

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
February 3, 2011

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, Peter Hintz, Tom Vos, Jeff Fischer, Katie Simenson Excused: Jim Prailes, Steve Rauch

High school students Excused: Lauren Nadolski Absent: David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Fire Chief Dick Lodle, Assistant to the Administrator Megan Johnson

2. CITIZENS COMMENTS AND QUESTIONS

Attorney John Hotvedt, 432 Milwaukee Avenue reported that he was respectfully withdrawing the offer to purchase for the Department of Public Work's Building on behalf of Mr. Craig Faust amid the public controversy or disgruntlement that the property should have been listed. It was not in Mr. Faust's best interest to be a part of that controversy or to stand in the way should the city decide it is in its' best interest to list the property. Attorney Hotvedt stated that given the timing and those issues, the offer was being respectfully withdrawn.

Atty. Hotvedt thanked the members of council, city staff and officials that worked with himself and Mr. Faust in good faith. Atty. Hotvedt wanted to set the record straight from his perspective, that as a taxpayer of this city and on behalf of his client, Mr. Faust had made an unsolicited offer to the city to address a need of his business and to provide something very nice for this community and ChocolateFest.

Atty. Hotvedt further stated that the city had entered into good faith negotiations and the officials that were involved worked extremely hard and diligently to protect and further the interests of the city. He further said that he wanted to again thank those that worked with him and those who disagreed with how things went or had questions about the contract. He felt that everyone worked hard and voted their conscience and he greatly respected them for that.

Atty. Hotvedt wanted the people in this community to know that the people he worked with should be commended but when he read today's newspaper and saw that someone's honesty and integrity was being publicly questioned he felt that it was really irresponsible, deplorable and uninformed and he did have an objection to that.

He reiterated that he attended the council meeting this evening to withdraw the offer and not to proceed with any further negotiations.

3. APPROVAL OF MINUTES FOR JANUARY 18, 2011

A motion was made by Bob Prailes with a second by Vos to approve the minutes from January 18, 2011. With all in favor, the motion carried.

4. RESOLUTION 4460(44) "A RESOLUTION TO CONSIDER DECLARING INTENT TO EXERCISE ASSESSMENT POWERS UNDER WISCONSIN STATE STATUTES FOR NEW SIDEWALK CONSTRUCTION ON PORTIONS OF FALCON RIDGE DRIVE, OAK STREET AND SHILOH COURT"

Mayor Miller led the discussion regarding Resolution 4460(44). Johnson questioned if this resolution pertained to those areas that do not have sidewalks. Lahner stated that was correct and with the adoption of this resolution it starts the process and allows for bids to be let for the project.

Vos asked if putting in new sidewalks shouldn't have been handled by the developer's agreement. Lahner explained that previously there was no provision for a deadline for sidewalk improvements and sidewalks were put in when the houses were built. New developer's agreements have provisions for deadlines for sidewalk improvements.

5. RESOLUTION 4461(45) "A RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER WISCONSIN STATE STATUTES FOR RECONSTRUCTION OF SIDEWALKS WHERE COMPLAINTS HAVE BEEN RECEIVED"

Mayor Miller introduced Resolution 4461(45) to the council for discussion. Hintz asked if there had been more than one complaint received on any area. Lahner replied that occasionally there are complaints received but the city's engineering technician and director of public works does the inspecting and prepares a list of sidewalks for repair. Lahner further explained this is not a complete list of sidewalks in the city that need to be repaired but given the amount of money budgeted it is what can be addressed this year.

Vos did not think the word "complaint" was an accurate description of the process. Atty. Bjelajac stated that the language could be revised and he agreed that the wording wasn't an accurate description.

This resolution is scheduled for the February 15, 2011 Common Council meeting.

6. RESOLUTION 4462(46) "A RESOLUTION TO CONSIDER AUTHORIZING FEE ASSESSMENTS FOR WEIGHTS AND MEASURES LICENSE HOLDERS FOR JULY 1, 2009 THROUGH JUNE 30, 2010"

Mayor Miller introduced Resolution 4462(46) to the council for discussion. Johnson questioned if this was a charge from the state that was passed to the city with the city then collecting from the people. The mayor explained that several years ago the state wanted the local municipalities to take on the weights and measures inspections but if they were not able to, the state would provide the service but it would cost a fee. The city contracts with the state and then passes this fee to the businesses that are required to have a weights and measure's inspection.

This resolution is scheduled for the February 15, 2011 Common Council meeting.

7. RESOLUTION 4463(47) "A RESOLUTION TO CONSIDER APPROVING THE AWARD OF THE BID FOR TWO NEW POLICE VEHICLES WITH MILLER MOTORS IN THE AMOUNT OF \$44,211 PLUS SET-UP, TITLE AND LICENSE FEES"

Mayor Miller introduced Resolution 4463(47) to the council for discussion. Simenson questioned if Miller Motors could be contacted and asked to match the amount from the low bidder. Nimmer had questioned Miller Motors and they had replied that if they reduced one of the amounts by \$168.00 that it would be a loss for them. Nimmer further stated that some of the dealers were willing to go to a zero profit on the bids.

Simenson then questioned if it were possible to replace the administrative vehicle with something that would get better gas mileage and last longer than 120,000 miles. Nimmer further replied that it is very hard on cars with all of the idling, stopping and starting necessary in the city.

Hintz asked if it wouldn't be better to purchase two Crown Victorias as there would always be another squad to take its' place in case one of the cars became disabled. Nimmer replied that the administrative car would not have the cameras and computers installed that the squads need to have available.

8. ORDINANCE 1921(24) "AN ORDINANCE TO CONSIDER CREATING SECTION 315-111E TITLED "EXCEPTIONS" FOR HISTORIC PRESERVATION COMMISSION MEMBERSHIP REQUIREMENTS IN THE MUNICIPAL CODE"

Mayor Miller introduced Ordinance 1921(24) for discussion. The mayor explained that the membership on the Historic Preservation Commission now requires one of the civilian members from Plan Commission to be appointed to the HPC. Vos asked if the mayor would be looking for someone from the outside to serve on the commission. The mayor replied that it would have to be someone who has the time and wants to serve the community.

9. ORDINANCE 1922(25) "AN ORDINANCE TO CONSIDER CREATING SECTION 315-64Q TITLED "OFF-PREMISE SIGNS" UNDER EXCEPTIONS FOR REQUIRED SIGN PERMITS IN THE MUNICIPAL CODE"

Mayor Miller introduced Ordinance 1922(25) for discussion. Simenson questioned if the city would be paying for the Veteran's Terrace parking sign that will be placed on the Wilson's lot? The mayor replied that the city would not be paying for the sign.

10. ADJOURNMENT

A motion was made by Johnson with a second by Hintz to adjourn the meeting. With all in favor, the meeting adjourned at 6:47 p.m.

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