



COMMITTEE OF THE WHOLE MINUTES

Jeannie Hefty, Mayor
Diahn Halbach, City Clerk
Tuesday, August 15, 2023

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order at 6:30 p.m.

Roll Call - Present: Mayor Jeannie Hefty, Alderman Shad Branen, Alderman Corina Kretschmer, Alderman Judi Adams, Alderman Sara Spencer, Alderman Vos, Alderman Jon Schultz, Alderman Bill Smitz. Excused: Alderman Tom Preusker

Staff present: City Administrator Carina Walters, Assistant City Administrator/Zoning Administrator Megan Watkins, Finance Director Deb Epping, Police Chief Brian Zmudzinski, Public Works Director Peter Riggs, Library Director Joe Davies, City Attorney Rebecca Shepro, City Engineer Gregory Governatori.

2. **Citizen Comments** - None

3. **Approval of Minutes** - To approve the August 1, 2023 Committee of the Whole Meeting Minutes.

Motion: Alderman Branen. Second: Alderman Adams. With all in favor, the motion carried.

4. **DISCUSSION** - A discussion with Luke Kotara, owner of Berkot's, regarding the 2023-2024 renewal of the Reserve "Class B" Liquor License.

Administrator Walters provided opening remarks, stating the City's expectations, overall intent, and timeline regarding Berkot's liquor license and current renovations, and then invited Mr. Kotara to the podium to explain to the Council the intended business plans and future of Berkot's.

Mr. Kotara stated the plan is to keep the same business plan as Gooseberries, and still keep the beer, allow people to purchase a drink and shop in the store, as well as Stock the Cellar events with wine tastings, and hopefully increase the sales.

Alderman Schultz clarified that the Reserve "Class B" license allows for the sale and consumption of hard liquor, not just beer and wine, and wanted to know the intended use of this license, because this license is in high demand and if it's not being utilized as intended, then they might be better suited for a different type of license. Kotara responded that they are selling and serving beer, wine, and liquor for onsite consumption. Schultz then asked for an example of what they are serving. Kotara responded that they have six different craft beers, bloody mary's, and wine, but wasn't sure about other kinds of hard liquor drinks that they might also be serving.

Attorney Shepro asked where the alcohol would be served. Kotara responded that it is being served in the sandwich shop and can be consumed throughout the store. Administrator Walters asked what days alcohol is served. Kotara responded 7 days per week, plus they also offer growlers for purchase.

Alderman Branen asked Kotara if he could provide any projections or history in regards to the dollar amounts for liquor sales. Branen further stated that the value of this license and the extent to which it's being used is the concern. Kotara responded that he was unsure of the projections or dollar amounts, but they do plan to implement this business model in their Illinois locations. Branen commented that he had asked one of the employees how often they serve alcohol, and the response was that they had only served one drink during this person's employment. Kotara asked that the Council give him one year to make this work and then revisit when it's time to renew next year.

Alderman Spencer asked Kotara why they stopped serving alcohol. Kotara responded they stopped during their renovation because of all the construction.

Alderman Vos stated that the Council wants reassurance that the license will be used as intended, and when the food court started to disappear is when people started to question the use of this license. Vos further stated that it's very unique for a grocery store to have this type of liquor license, and because the City can't acquire anymore licenses due to the State of Wisconsin's laws, the Council wants to make sure this license is used as intended. Kotaras stated he only knew what Gooseberries did the last 6 months prior to selling and prior to that he had never been in the store, but is open to ideas and suggestions.

5. **RESOLUTIONS:**

- A. **Resolution 5268(14)** - To approve a Revolving Loan Fund (RLF) Grant in the amount of \$10,000 to Jamison Property Partners, LLC located at 133 E. Chestnut Street, Burlington, WI 53105.

Wesley Walsh, RCEDC, provided an overview and explained that Jamison Properties LLC has requested an RLF Grant to assist with the renovation of property located at 133 E Chestnut Street, which will convert the currently vacant office space into a building suitable for a commercial kitchen for an incoming tenant. Walsh stated that Jacob's Smokehouse intends to lease the space and would move in once the renovations are completed in September.

Alderman Branen asked if Jacob's Smokehouse is relocating his current business from the town to the city, or if this would be a second location for him. Walsh responded that the business is being completely relocated.

Alderman Adams asked where exactly the restaurant would be located as it seemed like it would be tucked away where nobody could see it. Walsh responded that he wasn't quite sure where the business would be situated as he hadn't seen the actual space.

Alderman Schultz asked Walsh if he knew when the opening date was. Walsh responded that he did not know.

- B. **Resolution 5269(15)** - To approve the adoption of the City of Burlington 2023-2028 Comprehensive Outdoor Recreation Plan (CORP).

Director Riggs provided an overview and explained that the CORP is a planning document that focuses on park maintenance and development, and is also a tool that enables the City to participate in and receive outdoor recreation grant funding offered by the Department of Natural Resources (DNR) and other state and federal agencies. Riggs further explained that the City's CORP agreement expired in 2019 and that Ayres Associates was hired to assist with updating and drafting this plan for 2023 through 2028, which includes a variety of proposed projects that will be incorporated into the Capital Improvement Program (CIP) or annual operating budget as appropriate and will be subject to Council approval on a project by project basis. Riggs also stated that the Plan includes improvements to the Echo Park renovation; however, adoption of this Plan does not commit the City to any of the proposed projects. Riggs then introduced Amanda Arnold from Ehlers, Inc. to answer questions.

Alderman Schultz questioned the recommendations versus reality regarding the park plans. Arnold responded that recommendations are just a benchmark, and it's good to analyze what parks might be lacking, along with demographics to help plan for potential future needs. Schultz wanted to know why Stonegate doesn't have a park. Riggs responded that there are several developments that have come into the city that don't have a dedicated park, as the developer had a choice of dedicating land to become a park, or paying a fee to not have a park, which was only \$500 and cost substantially less than dedicating land. Riggs further explained that the fee schedule was updated a few years ago to include two impact fees in which the developer would either need to include a park or dedicate space for a future park. Schultz then asked if the City could handle more park land. Riggs responded that there are two separate issues, one being physical assets and the other being existing labor capacity to maintain park land, which depends on the size of the parks; Riggs further responded that staff is stretched thin with maintenance of the Burlington Cemetery; however, if the City no longer had this responsibility, there would be an opportunity to do more maintenance within the rest of the CORP. Schultz then asked how intangible assets are being tracked. Riggs responded that many of them are being tracked, but there are some that might not have been captured in the CIP yet, such as some of the shoreline restoration projects which aren't realistic to address at this point and don't have an impact on life and safety. Arnold added that the plan is reviewed annually and readopted every 5 years.

Alderman Smitz wanted to know who sets the benchmarks. Arnold responded that there's a national parks professional organization that sets the benchmarks, which is based on academic research. Smitz asked when the last major improvement in our parks was completed. Riggs responded, there have been several, including the Riverside pavilion, Congress Street restrooms, and the kayak launch.

- C. **Resolution 5270(16)** - Approving Contract Change Order Number One for the South Pine Street Sanitary Sewer Extension Project in the Amount of \$48,638.66.

Director Riggs provided an overview and explained that Wanasek was awarded this project for the amount of \$3,627,734.00; however, while performing the work to complete the project, it became necessary to expand the scope of the project, resulting in Contract Change Number One in the amount of \$48,638.66. Details of the changes are explained in the Engineer's Recommendation memo.

Alderman Vos asked about the potential bike path and wanted to know when it would be completed across the bypass. Riggs responded that the bike path is already plumbed to

get people across the bypass, there's just no where to go once you get to the north side of it because there is no sidewalk to it. Riggs further commented that the primary trigger would be the development on the south end once the population begins to increase. Vos further asked if there are plans to connect the path on the north side of the bypass. Riggs responded that it hasn't been addressed yet, but if the Council would like staff to begin looking into it, they can. Walters commented that there is no room in the budget for the path to be associated with this development, but staff could look into the costs as its own project, or, if the Faust property (across from Kwik Trip) were to be developed, costs for the bike path could be included with that project. Vos then asked, if the current development comes in under budget, could dollars be allocated towards completing the path on the north side of the bypass. Walters responded that the Council could make that decision, however, the Council may also want to take into consideration what bond payments need to be made at that time.

6. **ORDINANCES:**

- A. **Ordinance 2100(6)** - To amend Chapter 211-2, Truancy, of the City of Burlington Municipal Code.

Chief Zmudzinski provided an overview and explained that truancy is a persistent problem that affects the educational and social development of children, and often, a large part of the issue can be the parent, guardian, or legal custodian of the truant child. Chief Zmudzinski stated that the proposed amendment would hold the contributing party accountable as an additional effort at gaining compliance and getting students back in the classroom, by adding a prohibition and penalty for the contributing party in a truancy case.

Alderman Schultz asked how many truancy cases there have been. Zmudzinski responded that in 2022 there were 18 truancy tickets issued and 3 habitual truancy cases. Schultz then asked at what point the parent/guardian becomes involved. Zmudzinski responded that parents are involved anytime a citation is issued; however, it's not the intent to be punitive, as the school district works with the case manager/social services and tries to resolve any issues before involving the police department. Zmudzinski further stated that the goal is to find the root cause and a large part of the problem can be the parents/guardian. The ultimate intent is to get compliance and the student back in class.

Alderman Branen asked what penalties could be enforced. Zmudzinski responded that the recommended amount for the 1st offense citation to a parent/guardian/custodian is \$313, and the 2nd and 3rd offenses are \$439; however, the municipal court has wide discretion on these matters as well.

Alderman Adams asked if the majority of offenders are typically older students. Zmudzinski responded that they are predominantly at the high school age.

7. **MOTIONS:**

- A. **Motion 23-1071** - To approve the position of Airport Manager and an Agreement between the City of Burlington and Paul Aydt for Airport Management Services as an Independent Contractor.

Administrator Walters provided an overview and reviewed the five initiatives that were to be completed while she served as the Interim Airport Manager for calendar year 2023. Walters then explained the process in which the new Airport Manager, Paul Aydt, was

selected and how his salary was determined and will be funded through the airport.

Alderman Schultz asked about the Master Plan and if a future date has been determined as to when this will be conducted. Walters responded that the Board of Aeronautics is scheduled for a special meeting with the Airport Committee on August 16, 2023, and could occur in 2024 or 2025. Schultz then asked Aydt about conflict with the neighbors that live near the airport and wanted to know if he had been involved with any of that. Aydt responded that he has spoken with them a few times and will continue to have more conversations.

Alderman Branen asked if the airport has the budget to support these expenses and questioned if the rates can be adjusted again if they were just recently set. Walters responded that with the leases, the City reserves the right on an annual basis to increase lease amounts, plus the airport generates revenue through its fuel rates. Walters further stated that the airport is self-funded and has close to a half million dollars, and as part of the airport manager's responsibilities, is to identify how to encapsulate additional revenue. Branen then asked about fuel costs and asked if a fuel rate increase would cause a negative impact on the airport. Aydt responded that the low rates draw people from all over, including a lot of traffic from Chicago, and if the fuel rates were to go up, it would no longer be appealing for them to come to Burlington to fuel up. Branen then asked Aydt what he feels would be the biggest challenges / changes. Aydt responded that it's a really nice airport and would like to keep it maintained and keep the traffic count up.

8. **ADJOURNMENT**

Motion: Alderman Kretschmer. Second: Alderman Vos. With all in favor, the motion carried, and the meeting was adjourned at 7:43 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington