that assessment procedure.

The proposed assessments may be paid in cash or in five annual installments with an interest rate which is one-half (.05) percent over the total cost of the improvements. A public hearing will be scheduled for June 19, 2012. The rate will be established and stated in the final resolution and noticed with assessments.

Staff recommends that the City Council approve this initial intent to exercise Special Assessments for the pavement improvements to the alley.

**Options & Alternatives:** The Common Council could decide to do no pavement improvements to the alley and DPW crews can continually monitor and repair with frequent pothole patching.

### Financial Remarks:

The cost of the alley project was estimated at \$24,708. The per-lot cost to the property owners is \$3,088.50.

### Executive Action:

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER §66.0703, WISCONSIN STATUTES FOR PAVEMENT IMPROVEMENTS TO THE ALLEY IN ELM-HURST SUBDIVISION, BOUNDED BY WALNUT STREET, SUMMIT AVENUE, N. ELMWOOD AVENUE, AND N. MAPLE AVENUE**

**BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under §66.0703, Wisconsin Statutes and §274-4 of the Code of the City of Burlington, to levy special assessments upon property for benefits conferred upon such property by resurfacing/reconstructing the alley located in Elm-Hurst Subdivision, bounded on the North by Walnut St., on the South by Summit Ave., on the East by N. Elmwood Ave. and on the West by N. Maple Ave; and,
2. Said improvements are to include grading, asphalt paving, and restoration of all disturbed areas; and,
3. The total cost of the improvements will be assessed against the abutting properties; and,
4. The assessments against any parcel may be paid in cash or in five (5) annual installments with interest at a rate which is one-half (0.5) percent over the cost of the funds for the project. This rate shall be established in the final resolution and noticed with assessments; and,
5. The City is directed to prepare an engineering report consisting of:
  - a) Final plans and specifications for said improvements,
  - b) An estimate of the entire cost of the proposed improvements;
  - c) A schedule of the proposed assessments.
  - d) A statement that the property against which the assessments are proposed is benefited.

Upon completion of such report, a copy thereof shall be filed in the City Clerk's office for public inspection; and,

6. Upon receiving the report, the City Clerk is directed to prepare a notice stating the nature of the proposed improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, or their agents or attorneys, may appear before the Common Council to be heard concerning the matters contained in this resolution and the report. The notice shall be published as Class I notice of a public hearing to be held at least 10 days but not more than 40 days after publication, and mail a copy of said notice at least 10 days before the hearing to every person whose post-office address is known or can be ascertained with reasonable diligence as specified in §66.0703(7), Wisconsin Statutes. The hearing shall be held in the Common Council Chambers in the Courtroom of the Police Department at the time set by the Clerk in accordance with §66.0703(7).

Hearing tentatively set for: Tuesday, June 19, 2012 at 6:30 p.m.

Introduced: May 1, 2012  
Adopted:

---

Robert Miller, Mayor

Attest:

---

Beverly R. Gill, City Clerk



1" = 200'  
 City of Burlington DPW  
 December 22, 2011 jg



PRIVATE)  
 ATE CT.

AVE

WALNUT ST

SUMMIT AVE

N. MAPLE ST

PETERS

PROPOSED RESURFACING

12/22/2011

**CITY OF BURLINGTON**  
**PROPOSED ALLEY PAVING IN ELMHURST SUBDIVISION**  
**BOUNDED BY WALNUT ST., SUMMIT AVE., N. ELMWOOD AVE. AND N. MAPLE AVE.**  
**COST ESTIMATES**

\$41.18/front foot

\$0.40/sq. ft.

8 Lots

REVISED 2/16/12

Property	Address	Parcel No.	Owner	Mailing Address	FRONT FRONTAGE	PER FR. FT. RATE	BENEFIT	OTHER BENEFITS	TOTAL BENEFITS	TOTAL ASSESSMENT	ESTIMATED COST PER YEAR (5 YRS.)	SQ. FTG. OF LOTS	PER SQ. FT. RATE	SQ. FT. ASSESS.	PER LOT ASSESS.
149	N. Elmwood Ave.	031931060120	Richard & Bonnie Torpy	149 N. Elmwood Ave. Burlington, WI 53105	120.00	\$41.18	\$4,941.60	0.00	\$4,941.60	\$4,941.60	\$988.32	7632	\$0.40	\$3,052.80	\$3,088.50
157	N. Elmwood Ave.	031931060190	Gary & Suzanne Jagodzinski	157 N. Elmwood Ave. Burlington, WI 53105	120.00	\$41.18	\$4,941.60	0.00	\$4,941.60	\$4,941.60	\$988.32	7920	\$0.40	\$3,168.00	\$3,088.50
416	Summit Ave.	031931060130	John & Patricia Schlick	416 Summit Ave. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7642	\$0.40	\$3,056.80	\$3,088.50
424	Summit Ave.	031931060140	John & Jane Olisar	424 Summit Ave. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7642	\$0.40	\$3,056.80	\$3,088.50
432	Summit Ave.	031931060150	David & Josephine Turner	432 Summit Ave. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7642	\$0.40	\$3,056.80	\$3,088.50
419	Walnut St.	031931060180	Christopher Walsh	419 Walnut St. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7920	\$0.40	\$3,168.00	\$3,088.50
425	Walnut St.	031931060170	Sergio & Leslie Gonzalez	425 Walnut St. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7920	\$0.40	\$3,168.00	\$3,088.50
431	Walnut St.	031931060160	Ralph & Nancy Epping Trust	431 Walnut St. Burlington, WI 53105	60.00	\$41.18	\$2,470.80	0.00	\$2,470.80	\$2,470.80	\$494.16	7920	\$0.40	\$3,168.00	\$3,088.50
					600.00		TOTALS:	0.00	\$24,708.00	\$24,708.00		62238		\$24,895.20	\$24,708.00



## CITY OF BURLINGTON

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

<b>Common Council Item Number: 13D</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Resolution 4554(5) to consider an Amendment Number One to the PUD Agreement with Westridge Apartments.

**Details:**

John Wirth of JW West Ridge, LLP has submitted plans to construct an 8-unit apartment building on property along W. State Street to the north of the existing Westridge Apartments. The Plan Commission approved these plans at their April 10 meeting which includes rezoning the property from B-1 to Rm-2/PUD (Planned Unit Development). Per the requirements of the site plan approval in a PUD overlay, an amendment is necessary to the Development Agreement, originally approved in 1991.

**Options & Alternatives:**

The Common Council could reject this request amendment which would delay or cease construction of the development.

**Financial Remarks:**

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

**Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting for consideration on May 15, 2012.

**A RESOLUTION APPROVING AMENDMENT NUMBER ONE TO THE PLANNED  
UNIT DEVELOPMENT AGREEMENT (PUD) FOR WESTRIDGE APARTMENTS**

**WHEREAS**, the Development Agreement for Westridge Apartments was entered into between the City of Burlington and Enercon Builders, Inc. on March 6, 1991; and,

**WHEREAS**, JW West Ridge, LLP is the record title owner of real estate situated along West State Street in the City of Burlington, Racine County, Wisconsin, more particularly described on Exhibit A of the attached Amendment to the Planned Unit Development Agreement; and,

**WHEREAS**, the Developer desires to construct an eight-unit apartment building on said property; and,

**WHEREAS**, the Developer has petitioned the City to rezone and make appropriate zoning map amendments to the Property from "B-1, Neighbor Business District" to "Rm-2/PUD, Multiple-Family District with a Planned Unit Development Overlay" in order to allow the development of an eight-unit apartment building; and,

**WHEREAS**, the Plan Commission did recommend conditional approval of the Planned Unit Development Overlay and Site Plan at their April 10, 2012 meeting and the City has taken appropriate action to rezone the Property on the condition that the Developer amend the Planned Unit Development Agreement relative to the manner and method by which the Property is to be developed; and,

**WHEREAS**, the Developer agrees to develop the Property as herein described in accordance with Amendment Number One to the Planned Unit Development Agreement attached hereto as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that Amendment Number One to the Planned Unit Development Agreement for Westridge Apartments attached hereto is hereby approved with the Mayor authorized to execute this agreement.

Introduced: May 1, 2012  
Adopted:

---

Robert Miller, Mayor

Attest:

---

Beverly R. Gill, City Clerk

AMENDMENT TO PLANNED UNIT DEVELOPMENT  
AGREEMENT FOR WESTRIDGE APARTMENTS

Document Number

Document Title

Recording Area

Name and Return Address

51-206-03-19-31-036-101  
51-206-03-19-31-036-301  
51-206-03-19-31-040-002

Parcel Identification Number (PIN)

This instrument was drafted by Mary Neese Fertl, Esq., Quarles &  
Brady LLP, 411 E. Wisconsin Avenue, Suite 2350, Milwaukee, WI  
53202

**AMENDMENT TO PLANNED UNIT DEVELOPMENT  
AGREEMENT FOR WESTRIDGE APARTMENTS**

This Amendment was made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by JW WEST RIDGE, LLP (hereinafter the "Developer") and the CITY OF BURLINGTON, a Wisconsin municipal corporation (hereinafter the "City").

RECITALS

WHEREAS, on March 6, 1991, Enercon Builders, Inc. and the City entered into a certain Developers Agreement for Westridge Apartments (the "PUD Agreement") affecting the land legally described as follows:

Parcels 1 and 3 of Certified Survey Map No. 1511 recorded in the office of the Register of Deeds for Racine County, on April 3, 1991 in Volume 4 of Certified Survey Maps, at Page 656, as Document No. 1335184, being a part of the Northwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 31, Town 3 North, Range 19 East. Said land being in the City of Burlington, County of Racine, State of Wisconsin ("Existing PUD Property");

WHEREAS, the Developer is the current owner of the Existing PUD Property;

WHEREAS, 66 residential apartment units were constructed on the Existing PUD Property as Phase I and an additional 78 residential apartment units were constructed upon the Existing PUD Property in 1994 as Phase II for a total of 144 residential apartment units upon the Existing PUD Property;

WHEREAS, the Developer desires to add to the existing PUD Agreement for Westridge Apartments the property legally described as follows:

That part of the Southeast  $\frac{1}{4}$  of Section 31-3-19 East, described as follows: Beginning at the center of Section 31, Town and Range aforesaid; thence run South 1 deg. 44' West on the West line of the Southeast  $\frac{1}{4}$  of said Section 31, 933.46 feet to a point in the center line of State Trunk Highway #36; then North 77 deg. 27' East on the center line of State Trunk Highway #36, 243.05

feet to the place of beginning of parcel hereinafter described; thence run North 77 deg. 27' East on the center line of State Trunk Highway #36, 200.00 feet; thence South 12 deg. 33' East 196.25 feet; thence South 77 deg. 27' West 200.00 feet; then North 12 deg. 33' West 196.25 feet to a point in the center line of State Highway Trunk Highway #36 and the place of beginning. The North 33.00 feet of said parcel are used for road purposes. Said land being in the City of Burlington, County of Racine and State of Wisconsin (the "Additional PUD Property");

WHEREAS, the Developer desires to construct an eight (8) residential apartment unit building upon the Additional PUD Property so that there will be a total of 152 residential apartment units in the Planned Unit Development for Westridge Apartments;

WHEREAS, the Developer has petitioned the City to rezone and make the appropriate zoning map amendments to the Additional PUD Property from B-1 Neighborhood Business District to RM-2 Multiple-Family Residential District and PUD Planned Unit Development Overlay District;

WHEREAS, the Planning Commission of the City has recommended to the Common Council of the City that the proposed development of the Additional PUD Property be given final approval; and

WHEREAS, the City and the Developer have agreed that the PUD Agreement will be amended to add the Additional PUD Property to the PUD Agreement for Westridge Apartments and that eight (8) residential apartment units may be built thereon.

NOW THEREFORE, in consideration of the foregoing premises and the mutual covenants contained herein, the parties hereto agree as follows:

1. Amendment of Existing PUD Agreement. This Amendment constitutes an Amendment to the PUD Agreement for Westridge Apartments. All of the terms, conditions and provisions in said Agreement are incorporated herein by reference and shall remain in full force and effect as to the real estate described therein, to the extent that 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 PUD Agreement and this Amendment, the terms, conditions and provisions of this Amendment shall control.

2. Addition of Additional PUD Property. The Additional PUD Property (as legally described above) shall be a part of the PUD Agreement for Westridge Apartments and the Developer hereby acknowledges that the terms and conditions of this Amendment and the PUD Agreement for Westridge Apartments shall apply to the Additional PUD Property. The PUD Agreement for Westridge Apartments shall apply to the Additional PUD Property and from and after the date hereof the PUD Agreement for Westridge Apartments shall include both the Existing PUD Property and the Additional PUD Property.

3. Improvements on Additional PUD Property. The Developer shall improve the Additional PUD Property with eight (8) residential apartment units and after the completion thereof the PUD Agreement for Westridge Apartments shall include 152 residential apartment units.

4. No Letter of Credit. It is understood that no letter of credit shall be required since no public infrastructure improvements are proposed.







<b>Committee of the Whole Item Number: 4</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Resolution 4555(6) to authorize the sale of General Obligation Refunding Bonds in the amount of \$1,465,000.

**Details:**

This item authorizes the sale of General Obligation Refunding Bonds in the amount of \$1,465,000 as discussed at the May 1, 2012 Committee of the Whole meeting. These bonds will in essence refinance the following debt with current low interest rates.

- State Trust Fund Loan for Unfunded Pension Liability: Balance of approximately \$510,000
- State Trust Fund Loan for Equipment Purchase: Balance of approximately \$185,000
- State Trust Fund Loan for Gap Loan for ER TIF District 1: Balance of approximately \$765,000

The overall savings by refinancing these loans will be approximately \$11,677 per year for an overall total of \$140,124 over 12 years.

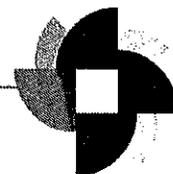
The actual sale of the bond which will occur on the morning of Wednesday, May 23, 2012. During the sale of the bonds the actual interest rate will be set. Due to the City's AA- bond rating and historically low interest rates, we expect the rates to be very favorable.

**Options & Alternatives:** The options and alternatives were discussed in a previous agenda item. This step is required for the sale of the bonds. Denying the bond sale at this time would stop the sale process.

**Financial Remarks:** These bonds will refinance \$1,460,000 in current debt as listed above. The potential savings of moving forward with the bond issue is \$140,124 over 12 years.

**Executive Action:**

This item is for discussion at the May 15, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting the same night for consideration.



May 10, 2012

Mayor and Common Council  
City of Burlington, Wisconsin

Dear Mayor and Aldermen,

The following is a brief summary of the G.O. Debt Refunding:

- The proposed transaction would refinance the last of the City's debt that may be refinanced prior to 2015, namely 3 State Trust Fund loans that were taken out in 2004, 2009 and 2011 for pension liability, equipment and environmental remediation TIF purposes.
- A resolution has been prepared for consideration and possible action by the City Council
  - RESOLUTION AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED \$1,465,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS
- The *parameters* of the resolution are
  - Principal payment schedule that will provide for level annual savings
  - A limit of 1.00% on the amount of the bond purchaser's compensation
  - A limit of 2.75% on the True Interest Cost on the bonds
    - Our current estimate is 2.15%
    - This takes into account the bond purchaser's compensation
    - This rate is a little higher than recent tax-exempt bond sale due to the taxability of these bonds
  - A minimum of 6% savings (note that our current estimate is 8%)
- IF this resolution is adopted,
  - Competitive bids for the bonds will be solicited on behalf of the City by Ehlers
  - Bid opening is planned for 10:00 AM on May 23
  - If the winning bid meets the parameters in the Parameters Resolution, the City Administrator is authorized to accept that bid
  - The Mayor, City Clerk and Treasurer are authorized to take necessary actions to close the refunding bond issue and pay off the State Trust Fund Loans

Sincerely,

Dave Wagner, Financial Advisor

Cc: City Administrator Kevin Lahner, Financial Advisor James A. Mann



Wisconsin  
Offices also in Illinois and Minnesota

phone 262-785-1520  
fax 262-785-1810  
toll free 800-717-9742

[www.ehlers-inc.com](http://www.ehlers-inc.com)

375 Bishops Way, Suite 225  
Brookfield, WI 53005-6202

# City of Burlington, Wisconsin

\$1,465,000 Proposed Taxable GO Refunding Bonds

Dated: June 12, 2012

Assumes West Bend taxable sold 4/25 + .25

## Total Issue Sources And Uses

Dated 06/12/2012 | Delivered 06/12/2012

	curr ref 2004 STF loan	curr ref 2009 STF loan BAB	curr ref 2011 STF loan ER-TID	Issue Summary
<b>Sources Of Funds</b>				
Par Amount of Bonds	\$510,000.00	\$185,000.00	\$770,000.00	\$1,465,000.00
<b>Total Sources</b>	<b>\$510,000.00</b>	<b>\$185,000.00</b>	<b>\$770,000.00</b>	<b>\$1,465,000.00</b>
<b>Uses Of Funds</b>				
Total Underwriter's Discount (1.000%)	5,100.00	1,850.00	7,700.00	14,650.00
Financial Advisor	4,107.85	1,490.10	6,202.05	11,800.00
Bond Counsel	2,436.86	883.96	3,679.18	7,000.00
Rating Agency Fee.....firm 04 24 12	278.50	101.02	420.48	800.00
Deposit to Current Refunding Fund	501,247.18	181,721.74	748,088.91	1,431,057.83
Rounding Amount	(3,170.39)	(1,046.82)	3,909.38	(307.83)
<b>Total Uses</b>	<b>\$510,000.00</b>	<b>\$185,000.00</b>	<b>\$770,000.00</b>	<b>\$1,465,000.00</b>

# City of Burlington, Wisconsin

\$1,465,000 Proposed Taxable GO Refunding Bonds

Dated: June 12, 2012 | Assumes West Bend taxable sold 4/25 + .25

## Debt Service Comparison -- Accrual Basis

Calendar Year	Total P+I	Net New D/S	Old Net D/S	Savings
2012	-	-	-	-
2013	252,552.95	252,552.95	266,074.46	13,521.51
2014	254,377.52	254,377.52	266,074.46	11,696.94
2015	162,712.52	162,712.52	171,351.59	8,639.07
2016	161,081.27	161,081.27	171,351.59	10,270.32
2017	159,087.52	159,087.52	171,351.59	12,264.07
2018	161,650.02	161,650.02	171,351.60	9,701.58
2019	158,706.26	158,706.26	171,351.59	12,645.33
2020	160,252.50	160,252.50	171,351.59	11,099.09
2021	57,581.25	57,581.25	62,527.70	4,946.45
2022	60,885.00	60,885.00	62,527.70	1,642.70
2023	-	-	29,808.79	29,808.79
-	<b>\$1,588,886.81</b>	<b>\$1,588,886.81</b>	<b>\$1,715,122.66</b>	<b>\$126,235.85</b>

### PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	111,510.36
Net PV Cashflow Savings @ 2.462%(AIC)	111,510.36
Contingency or Rounding Amount	867.17
Net Present Value Benefit	\$112,377.53
Net PV Benefit / \$1,385,200 Refunded Principal	8.113%
Net PV Benefit / \$1,465,000 Refunding Principal	7.671%

### Refunding Bond Information

Refunding Dated Date	6/12/2012
Refunding Delivery Date	6/12/2012

# City of Burlington, Wisconsin

\$1,465,000 Proposed Taxable GO Refunding Bonds

Dated: June 12, 2012

Assumes West Bend taxable sold 4/25 + .25

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
06/12/2012	-	-	-	-	-
04/01/2013	225,000.00	0.600%	17,394.19	242,394.19	-
10/01/2013	-	-	10,158.76	10,158.76	252,552.95
04/01/2014	235,000.00	0.800%	10,158.76	245,158.76	-
10/01/2014	-	-	9,218.76	9,218.76	254,377.52
04/01/2015	145,000.00	1.000%	9,218.76	154,218.76	-
10/01/2015	-	-	8,493.76	8,493.76	162,712.52
04/01/2016	145,000.00	1.250%	8,493.76	153,493.76	-
10/01/2016	-	-	7,587.51	7,587.51	161,081.27
04/01/2017	145,000.00	1.500%	7,587.51	152,587.51	-
10/01/2017	-	-	6,500.01	6,500.01	159,087.52
04/01/2018	150,000.00	1.800%	6,500.01	156,500.01	-
10/01/2018	-	-	5,150.01	5,150.01	161,650.02
04/01/2019	150,000.00	2.125%	5,150.01	155,150.01	-
10/01/2019	-	-	3,556.25	3,556.25	158,706.26
04/01/2020	155,000.00	2.400%	3,556.25	158,556.25	-
10/01/2020	-	-	1,696.25	1,696.25	160,252.50
04/01/2021	55,000.00	2.950%	1,696.25	56,696.25	-
10/01/2021	-	-	885.00	885.00	57,581.25
04/01/2022	60,000.00	2.950%	885.00	60,885.00	-
10/01/2022	-	-	-	-	60,885.00
<b>Total</b>	<b>\$1,465,000.00</b>	<b>-</b>	<b>\$123,886.81</b>	<b>\$1,588,886.81</b>	<b>-</b>

## Yield Statistics

Bond Year Dollars	\$6,431.07
Average Life	4.390 Years
Average Coupon	1.9263796%
Net Interest Cost (NIC)	2.1541800%
True Interest Cost (TIC)	2.1523161%
Bond Yield for Arbitrage Purposes	1.9102375%
All Inclusive Cost (AIC)	2.4820734%

## IRS Form 8038

Net Interest Cost	1.9263796%
Weighted Average Maturity	4.390 Years

# City of Burlington, Wisconsin

\$734,110 State Trust Fund Loan (Refund UFPL)

Dated 1/13/04

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
06/12/2012	-	-	-	-	-	-	-
06/26/2012	493,929.58	7,317.60	501,247.18	-	-	-	-
03/15/2013	-	-	-	36,596.40	5.250%	25,931.30	62,527.70
03/15/2014	-	-	-	38,517.71	5.250%	24,009.99	62,527.70
03/15/2015	-	-	-	40,539.89	5.250%	21,987.81	62,527.70
03/15/2016	-	-	-	42,613.82	5.250%	19,913.88	62,527.70
03/15/2017	-	-	-	44,905.46	5.250%	17,622.24	62,527.70
03/15/2018	-	-	-	47,262.99	5.250%	15,264.71	62,527.70
03/15/2019	-	-	-	49,744.30	5.250%	12,783.40	62,527.70
03/15/2020	-	-	-	52,328.01	5.250%	10,199.69	62,527.70
03/15/2021	-	-	-	55,103.10	5.250%	7,424.60	62,527.70
03/15/2022	-	-	-	57,996.01	5.250%	4,531.69	62,527.70
03/15/2023	-	-	-	28,321.89	5.250%	1,486.90	29,808.79
<b>Total</b>	<b>\$493,929.58</b>	<b>\$7,317.60</b>	<b>\$501,247.18</b>	<b>\$493,929.58</b>	<b>-</b>	<b>\$161,156.21</b>	<b>\$655,085.79</b>

## Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	6/12/2012
Average Life	5.970 Years
Average Coupon	5.2527902%
Weighted Average Maturity (Par Basis)	5.970 Years

## Refunding Bond Information

Refunding Dated Date	6/12/2012
Refunding Delivery Date	6/12/2012

# City of Burlington, Wisconsin

\$342,194 State Trust Fund Loan (BAB)

Dated: September 16, 2009

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
06/12/2012	-	-	-	-	-	-	-
06/26/2012	179,944.48	1,777.26	181,721.74	-	-	-	-
03/15/2013	-	-	-	88,424.81	3.500%	6,298.06	94,722.87
03/15/2014	-	-	-	91,519.67	3.500%	3,203.19	94,722.86
<b>Total</b>	<b>\$179,944.48</b>	<b>\$1,777.26</b>	<b>\$181,721.74</b>	<b>\$179,944.48</b>	<b>-</b>	<b>\$9,501.25</b>	<b>\$189,445.73</b>

## Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	6/12/2012
Average Life	1.267 Years
Average Coupon	3.5000017%
Weighted Average Maturity (Par Basis)	1.267 Years

## Refunding Bond Information

Refunding Dated Date	6/12/2012
Refunding Delivery Date	6/12/2012

# City of Burlington, Wisconsin

\$815,000 State Trust Fund Loan

Dated: February 2, 2011

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
06/12/2012	-	-	-	-	-	-	-
06/26/2012	740,255.39	7,833.52	748,088.91	-	-	-	-
03/15/2013	-	-	-	81,064.31	3.750%	27,759.58	108,823.89
03/15/2014	-	-	-	84,104.23	3.750%	24,719.67	108,823.90
03/15/2015	-	-	-	87,258.13	3.750%	21,565.76	108,823.89
03/15/2016	-	-	-	90,480.19	3.750%	18,343.70	108,823.89
03/15/2017	-	-	-	93,923.32	3.750%	14,900.57	108,823.89
03/15/2018	-	-	-	97,445.45	3.750%	11,378.45	108,823.90
03/15/2019	-	-	-	101,099.65	3.750%	7,724.24	108,823.89
03/15/2020	-	-	-	104,880.11	3.750%	3,943.78	108,823.89
<b>Total</b>	<b>\$740,255.39</b>	<b>\$7,833.52</b>	<b>\$748,088.91</b>	<b>\$740,255.39</b>	<b>-</b>	<b>\$130,335.75</b>	<b>\$870,591.14</b>

## Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	6/12/2012
Average Life	4.451 Years
Average Coupon	3.7518486%
Weighted Average Maturity (Par Basis)	4.451 Years

## Refunding Bond Information

Refunding Dated Date	6/12/2012
Refunding Delivery Date	6/12/2012



**RESOLUTION AUTHORIZING THE ISSUANCE AND ESTABLISHING  
PARAMETERS FOR THE SALE OF NOT TO EXCEED  
\$1,465,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS**

**WHEREAS**, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, specifically: the City's State Trust Fund Loan, dated January 13, 2004 (the "2004 STFL"), State Trust Fund Loan (with Qualified Build America Bond Status), dated September 16, 2009 (the "2009 STFL") and State Trust Fund Loan, dated February 22, 2011 (the "2011 STFL") (hereinafter the refinancing of the 2004 STFL, 2009 STFL and 2011 STFL shall collectively be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

**WHEREAS**, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2004 STFL, 2009 STFL and 2011 STFL for the purpose of achieving debt service cost savings;

**WHEREAS**, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

**WHEREAS**, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell general obligation refunding bonds (the "Bonds") to refund the 2004 STFL, 2009 STFL and 2011 STFL;

**WHEREAS**, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such Bonds on a taxable rather than tax-exempt basis;

**WHEREAS**, it is in the best interest of the City to direct Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary for the City to offer and sell the Bonds at public sale and to obtain bids for the purchase of the Bonds; and

**WHEREAS**, in order to facilitate the sale of the Bonds in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to the City Administrator the authority to accept on behalf of the City the bid for the Bonds that results in the lowest true interest cost for the Bonds (the "Proposal") so long as the Proposal meets the terms and conditions set forth in this Resolution (the "Parameters").

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

Section 1. Authorization and Sale of the Bonds; Parameters. For the purpose of paying the cost of the Refunding, the City is authorized to borrow pursuant to Section 67.04, Wisconsin Statutes, the principal sum of not to exceed ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,465,000) upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 13 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the financial institution that submitted the Proposal (the "Purchaser") for, on behalf of and in the name of the City, Bonds aggregating the principal amount of not to exceed ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,465,000). The purchase price to be paid to the City for the Bonds shall not be less than 99% of the

principal amount of the Bonds and the difference between the issue price of the Bonds and the purchase price to be paid to the City by the Purchaser shall not exceed 1.00% of the principal amount of the Bonds.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of up to \$1,465,000; shall be dated as of their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and mature or be subject to mandatory redemption in the years and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$10,000 per maturity or mandatory redemption amount and that the aggregate principal amount of the Bonds shall not exceed \$1,465,000. The schedule below assumes the Bonds are issued in the aggregate principal amount of \$1,465,000.

<u>Date</u>	<u>Amount</u>
04/01/2013	\$225,000
04/01/2014	235,000
04/01/2015	145,000
04/01/2016	145,000
04/01/2017	145,000
04/01/2018	150,000
04/01/2019	150,000
04/01/2020	155,000
04/01/2021	55,000
04/01/2022	60,000

Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013. The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) will not exceed 2.75%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The present value debt service savings achieved by the Refunding shall be at least 6.00% of the principal refunded.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption or shall be callable as set forth on the Approving Certificate (defined below). If the Proposal specifies that certain of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2012 through 2021 for the payments due in the years 2013 through 2022.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or

obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

#### Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds - 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and

accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent") unless the Bonds are subject to mandatory redemption. If the Proposal specifies that the Bonds are subject to mandatory redemption, the Approving Certificate shall specify the fiscal agent for the Bonds, and the Mayor and City Clerk are authorized and directed to enter into a Fiscal Agency Agreement with such fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Conditions on Issuance and Sale of the Bonds. The issuance of the Bonds and the sale of the Bonds to the Purchaser are subject to satisfaction of the following conditions:

(a) approval by the City Administrator of the definitive maturities, redemption provisions, interest rates and purchase price for the Bonds, which approval shall be evidenced by a certificate executed by the City Administrator (the "Approving Certificate"); and

(b) realization by the City of present value debt service savings in an amount equal to at least 6.00% of the principal amount refunded.

The Bonds shall not be issued, sold or delivered until these conditions are satisfied. Upon satisfaction of these conditions, the City Administrator is authorized to execute a Proposal with the Purchaser providing for the sale of the Bonds to the Purchaser.

Section 14. Official Statement. The Common Council hereby directs the City Administrator to approve the Preliminary Official Statement with respect to the Bonds and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the City Administrator or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 15. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 16. Prepayment of the 2004 STFL, 2009 STFL and 2011 STFL. The Common Council hereby directs the City Clerk to work with Ehlers to determine when the 2004 STFL, 2009 STFL and 2011 STFL should be called for prepayment.

The City hereby directs the City Clerk after final approval to work with Ehlers to cause timely notice of prepayment to be sent to the Board of Commissioners of Public Lands.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. 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: May 15, 2012

Approved:

\_\_\_\_\_  
Robert Miller, Mayor

Attest:

\_\_\_\_\_  
Beverly R. Gill, City Clerk

(SEAL)

EXHIBIT A

(Form of Bond)

UNITED STATES OF AMERICA  
REGISTERED STATE OF WISCONSIN DOLLARS  
RACINE AND WALWORTH COUNTIES  
NO. R-\_\_\_\_ CITY OF BURLINGTON \$\_\_\_\_\_  
TAXABLE GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
April 1, \_\_\_\_\_ June 12, 2012 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,465,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the City, all as authorized by a resolution of the Common Council duly adopted by said governing body at a meeting held on May 15, 2012 (the "Resolution"). The Resolution is recorded in the official minutes of the Common Council for said date.

This Bond is not subject to optional redemption. **OR** The Bonds maturing on April 1, \_\_\_\_\_ and thereafter are subject to redemption prior to maturity, at the option of the City, on

\_\_\_\_\_ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Burlington, Racine and Walworth Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF BURLINGTON,  
RACINE AND WALWORTH COUNTIES,  
WISCONSIN

(SEAL)

By: \_\_\_\_\_  
Robert Miller, Mayor

By: \_\_\_\_\_  
Beverly R. Gill, City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_

(Name and Address of Assignee)

\_\_\_\_\_

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_

(Authorized Officer)



## CITY OF BURLINGTON

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

<b>Common Council Item Number: 14A</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Ordinance 1947(1) to consider amending the Official Zoning Map by rezoning 216 W. Jefferson Street from Rd-2, Two-Family Residential to B-2, Central Business District.

**Details:**

This item is to consider recommending approval of a rezone request from Megan MacCarthy for property at 216 W. Jefferson Street. The applicant is requesting to rezone the property from Rd-2, Two-Family Residence District to B-1, Neighborhood Business District to convert the existing residential structure into a yoga studio. This item will piggyback the Multi-Jurisdictional Comprehensive Plan Amendment for the same property.

This request was recommended for approval at the April 10<sup>th</sup> Plan Commission meeting.

**Options & Alternatives:** The Common Council could deny this rezone request which would ultimately prohibit commercial use of this property and keep the house as a residential unit.

**Financial Remarks:**

There are no costs associated with this request.

**Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING  
216 W. JEFFERSON STREET FROM RD-2, TWO-FAMILY RESIDENCIAL DISTRICT  
TO B-2, CENTRAL BUSINESS DISTRICT**

**WHEREAS**, Ruth Hammiller, owner, requests property located at 216 W. Jefferson Street, as described in Attachment "A" to be rezoned to B-2, Central Business District; and,

**WHEREAS**, this request was heard at, and recommended for approval by the Plan Commission at their \_\_\_\_\_, 2012 meeting; and,

**WHEREAS**, a public hearing was held regarding this matter at the Common Council's \_\_\_\_\_, 2012 meeting.

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

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

<b>Owner:</b>	Ruth Hammiller
<b>Applicant:</b>	Megan MacCarthy
<b>Location of Request:</b>	216 W. Jefferson Street
<b>Existing Land Use Zoning:</b>	Rd-2, Two-Family Residential District
<b>Proposed Land Use Zoning:</b>	B-2, Central Business District
<b>Proposed Use:</b>	Commercial

**From RD-2, Two-Family Residential District to B-2, Central Business District**

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

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

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

Introduced:  
Adopted:

\_\_\_\_\_  
Robert Miller, Mayor

Attest:

\_\_\_\_\_  
Beverly R. Gill, City Clerk

## ATTACHMENT A

### Legal Description

LAND TO BE REZONED TO BUSINESS ZONING IS THAT PART OF LOTS 8 AND 9, BLOCK 4, PLAT OF PERKINS SECOND ADDITION TO BURLINGTON, ACCORDING TO THE RECORDED PLAT THEREOF AND DESCRIBED AS FOLLOWS:

BEGIN AT A CONCRETE MONUMENT AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 4; THENCE SOUTH 70°48' WEST ALONG THE NORTHERLY LINE OF JEFFERSON STREET 464.9 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 26°31' WEST ALONG THE EASTERLY LINE OF SAID LOTS 8 AND 9 TO A POINT THAT IS SOUTH 26°31' EAST 82.66 FEET FROM THE SOUTHERLY LINE OF GENEVA STREET; THENCE SOUTH 56°49' WEST 66.1 FEET TO A POINT ON THE WESTERLY SIDE OF SAID LOTS 8 AND 9 THAT IS SOUTH 24°54' EAST 65.78 FEET FROM THE SOUTHERLY LINE OF GENEVA STREET; THENCE SOUTH 24°54' EAST 65.78 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 9, WHICH POINT IS ON THE NORTHERLY LINE OF JEFFERSON STREET; THENCE NORTH 70°48' EAST ALONG SAID NORTHERLY LINE OF JEFFERSON STREET 67.00 FEET TO POINT OF BEGINNING. SAID LAND BEING IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN. SAID PARCEL CONTAINS 4,882 SQUARE FEET.



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

<b>Common Council Item Number: 14B</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Ordinance 1948(2) to consider amending the Official Zoning Map by rezoning 649-657 W. State Street from B-1, Neighborhood Business District to Rm-2/PUD, Multiple-Family Residential District with a Planned Unit Development Overlay.

**Details:**  
This item is to consider approval of a rezone request from John Wirth of JW West Ridge, LLP for property at 649 – 657 W. State Street. The applicant is requesting to rezone the property from B-1, Neighborhood Business District to Rm-2/PUD, Multiple-Family Residence District with a Planned Unit Development overlay to construct an 8-unit apartment building on the site to match the existing Westridge Apartments to the south. This item will piggyback the Multi-Jurisdictional Comprehensive Plan Amendment for the same property.

The Planned Unit Development (PUD) for Westridge Apartments with need to be amended and go before the Common Council for approval prior to any construction commencing.

This request was recommended for approval at the April 10<sup>th</sup> Plan Commission meeting.

**Options & Alternatives:** The Common Council could deny this rezone request which would ultimately prohibit construction of the 8-unit apartment building.

**Financial Remarks:**  
There are no costs associated with this request.

**Executive Action:**  
This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING  
649-657 W. STATE STREET FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO  
RM-2/PUD, MULTIPLE -FAMILY RESIDENCIAL DISTRICT WITH A PLANNED UNIT  
DEVELOPMENT OVERLAY**

**WHEREAS**, John Wirth, owner, requests property located at 649-657 W. State Street, as described in Attachment "A" to be rezoned to Rm-2/PUD, Multiple-Family Residential District with a Planned Unit Development Overlay; and,

**WHEREAS**, this request was heard at, and recommended for approval by the Plan Commission at their \_\_\_\_\_, 2012 meeting; and,

**WHEREAS**, a public hearing was held regarding this matter at the Common Council's \_\_\_\_\_, 2012 meeting.

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

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

<b>Owner:</b>	JW West Ridge, LLP
<b>Applicant:</b>	John Wirth
<b>Location of Request:</b>	649 – 657 W. State Street
<b>Existing Land Use Zoning:</b>	B-1, Neighborhood Business District
<b>Proposed Land Use Zoning:</b>	Rm-2/PUD, Multi-Family Residential District with a Planned Unit Development Overlay
<b>Proposed Use:</b>	8-unit apartment building

**From B-1, Neighborhood Business District to Rm-2/PUD, Multi-Family Residential District with a Planned Unit Development Overlay**

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

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

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

Introduced:  
Adopted:

\_\_\_\_\_  
Robert Miller, Mayor

Attest:

\_\_\_\_\_  
Beverly R. Gill, City Clerk

## ATTACHMENT A

### Legal Description

LAND TO BE REZONED TO BUSINESS ZONING IS THAT PART OF THE SOUTHEAST 1/4 OF SECTION 31-3-19 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 31, TOWN AND RANGE AFORESAID; THENCE RUN SOUTH 1 DEG. 44' WEST ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, 933.46 FEET TO A POINT IN THE CENTER LINE OF STATE TRUNK HIGHWAY #36, THENCE NORTH 77 DEG. 27' EAST ON THE CENTER LINE OF STATE TRUNK HIGHWAY 36, 243.05 FEET TO THE PLACE OF BEGINNING OF PARCEL HEREINAFTER DESCRIBED; THENCE RUN NORTH 77 DEG. 27' EAST ON THE CENTER LINE OF STATE TRUNK HIGHWAY 36, 200.00 FEET; THENCE SOUTH 12 DEG. 33' EAST 196.25 FEET; THENCE SOUTH 77 DEG. 27' WEST 200.00 FEET; THENCE NORTH 12 DEG. 33' WEST 196.25 FEET TO A POINT IN THE CENTER LINE OF STATE TRUNK HIGHWAY 36 AND THE PLACE OF BEGINNING. THE NORTH 33.00 FEET OF SOLD PARCEL ARE USED FOR ROAD PURPOSES. SOLD LAND BEING IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.



## CITY OF BURLINGTON

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

<b>Common Council Item Number: 14C</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Ordinance 1949(3) to consider amending the Multi-Jurisdictional Comprehensive Plan for 216 W. Jefferson Street.

**Details:**

The Racine County Multi-Jurisdictional Comprehensive Plan was implemented by state statute on January 1, 2010. As part of a rezone request to zone property at 216 W. Jefferson Street, an amendment to the Comprehensive Plan would be necessary. Currently this property is zoned as Medium Density Residential (6,200 sq. ft. to 18,999 sq. ft. per dwelling) and would need to be amended to Commercial to be compliant.

The process of a Comprehensive Plan Amendment began with a Plan Commission recommendation. A thirty day waiting period occurred in which surrounding communities were notified of the Public Hearing that will occur at the May 1, 2012 Council meeting. After the Public Hearing the Common Council will consider the amendment and make it part of permanent record if approved. Racine County will amend the land use plan yearly with any updates or amendments.

This request was recommended for approval at the April 10<sup>th</sup> Plan Commission meeting.

**Options & Alternatives:**

This amendment is a necessary part of the rezone if it is approved.

**Financial Remarks:**

There are no costs associated with this request.

**Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**ORDINANCE AMENDING THE RACINE COUNTY MULTI-JURISDICTION COMPREHENSIVE  
PLAN FOR THE CITY OF BURLINGTON, WISCONSIN FOR 216 W. JEFFERSON STREET**

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

**Section 1.** On July 21, 2009, the City of Burlington adopted, as Ordinance No. 1890(11) a comprehensive plan (the "Plan") pursuant to the provisions of Sections 62.23(3)(b) and 66.1001 of the Wisconsin Statutes, such Plan being formally titled "A Multi-Jurisdictional Comprehensive Plan for the City of Burlington, Wisconsin."

**Section 2.** Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes allows the Plan to be amended, from time to time, by the City of Burlington under and pursuant to the provisions and procedures contained in such Sections 62.23(3)(b) and 66.1001(4).

**Section 3.** The City of Burlington wishes to so amend the Plan as expressly described below (the "Plan Amendment") and the procedures specified on Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes for the Plan Amendment have been fully complied with by the City of Burlington.

**Section 4.** The Plan Amendment pertains to the real property (the "Real Property") located in the City of Burlington and which is more specifically described in attached Exhibit A, such Exhibit A being hereby incorporated herein by reference.

**Section 5.** The Common Council held a public hearing on said amendment on \_\_\_\_\_ and which public hearing was properly noticed by a Class 1 notice under Chapter 985 of the Wisconsin Statutes and was duly published on March 28, 2012 at least thirty (30) days before the public hearing was held.

**Section 6.** The City of Burlington Common Council hereby finds and determines based, in part, upon the City plan Commission's recommendation and Plan Commission Resolution Number Eleven dated April 10, 2012 that:

- a) The Comprehensive Plan Amendment is consistent with the goals, objectives, and policies of the Plan.
- b) The Plan Amendment will not lead to any detrimental environmental effects.
- c) The Plan Amendment is compatible with surrounding land uses.
- d) The Comprehensive Plan Amendment will not overburden existing local and County facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.
- e) The Comprehensive Plan Amendment will enhance economic development within the City and County.
- f) The Comprehensive Plan Amendment is in substantial agreement with the recommendations of the regional land use plan.

**Section 7.** The Comprehensive Plan is accordingly hereby amended by the adoption of the following Plan Amendment: "Real Property (described in attached Exhibit A) be changed from its current land use designation of "Medium Density Residential (6,200 sq. ft. to 18,999 sq. ft. Per

Dwelling)" in the Plan to the new land use designation of "Commercial" in the Land Use Plan Element and Land Use Plan Map for the year 2035 of the City's Comprehensive Plan to use the existing, 2-story building for a yoga studio.

**Section 8.** This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Burlington Common Council and publication or posting as required by law.

Introduced: May 1, 2012  
Adopted:

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Robert Miller, Mayor

Attest:

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Beverly Gill, City Clerk



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<b>Common Council Item Number: 14D</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Ordinance 1950(4) to consider amending the Multi-Jurisdictional Comprehensive Plan for 649-657 W. State Street.

**Details:**

The Racine County Multi-Jurisdictional Comprehensive Plan was implemented by state statute on January 1, 2010. As part of a rezone request to zone property at 649-657 W. State Street, an amendment to the Comprehensive Plan would be necessary. Currently this property is zoned as Commercial and would need to be amended to High Density Residential (Less than 6,200 sq. ft. per dwelling) to be compliant.

The process of a Comprehensive Plan Amendment began with a Plan Commission recommendation. A thirty day waiting period occurred in which surrounding communities were notified of the Public Hearing that will occur at the May 1, 2012 Council meeting. After the Public Hearing the Common Council will consider the amendment and make it part of permanent record if approved. Racine County will amend the land use plan yearly with any updates or amendments.

This request was recommended for approval at the April 10<sup>th</sup> Plan Commission meeting.

**Options & Alternatives:**

This amendment is a necessary part of the rezone if it is approved.

**Financial Remarks:**

There are no costs associated with this request.

**Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**ORDINANCE AMENDING THE RACINE COUNTY MULTI-JURISDICTION COMPREHENSIVE  
PLAN FOR THE CITY OF BURLINGTON, WISCONSIN FOR 649 W. STATE STREET**

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

**Section 1.** On July 21, 2009, the City of Burlington adopted, as Ordinance No. 1890(11) a comprehensive plan (the "Plan") pursuant to the provisions of Sections 62.23(3)(b) and 66.1001 of the Wisconsin Statutes, such Plan being formally titled "A Multi-Jurisdictional Comprehensive Plan for the City of Burlington, Wisconsin."

**Section 2.** Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes allows the Plan to be amended, from time to time, by the City of Burlington under and pursuant to the provisions and procedures contained in such Sections 62.23(3)(b) and 66.1001(4).

**Section 3.** The City of Burlington wishes to so amend the Plan as expressly described below (the "Plan Amendment") and the procedures specified on Sections 62.23(3)(b) and 66.1001(4) of the Wisconsin Statutes for the Plan Amendment have been fully complied with by the City of Burlington.

**Section 4.** The Plan Amendment pertains to the real property (the "Real Property") located in the City of Burlington and which is more specifically described in attached Exhibit A, such Exhibit A being hereby incorporated herein by reference.

**Section 5.** The Common Council held a public hearing on said amendment on \_\_\_\_\_ and which public hearing was properly noticed by a Class 1 notice under Chapter 985 of the Wisconsin Statutes and was duly published on March 28, 2012 at least thirty (30) days before the public hearing was held.

**Section 6.** The City of Burlington Common Council hereby finds and determines based, in part, upon the City plan Commission's recommendation and Plan Commission Resolution Number Twelve dated April 10, 2012 that:

- a) The Comprehensive Plan Amendment is consistent with the goals, objectives, and policies of the Plan.
- b) The Plan Amendment will not lead to any detrimental environmental effects.
- c) The Plan Amendment is compatible with surrounding land uses.
- d) The Comprehensive Plan Amendment will not overburden existing local and County facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.
- e) The Comprehensive Plan Amendment will enhance economic development within the City and County.
- f) The Comprehensive Plan Amendment is in substantial agreement with the recommendations of the regional land use plan.

**Section 7.** The Comprehensive Plan is accordingly hereby amended by the adoption of the following Plan Amendment: "Real Property (described in attached Exhibit A) be changed from its current land use designation of "Commercial" in the Plan to the new land use designation of "High

Density Residential (Less than 6,200 sq. ft. per Dwelling)" in the Land Use Plan Element and Land Use Plan Map for the year 2035 of the City's Comprehensive Plan to construct an 8-unit apartment building.

**Section 8.** This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Burlington Common Council and publication or posting as required by law.

Introduced: May 1, 2012  
Adopted:

---

Robert Miller, Mayor

Attest:

---

Beverly Gill, City Clerk



## CITY OF BURLINGTON

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<b>Common Council Item Number: 14E</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Ordinance 1951(5) to consider disbanding the Board of Public Works.

### **Details:**

Through the last several years we have had a Board of Public Works whose only responsibility has been to open bids for Public Works projects. The Board consists of an Aldermen, the Mayor, the City Clerk and the City Attorney. The current Aldermanic Representative is Katie Simenson. The action that is taken by this Board is to refer the bids to the City Engineer for review and recommendation. Due to the fact that the first time the bids are seen is at the public bid opening, there is no other action for the Board to take, as each individual bid has to be reviewed by the City Engineer and City Staff to ensure it meets the bid specification and bonding requirements. After the bid opening and review, a recommendation is forwarded to the Common Council for award.

If this action were to move forward, under state law the City would still be required to host a public bid opening where Public Work project bids are opened. The same notifications would go out the public. The only difference would be that a quorum of the Board of Public Works would not have to be present to open bids, and there would be no vote taken to refer the matter at this bid opening. Typically the bid opening would be conducted by the Public Works Director, City Engineer and other appropriate City staff.

In is our understanding that Boards of this kind are rare in similarly situated cities in Southeast Wisconsin. In most cases, City staff handles bid openings.

### **Options & Alternatives:**

The Common Council could vote to retain the Board of Public Works. The current processes and procedures would remain in place.

### **Financial Remarks:**

The only cost associated with the Board of Public Works is the hourly charges imposed by the City Attorney. These charges are small, as the meetings typically last 10 to 15 minutes.

### **Executive Action:**

This item was discussed at the May 1, 2012 Committee of the Whole meeting and is scheduled for the May 15, 2012 Common Council meeting for consideration.

**Ordinance No. 1951(5)**  
**Introduced by the Committee of the Whole**

**ORDINANCE TO DISSOLVE THE BOARD OF PUBLIC WORKS**

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

**Section 1.** Section 6-1 of the City of Burlington Code of Ordinances, entitled "Board of Public Works", is deleted in its entirety, thereby dissolving the Board of Public Works.

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

Introduced: May 1, 2012  
Adopted:

\_\_\_\_\_  
Robert Miller, Mayor

Attest:

\_\_\_\_\_  
Beverly R. Gill, City Clerk



**Administration Department**  
300 N. Pine Street, Burlington, WI, 53105  
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<b>Committee of the Whole Number: 10</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Motion 12-744 to consider the annual insurance renewal with Zarek Insurance.

**Details:**

Zarek Insurance, the City's broker for several years, has obtained rates for our liability and worker's compensation lines of coverage. Overall the premiums for 2012-2013 are increased by \$6,495 from last year largely due to the increase in property values. The insurance company, EMC, has remained the most competitive provider for several years. Their service and responsiveness have been excellent.

Staff recommends approval of the proposed renewal.

**Options and Alternatives:**

The Common Council may choose to deny this renewal and direct staff to seek new bids prior to the policy expiration of May 30.

**Financial Remarks:**

Overall the premiums for 2012-2013 are increased by \$6,495 from last year.

**Executive Action:**

This item was discussed at the May 15, 2012 Committee of the Whole meeting and is placed on tonight's Common Council meeting for consideration.

# ZAREK INSURANCE, INC.



City of Burlington  
And  
City of Burlington Housing Authority

<u>Company</u>	<u>5/11-5/12</u>	<u>Coverage</u>	<u>5/12 - 5/13</u>
Employers	\$121,769	Workers Compensation	\$118,090
Employers	\$ 17,231	General Liability	\$ 18,777
Employers	\$ 6,047	Inland Marine	\$ 6,396
Employers	\$ 1,546	Crime	\$ 1,660
Employers	\$ 6,940	Linebacker	\$ 7,323
Employers	\$ 8,631	Umbrella	\$ 9,221
Employers	\$ 4,096	Law Enforcement	\$ 4,310
Employers	\$ 37,812	Automobile	\$ 40,081
Employers	\$ 63,211	Property	\$ 67,676
Employers	<u>\$ 4,676</u>	Burlington Housing Authority	<u>\$ 4,920</u>
Total Premium	\$271,959		\$278,454



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<b>Committee of the Whole Item Number: 11</b>	<b>Date:</b> May 15, 2012
<b>Submitted By:</b> Kevin Lahner, City Administrator	<b>Subject:</b> Motion 12-744 to consider approving an Agricultural Lease with Don Bonner.

**Details:**

This motion approves a three year agriculture lease agreement for approximately 50 acres of land located south of the Burlington Airport. The price per acre of the lease will be \$125.00 per acre, payable in two payments per year. Mr. Bonner has rented this land since 2008.

City staff contacted the County's Agricultural Extension agent and received information that the lease rate is competitive with similarly situated property.

**Options & Alternatives:**

The Council may choose to deny this request and request bids to lease the property.

**Financial Remarks:**

Payment of \$125/acre is due from Don Bonner bi-annual totally \$6,250 per year. There is no cost to the City to maintain the land.

**Executive Action:**

This item is for discussion at the May 15, 2012 Committee of the Whole meeting and per common practice it is placed on the Common Council meeting the same night for consideration.

**AGRICULTURAL LEASE**

This lease agreement made and entered into as of the \_\_\_\_ day of May, 2012 by and between the CITY OF BURLINGTON, a municipal corporation, hereinafter referred to as "Lessor," and DON BONNER, hereinafter referred to as "Lessee,"

**WITNESSETH:**

1. That the Lessor does hereby lease, demise, and let unto the Lessee for a period of three (3) years from May 15, 2012 and for the annual rental of \$125 per acre for 50 acres, the following described real estate, to-wit:

The real estate shown on Exhibit A attached hereto, which real estate is a part of the City of Burlington Airport, totaling 50 acres more or less.

2. The rental of \$6,250 per year is payable in two (2) installments one-half (1/2) on or before June 1<sup>st</sup> with the balance being due on or before October 1<sup>st</sup> each year this lease is in effect.

3. The Lessee may grow crops that are compliant with the guidelines set by the Wisconsin Bureau of Aeronautics as described in Exhibit B. Corn is allowable per this document.

4. The Lessee agrees to cut all noxious weeds in the time and in the manner required by law

5. The Lessee will also make hay from natural grass grown on the Airport east of Runway 29 and between the runway/taxiway grass median strips and any other fields left to grass on the airport. This is at no charge to the Lessee or Lessor for this service or product.

6. Any notice required to be given to the Lessor hereunder shall be delivered to, by registered mail or personally, the office of the City Clerk of the City of Burlington, Racine county, Wisconsin, and any notice required to be given to the Lessee hereunder shall be delivered by registered mail or personally to Don Bonner, 23125 Washington Avenue, Kansasville, WI 53139.

7. This agreement is binding on the parties hereto, their respective personal representatives, successors and assigns.

**IN WITNESS WHEREOF**, the Lessor has caused this instrument to be signed by the Mayor and City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2012, and the Lessee has caused this instrument to be executed on his behalf.

CITY OF BURLINGTON  
LESSOR.

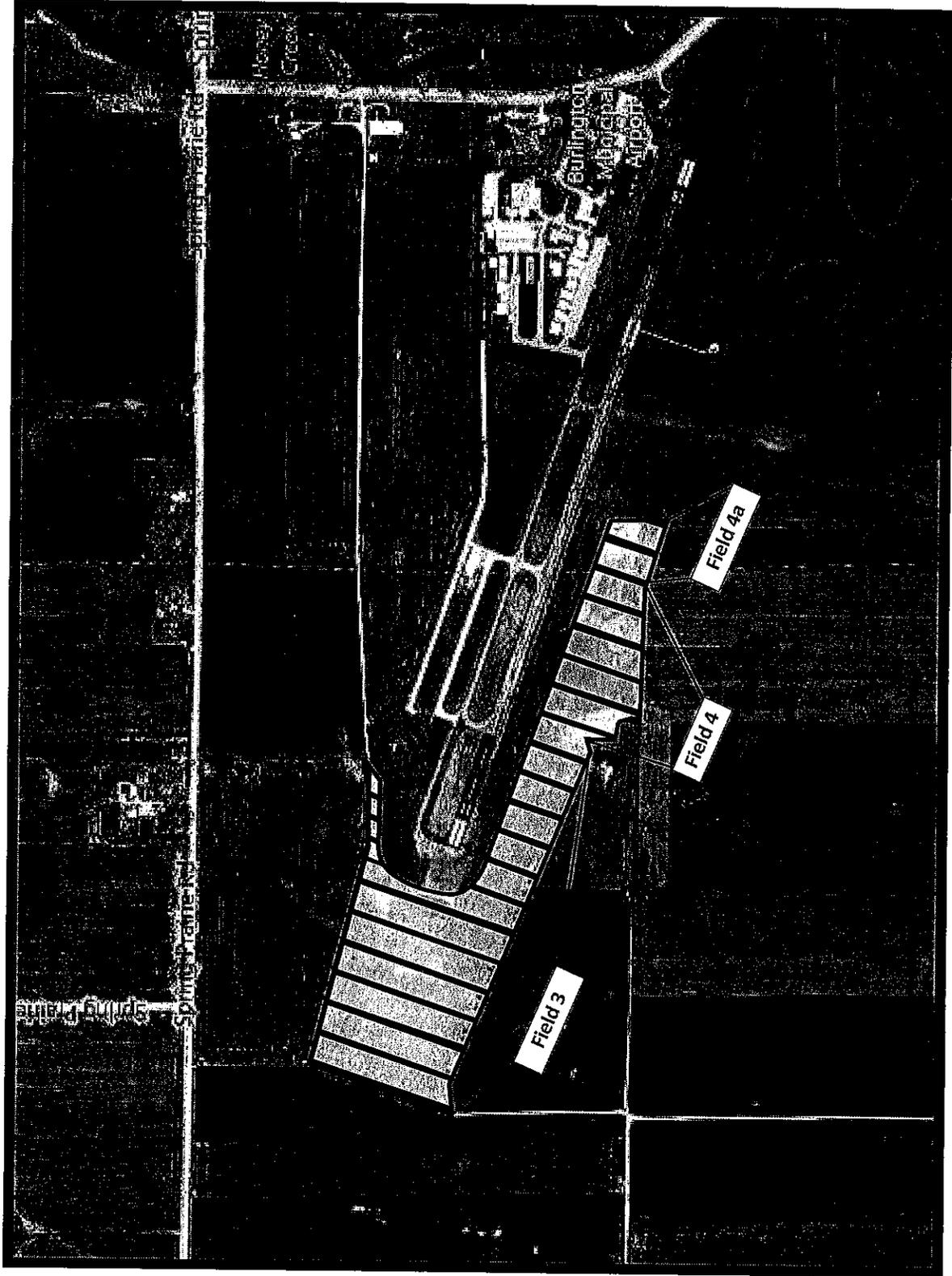
LESSEE.

\_\_\_\_\_  
Robert Miller, Mayor

\_\_\_\_\_  
Don Bonner

\_\_\_\_\_  
Beverly R. Gill, City Clerk

# Don Bonner Agricultural Lease Perimeters



**Field 3**  
29 Acres  
SW NE S25 T3N R18E  
City of Burlington  
Walworth County

**Field 4**  
9.5 Acres  
SE NE S25 T3N R18E  
City of Burlington  
Walworth County

**Field 4a**  
2 Acres  
SW NW S30 T3N R19E  
City of Burlington  
Racine County

