

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
July 6, 2010

1. **CALL TO ORDER/ROLL CALL**

Mayor 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, Steve Rauch, Katie Simenson Excused: Jim Prailes

Also present: City Attorney John Bjelajac, Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Department of Public Works Supervisor Dick Pieters, Library Director Gayle Falk, Fire Chief Dick Lodle, Treasurer Steve DeQuaker, Police Chief Peter Nimmer, Tom Foht of Kapur Engineering

2. **CITIZENS COMMENTS AND QUESTIONS**

None

3. **MINUTES FROM JUNE 15, 2010**

A motion was made by Johnson with a second by Simenson to approve the June 15, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

4. **PRESENTATION BY STEVE DEQUAKER, CITY TREASURER**

A Power-Point presentation was given by the treasurer to the council regarding the 2010 First Quarter Budget to actual. The treasurer announced to council members that this report was completed prior to the receipt of the 2009 Audit and there may be adjustments to some accounts.

Simenson questioned the increase in the city clerk's 2009 Budget vs. 2010 Budget. DeQuaker stated that the numbers were higher due to increased publication fees and higher codification costs.

Vos questioned if the contract services have ended for the finance department. DeQuaker stated that a decision is to be made in the near future whether to continue with this service. Vos also questioned whether there were any unfunded mandates concerning retirement benefits. Lahner replied that everything is current. Another issue that Vos had was where the money is applied that comes in from Baseball 2000. Lahner replied that the money goes back to the Park Development Fund.

Vos suggested that he would like to see how much there actually is in the bank in reference to the water and wastewater department. Simenson would like a chart provided that would indicate the amount of money in the replacement funds and how much has been spent and whether it is within budget. She also wanted to see included in these reports a column that would reflect what was actually spent in the prior budget.

5. **ORDINANCE 1902(5) "AN ORDINANCE TO CONSIDER REPEALING AND RECREATING CHAPTER 80 OF THE MUNICIPAL CODE REGARDING THE PROHIBITION OF SMOKING IN PUBLIC PLACES AND PRIVATE WORKPLACES"** Mayor Miller introduced Ordinance 1902(5) for discussion. The mayor explained that this ordinance will allow the city to retain any funds brought in by the issuance of citations. Rauch questioned if this ordinance would be actively enforced. Nimmer replied that his department is putting together a compliance program.

This item will move forward to the July 20, 2010 Common Council meeting for consideration.

6. **ORDINANCE 1903(6) "AN ORDINANCE TO CONSIDER CREATING SECTION 148 TITLED" CONSTRUCTION SITE EROSION" OF THE CITY OF BURLINGTON MUNICIPAL CODE"** Mayor Miller introduced Ordinance 1903(6) for discussion. The mayor explained this ordinance would give the city the ability to regulate construction sites that have not fallen into Section 278.71 (Subdivision of Land). He further explained

this ordinance would mirror the Wisconsin Department of Natural Resources construction site erosion control rules.

Ms. Bridget Nice, 800 Cedar Drive and Ms. Yvonne Braunschweig, 133 Hillcrest Drive both spoke about the ongoing issues they have had with Echo Lake Farm Produce. Ms. Nice who lives directly across from Echo Lake Farm Produce property discussed the large quantity of fill that has been hauled to the site. She questioned what was in the fill and if it had been tested. She also was concerned that this new fill would drain into the park and marshland. The trees which offered a buffer zone have been cut down which allows even more noise to reach the residential area.

Ms. Braunschweig discussed the trucks which start hauling in fill at 7:00 a.m. and continue all day. She further stated that it was very frustrating trying to get clear answers as to what exactly they are doing to this property. She implored the council members to take a look at what is happening to her neighborhood.

Simenson stated that since last August she has been trying to get to the bottom of this issue and has been frustrated with the lack of progress.

Attorney Bjelajac offered his assistance in addressing this issue and will explore several avenues that may offer a solution.

Ms. Braunschweig thanked Aldermen Rauch, Simenson and Vos as well as Mayor Miller, City Administrator Lahner and Utility Manager Connie Wilson for their assistance.

This item is scheduled for the July 20, 2010 Common Council meeting.

7. **ORDINANCE 1904(7)** "AN ORDINANCE TO CONSIDER CREATING SECTION 293-G TITLED "PARKING ON FRONT, SIDE AND STREET YARDS" Mayor Miller introduced Ordinance 1904(7) for discussion. He stated that this ordinance would prevent anyone from parking on "unimproved" surfaces in the front or side and street yards of their properties.

Ms. Johnson presented a Power Point presentation regarding this ordinance. Several pictures of offenders were shown to point out the problems throughout the city.

Simenson was concerned with yet another ordinance that would not be enforced.

Fischer thought it should be limited to front yards only.

Bob Prailes felt that in some of the older neighborhoods this would put an undue hardship on home owners who tend to have smaller lots.

Attorney Bjelajac suggested that at this time, the proposed ordinance should be considered only received and filed.

Mayor Miller suggested that further study needed to be done and that it be brought back to an August Committee of the Whole Meeting. In a straw vote, the aldermen agreed with the delay in addressing this proposed ordinance.

8. **MOTION 10-686** "A MOTION TO CONSIDER APPROVING A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 116 WEST CHESTNUT STREET" Mayor Miller introduced Motion 10-686 for discussion. The Historic Preservation Committee has recommended approval of the Certificate of Appropriateness Application and Sign Permit for 116 West Chestnut. This item is scheduled for this evening's Common Council meeting.

9. **ADJOURNMENT**

A motion was made by Hintz with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 8:08 p.m.

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