



**CITY OF BURLINGTON
Official Minutes for the
Public Hearing of Steven D. Clark
Robert Miller, Mayor
Diahn C. Halbach, City Clerk
June 18, 2013**

1. Call To Order – Roll Call

Council President Tom Vos called the meeting to order at 6:33 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Ruth Dawidziak, Tom Vos, Tom Preusker, and Todd Bauman. Excused: Mayor Miller, Peter Hintz, and Jon Schultz

Staff present: City Administrator Kevin Lahner, City Attorney John Bjelajac, 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.

Also in attendance: Attorney Todd Terry as representative for City Administrator, Kevin Lahner and Chief of Police, Peter Nimmer.

2. Public Hearing

A Public Hearing to review the denial of an Operator’s License for Steven D. Clark, Jr., such made by the Common Council on May 7, 2013.

The Public Hearing was opened at 6:05 p.m. by Council President, Tom Vos. Vos retained his right to vote and turned the meeting over to Attorney John Bjelajac.

Attorney Bjelajac explained to the Council the reason for the Hearing as was requested in writing by Steven D. Clark. Bjelajac pointed out that Mr. Clark was not in attendance; however the Hearing would still ensue as to remain in compliance with all due process procedures. Bjelajac further explained the process to Council and how the Hearing would proceed and then introduced Attorney Todd Terry as representative for City Administrator Kevin Lahner and Chief of Police Peter Nimmer, and to conduct the evidentiary portion of the Hearing.

Both Lahner and Nimmer gave testimony under oath regarding the findings and procedures of a habitual criminal record that led to the recommendation for denial of Mr. Clark’s application for the Operator’s License.

Attorney Terry then gave a summary of the evidentiary hearing. Attorney Bjelajac concluded the evidentiary hearing and then proceeded to hand out a document which was to be used by Council in order to determine whether or not there was enough evidence to uphold the decision to deny Mr. Clark the issuance of an Operator’s License. After discussion among the Alderman, the following questions were asked and voted on based upon the testimony given:

Question 1: Has Steven D. Clark, Jr. “habitually been a law offender” within the meaning of Section 125.04(5)(b), Wis. Stats.?

Roll Call Aye: Prailes, Johnson, Dawidziak, Vos, Preusker, and Bauman. Nay: None.
Motion carried 6-0.

Question 2: Has Steven D. Clark, Jr. “been convicted of a felony...” within the meaning of Section 125.04(5)(b), Wis. Stats.?

Roll Call Aye: Prailes, Johnson, Dawidziak, Vos, Preusker, and Bauman. Nay: None.
Motion carried 6-0.

Before voting on the final question, Attorney Bjelajac announced that a “yes” vote would result in supporting the denial of the license.

Question 3: If the answer is “Yes” to above question 1 and/or 2, then answer the following question per Section 111.335 Wis. Stats.:

Has Steven D. Clark, Jr. “been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity” for which he would use an operator’s license issued under Section 125.17, Wis. Stats.?

Roll Call Aye: Prailes, Johnson, Dawidziak, Vos, Preusker, and Bauman. Nay: None.
Motion carried 6-0.

Attorney Bjelajac concluded the Due Process Hearing and would give the results to Mr. Clark as promptly as possible.

3. Adjournment

A motion was made by Dawidziak with a second by Bauman to adjourn the meeting. With all in favor, the meeting adjourned at 7:03 p.m.

Meeting Minutes Respectfully Submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington
Racine and Walworth Counties