



## CITY OF BURLINGTON

**Administration Department**  
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**CITY OF BURLINGTON**  
**Common Council Official Minutes**  
**Robert Miller, Mayor**  
**Diahnn Halbach, City Clerk**  
**February 20, 2013**

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

Mayor Miller called the meeting to order at 6:44 p.m. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Steve Rauch, Tom Preusker, and Katie Simenson. Students present: Cullen Vos and Alexa Aguirre.

Also present: City Attorney John Bjelajac, Fire Chief Richard Lodle, Police Chief Peter Nimmer, Public Works Director Craig Workman, Public Works Supervisor Dan Jensen, Treasurer Steve DeQuaker, Director of Administrative Services Megan Watkins, Library Director Gayle Falk, and Tom Foht of Kapur Engineering.

**2. PLEDGE OF ALLEGIANCE**

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

**3. CITIZEN'S COMMENTS**

None

**4. CHAMBER OF COMMERCE REPORT**

Chamber president Jan Ludtke extended an invitation to all present to the Business After Hours at Core Chiropractic, as well as the upcoming Home Expo and Chocolate Extravaganza to be held on Saturday, March 16, 2013 from 9 am to 3 pm at Burlington High School.

**5. APPROVAL OF COMMON COUNCIL MINUTES FOR FEBRUARY 5, 2013**

A motion was made by Vos with a second by Rauch to approve the Common Council minutes of February 5, 2013. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

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

None

**8. REPORTS 1-4**

A motion to approve Reports 1-4 was made by Rauch with a second by Preusker. 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, pre-pays and reimbursements in the amount of \$357,729.32.

Vos inquired about the AT&T Global Services annual maintenance in the amount of \$13,140.88 and wanted to know what that was for. Chief Nimmer responded that was an annual fee charged for the City's 911 system.

Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, and Simenson. Nay: None. Motion carried 8-0.

**10. LICENSES AND PERMITS**

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

**11. APPOINTMENTS AND NOMINATIONS**

A motion was made by Prailes with a second by Hintz to approve the reappointment of Jack Eckola as the Community Development Authority, with his term expiring 11/1/2017. With all in favor, the motion carried.

**12. PUBLIC HEARINGS**

Mayor Miller called the Public Hearing to order at 6:48 p.m. to hear comments and concerns from the public regarding the rezone request for property at 181 W. Washington Street.

No comments were made. A motion to close the public hearing was made by Johnson and a second by Vos. With all in favor, the motion carried. Mayor Miller declared the closing of the Public Hearing at 6:50 p.m.

**13. RESOLUTIONS:**

**A. Resolution 4596(47) to approve a preliminary resolution to declare intent to exercise Special Assessment powers for reconstruction of sidewalks at various locations.**

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

Roll Call – Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, and Simenson. Nay: None. Motion carried 8-0.

**B. Resolution 4597(48) to approve a preliminary resolution to declare intent to exercise Special Assessment powers for construction of new sidewalk on the westerly side of S. Pine Street, from Dunford Drive to a point lying approximately 150 feet southerly of the south right-of-way line of Hidden Creek Lane.**

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

Vos discussed possible drainage issues due to a swale on the property and wanted to be sure no undo hardship would fall on the property owners. Craig Workman stated that there are grading plans to resolve the swale issue. Vos inquired as to whom would be responsible for that additional cost. Dan Jensen responded that the City will bear the cost of the culvert expense; citizens will only be responsible for the sidewalk portion. Attorney Bjelajac stated that Common Council will have the opportunity to fine tune the project as this is only a preliminary resolution.

Roll Call – Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, and Simenson.  
Nay: None. Motion carried 8-0.

C. **Resolution 4598(49) to approve the installation of a crosswalk on South Pine Street at its intersection with Hidden Creek Lane in the amount not-to-exceed \$23,000.**

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

Rauch questioned if the City has considered installing a full set of traffic lights at this location and is concerned the current solution will give pedestrians a false sense of security and suggested more money be spent to make it safer. Mayor Miller responded that it would cost approximately \$125,000 to \$150,000 to install a full set of traffic lights. Additional concern was raised by Prailes and Simenson regarding the safety and false sense of security with the proposed resolution. Tom Foht of Kapur cautioned the use of too many signals. After much debated discussion, Council determined it would be best to amend the resolution and increase the dollar amount to allow for heavier standards and with project costs not to exceed \$50,000.

A motion to amend Resolution 4598(49) to include heavier bases and heavier standards, with lights mounted on the cantilever arm, all associated with the crosswalk installation at the intersection of Hidden Creek Lane and S. Pine Street, for the not-to-exceed amount of \$50,000 was made by Vos and seconded by Preusker.

Roll Call for Amended Vote – Aye: Dawidziak, Vos, Preusker, Simenson, Prailes, Johnson, Hintz. Nay: Rauch. Motion carried 7-1.

A motion to approve the amended resolution was made by Vos and seconded by Simenson.

Roll Call – Aye: Dawidziak, Vos, Preusker, Simenson, Prailes, Johnson, Hintz. Nay: Rauch. Motion carried 7-1.

D. **Resolution 4599(50) to approve Task Order Number Eighty-Seven with Kapur & Associates to prepare an Emergency Action Plan for the Burlington Dam in the amount of \$37,236.**

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

Johnson asked if the Emergency Action Plan was just a plan of what to do and if it includes actual construction at this point. Mayor Miller confirmed this is just an action plan. Simenson asked what the action plan was for. Tom Foht explained that this was an action plan required by the DNR for every community that has a dam. Foht further stated the DNR has been requesting this plan since 2006. Prailes asked if there were any grants available from the DNR for this project. Tom Foht responded that he did not believe grants were available for preparing the action plan but that he would look further into it.

Roll Call – Aye: Vos, Rauch, Preusker, Simenson, Prailes, Johnson, Hintz, Dawidziak. Nay: none. Motion carried 8-0.

E. **Resolution 4600(51) to approve Task Order Number Eighty-Eight with Kapur & Associates to update the City of Burlington Geographical Information System (GIS) in the amount of \$10,710.**

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

Johnson asked if this resolution had to do with the trees. Mayor Miller responded that developing this database will help the city keep better track of our tree inventory, specifically the Emerald Ash Borer, and will be used to determine various species and help better detect diseases. Mayor Miller further clarified that Kapur & Assoc will be installing the database, not doing the actual field work.

Roll Call – Aye: Vos, Rauch, Preusker, Simenson, Prailes, Johnson, Hintz, Dawidziak. Nay: none. Motion carried 8-0

**F. Resolution 4601(52) to approve the purchase of two multi-purpose buckets and couplers for \$40,550 from Miller-Bradford & Risberg, Inc. and two MF5.4 plow assemblies and couplers for \$28,650 from Wausaw Everest.**

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

Vos asked if the new equipment would be adapted to the loaders we are leasing. Mayor Miller replied that Vos was correct.

Roll Call – Aye: Vos, Rauch, Preusker, Simenson, Prailes, Johnson, Hintz, Dawidziak. Nay: none. Motion carried 8-0

**G. Resolution 4602(53) to approve Change Order Number One with Mann Brothers, Inc. for the McCanna Parkway Sanitary Sewer Project.**

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

Roll Call – Aye: Vos, Rauch, Preusker, Simenson, Prailes, Johnson, Hintz, Dawidziak. Nay: none. Motion carried 8-0

**H. Resolution 4607(58) to consider appointing Craig Workman as the Authorized Representative to file applications for the Safe Drinking Water Loan.**

A request for a second reading and a motion to approve was made by Johnson with a second by Simenson. With all in favor, the motion carried

## **14. ORDINANCES**

**A. Ordinance 1961(15) to amend the Official Traffic Map by amending the speed zones on S. Pine Street from E. State Street to the Burlington Bypass.**

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

Vos inquired as to whether the change in speed limits makes it consistent with the other speed postings on the other major highways coming into and out of town. Chief Nimmer confirmed the changes will actually make it less consistent but provided increased safety to pedestrians in these areas. Vos inquired if the change of speed limits would make a difference. Chief Nimmer responded he has been monitoring traffic in this area and has directed his patrol to be liberal in their traffic stops in order to make them more aware of the speed limit. Vos continued with his concern of whether or not a change in speed limit would really make a difference stating that people are likely to still drive over the speed limit. Vos further stated that much of what we are doing seems to be a knee jerk reaction and the City is spending

money to make all these changes without any guarantee that it will make a difference. Mayor Miller stated that he hopes people will do what they are supposed to do and recognize the change of speed limits and also stated that we need to better educate our citizens to teach them to slow down and pay better attention. Mayor Miller further stated that the change in speed limit is due to the fatality and is an attempt at making that stretch of road safer for pedestrians. Vos debated if it would be a better decision to make these changes based on a proven track record of their being an issue in the first place. Vos continued to say that people need to pay better attention and a change in speed limit won't make that happen. Vos questioned if the City is lowering the speed limit for this one occurrence, will it be lowered again if another occurrence happens and if it's this important to make the change at this location, then the City should reduce the speed limits at other locations as well. Prailes questioned if the width of the road might also be causing a safety factor in that faster vehicles will go around the slower vehicles which can create unsafe conditions. Chief Nimmer stated that making the road narrower would make it easier for pedestrians to cross and alleviate the issue of cars going around the slower cars. Nimmer further stated that making the roads narrower would also reduce parking spots and cost money to make this change but felt this was the safest thing to do. Nimmer further stated that the Burlington Police Department is doing the best they can to get drivers to slow down, but bottom line is people need to pay better attention and the driver needs to take responsibility themselves. Simenson asked for the professional opinion from Chief Nimmer of what he felt was the best solution. Chief Nimmer responded that he felt strongly about the reduced speed limit of 25 mph on Market Street into the city. Nimmer further stated that reducing the speed limits on Market Street to the bypass will slow down traffic but will still present challenges mainly because of the change of two lanes into four lanes right where the Kwik Trip is located. Nimmer stated that he did believe reducing the speed would be a good thing to do even though the road is designed for 35 mph. There was much discussion among the alderman of consistency of the speed limits throughout the city. Mayor Miller asked council to make a decision as to the three zone changes and council could decide to look at the other speed limits at a later date.

Roll Call – Aye: Johnson, Hintz, Dawidziak, Vos. Nay: Rauch, Preusker, Simenson, Prailes. Tied 4-4.

Mayor Miller cast a vote to split the aldermanic tie vote in favor of approving Ordinance 1961(15). Motion carried 5-4

#### **15. MOTIONS**

None

#### **16. ADJOURN INTO CLOSED SESSION**

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

A motion was made by Dawidziak with a second by Simenson to adjourn into closed session at 7:56 p.m.

Roll Call - Vos, Rauch, Preusker, Simenson, Prailes, Johnson, Hintz, Dawidziak. Nay: none. Motion carried 8-0

#### **17. RECONVENE INTO OPEN SESSION**

A motion was made by Vos with a second by Dawidziak to reconvene into open session. With all in favor the motion carried.

**18. RECOMMENDATION FROM CLOSED SESSION**

None

**19. Adjourn**

A motion was made by Vos with a second by Dawidziak to adjourn the meeting. With all in favor, the meeting adjourned at 9:03 p.m.

Minutes respectfully submitted by:

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Diahnn Halbach  
Burlington City Clerk  
Racine & Walworth Counties