



CITY OF BURLINGTON
Official Minutes of the Common Council
Robert Miller, Mayor
Diahnn C. Halbach, City Clerk
July 2, 2013

1. Call To Order – Roll Call

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Ruth Dawidziak, Tom Preusker, and Todd Bauman. Excused: Tom Vos

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Fire Chief Perry Howard, Public Works Director Craig Workman, Public Works Supervisor Dan Jensen, Treasurer Steve DeQuaker, and Director of Administrative Services Megan Watkins.

2. Citizen Comments

None

3. Chamber of Commerce

Chamber representative, Jeff VanLysal, announced the date of the 2013 Browns Lake Golf Outing to be September 17, 2013 and Burlington's Annual Sidewalk Days is scheduled for the end of July. VanLysal also reported that Discover's show about bike trails throughout Wisconsin featuring Burlington aired with much success.

4. Approval of the City Council Minutes for June 18, 2013

A motion was made by Bauman with a second by Johnson to approve the council minutes from June 18, 2013. With all in favor, the motion carried.

5. Letters and Communications

A motion was made by Prailes with a second by Bauman to approve the letters and communications as presented. With all in favor, the motion carried.

6. Reports by Aldermanic Representatives and Department Heads

Prailes asked if there was still work to be done on the new concrete medians. Craig Workman responded that the noses/tapered ends still need to be painted. Prailes asked what the purpose of the medians was. Workman responded that the Federal Railroad Association (FRA) required them to be installed as a safety measure to prevent vehicles from turning around or attempting to pass through the gates when a train is coming through.

Johnson inquired about the train status. Lahner responded the quiet zone status was granted to the City Burlington in the 90's. In 2000 the federal government passed new laws which established new rules for the retention of the quiet zone status and gave ten years to comply with those new standards which established a risk index formula based on several factors. That risk index required communities to come in under that risk index number. Wisconsin fell under a special status by adopting a comprehensive plan that by reducing the risk across the state was given another three years that would allow us to follow the pre-rule quiet zone status. In order to maintain the quiet zone status, communities were required to fill out a detailed comprehensive plan, which the City complied with. A

new detailed plan was created to further comply with the required safety standards and was planned to be completed by 2014. Lahner went on to say that it was only when the City was contacted by the FRA for a status check it was realized the deadline was actually 2013. It was also realized that the detailed plan that the City had on file was not the same detailed plan that was on file at the Federal level, which then required the City to submit a new detailed plan that had to be signed off on by Canada National (CN). The new plan included the same details that were previously approved by CN in the original comprehensive plan, however, CN determined that those standards were no longer acceptable and wanted the City to re-justify its reasoning's for those standards, which resulted in the City having to go through the exact same analysis's as was previously done resulting in the same findings. Lahner further stated that a hearing with the Railway Safety Board at the FRA also had to be scheduled, but they only meet once per quarter and the next scheduled date was to be Wednesday July 10, 2013. The City filed its request for a waiver to give us more time according to CN install required improvements as well as filing for an expedited hearing request, of which did not happen. In the meantime, the deadline occurred; however, because the City had submitted their request for the hearing and the quarterly hearing was scheduled, we had hoped they would withhold the order to lift the quiet zone status, of which didn't happen. CN, required by law, began sounding the horns. Lahner further stated that the City has been working diligently to have our quiet zone reinstated and asked the Council to continue to encourage others to submit comments to the FRA via a link located on the City's website as well as the City's Facebook page in order to support the City's request.

Mayor Miller asked Dawidziak to report on the upcoming Block Party. Dawidziak reported that the Burlington Block Party has been scheduled for September 14, 2013 and requested more Council presence at this year's event. Dawidziak also asked Council to spread the word to students looking for service hours that could volunteer for the day.

7. Reports 1-7

A motion to approve Reports 1-7 was made Johnson with a second by Hintz. With all in favor the motion carried.

8. Payment of Vouchers

A motion was made by Hintz with a second by Preusker to approve vouchers, pre-paids and reimbursements in the amount of \$1,157,608.08.

Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Schultz, Preusker, and Bauman. Nay: None. Motion carried 7-0.

9. Licenses and Permits

A motion was made by Dawidziak with a second by Bauman to approve the submitted requests for licenses and permits as presented. With all in favor, the motion carried.

10. Appointments and Nominations

None

11. Public Hearings

Mayor Miller opened the Public Hearing at 7:30 p.m. to hear comments and concerns from the public regarding an amendment to Sections 274-11D(8), 274-11(16), 274-11.1(G) and 27411.1(H)-(J) to change the sidewalk seating area closing time to 10:00 p.m.

There were no comments. Mayor Miller closed the Public Hearing at 7:31 p.m.

12. Resolutions

Resolution 4620(10) to consider approving the Suburban Mutual Assistance Response Teams Agreement.

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

There was no discussion. Roll Call: Aye – Johnson, Hintz, Dawidziak, Schultz, Preusker, Bauman, Prailes. Motion carried 7-0.

Resolution 4622(12) to consider the award of bid for the Washington Street Improvement Project to The Wanasek Corporation in the amount of \$204,229.55.

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

There was no discussion. Roll Call: Aye – Johnson, Hintz, Dawidziak, Schultz, Preusker, Bauman, Prailes. Motion carried 7-0.

13. Ordinances

Ordinance 1968(2) to consider amending Chapter 274-11(D) and Chapter 274-11.1 titled “Alcoholic Beverages in Outdoor Sidewalk Seating Areas” and “Use of Streets” to change the outdoor seating deadline to 10:00 p.m.

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

There was no discussion. Roll Call: Aye – Johnson, Hintz, Dawidziak, Schultz, Preusker, Bauman, Prailes. Motion carried 7-0.

14. Motions

There were none.

15. Adjournment

A motion was made by Johnson with a second by Preusker to adjourn the meeting. With all in favor, the meeting adjourned at 7:36 p.m.

Meeting Minutes Respectfully Submitted by:

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