

**City of Burlington  
Official Minutes  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
October 19, 2010**

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

Mayor Bob Miller called the meeting to order at 7:16 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

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

None

**5. OCTOBER 5, 2010 COMMON COUNCIL MINUTES AND WORKSHOP MINUTES**

A motion was made by Fischer with a second by Simenson to approve both the Common Council Minutes and Workshop Minutes of October 5, 2010. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

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

Alderman Rauch questioned if there were going to be any repercussions to the property owner in regard to the recent drug raid. Atty. Bjelajac commented that both Alderman Vos as well as Alderman Rauch had been contacted by the owner of this property (Ms. Deborah Stankus). Atty. Bjelajac will be meeting with Police Chief Nimmer to discuss options in regard to that issue.

Simenson commented on the lights that were out in the Chestnut Street Parking Lot making it uncomfortable for the young people leaving the dance studio in the evening. Mr. Pieters said that he would look into it and try to get them fixed in the next couple of weeks.

Vos was concerned with the changing dates of the budget meetings and because of a planned vacation, was trying not to miss a meeting. The mayor stated that October 27 and 28<sup>th</sup> as well as November 9<sup>th</sup> were the dates. Rauch questioned the budget meeting on the 9<sup>th</sup> of November as that would be a Plan Commission meeting date. Mayor will research and get back to the common council regarding moving the date either to the 8<sup>th</sup> or 10<sup>th</sup> of November.

Johnson commended Alderman Bob Prailes and his family for their involvement in the soccer programs in Burlington.

Police Chief Nimmer distributed a report on the recent compliance check that had been done on liquor license holders in the city. Compliance checks had been done four times in the past year with several repeat violators. Vos questioned the common council's involvement in the revocation process. Atty. Bjelajac explained that the council is the hearing body in regard to due process. He further stated that

once a liquor license is granted, it may not be suspended or revoked without due process according to Wisconsin case law. Vos also questioned if any of the costs related to a revocation process are recoverable. Atty. Bjelajac stated none of the costs were recoverable and it is considered the cost of doing business.

Simenson questioned Chief Nimmer if any compliance checks have been done for cigarette sales to minors. Chief Nimmer replied there were no violators in the most recent compliance check for tobacco sales.

Another concern to Chief Nimmer was the sale of synthetic marijuana known as K-2. He stated that some of the City of Burlington businesses are selling this product.

Chief Lodle announced that Mr. Bob Roosa a thirty-five year veteran of the City of Burlington Fire Department had passed away on Saturday, October 16th. Visitation will be at Schuette-Daniels Funeral Home on Thursday with the funeral at St. John the Divine on Friday.

**8. REPORTS 1-6**

A motion was made by Bob Prailes with a second by Johnson to approve Reports 1-6. With all in favor, the motion carried.

**9. PAYMENT OF VOUCHERS**

A motion was made by Johnson with a second by Hintz to approve pre-pays, vouchers and reimbursements in the amount of \$445,433.55 Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

**10. LICENSES AND PERMITS**

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

**11. APPOINTMENTS AND NOMINATIONS**

A motion was made by Hintz with a second by Vos to approve the appointments as presented with the deletion of the appointment to the Airport Commission. With all in favor, the motion carried.

**12. PUBLIC HEARING**

None

**13. RESOLUTIONS**

**A. RESOLUTION 4439(23) "A RESOLUTION TO APPROVE A PUBLIC WORKS EMERGENCY RESPONSE MUTUAL AID AGREEMENT"**

A request for a second reading and motion to adopt was made by Vos with a second by Jim Prailes. With all in favor, the motion carried.

**B. RESOLUTION 4440(24) "A RESOLUTION TO APPROVE AN AGREEMENT TO REQUEST FINANCIAL ASSISTANCE DUE TO AN EMERGENCY EVENT IN CONNECTION WITH THE PUBLIC WORKS EMERGENCY RESPONSE MUTUAL AID AGREEMENT"**

A request for a second reading and a motion to adopt was made by Rauch with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

**C. RESOLUTION 4443(27) "A RESOLUTION TO APPROVE THE AWARD OF THE BRANEN FIELD/SUNSET PARK PARKING LOT IMPROVEMENT PROJECT TO PAYNE & DOLAN IN THE AMOUNT OF \$18,930"**

A request for a second reading and motion to adopt was made by Simenson with a second by Bob Prailes. Discussion: Simenson stated that the city must weigh the wants and the needs and spend accordingly. Because of the gravel being compacted at Branen Field/Sunset Park, she felt that it

could be wheelchair accessible. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer  
Nays: Rauch, Simenson Motion carried 6-2

14. **ORDINANCES**

None

15. **MOTIONS**

A. **MOTION 10-698** "A MOTION TO APPROVE AN AGRICULTURAL LEASE BETWEEN THE CITY OF BURLINGTON AND KATZMAN III FARMS, LLC FOR A TERM OF TWO YEARS AT \$4,875 PER YEAR"

A motion was made by Fischer with a second by Hintz to approve Motion 10-698. With all in favor the motion carried.

16. **ADJOURNMENT**

A motion to adjourn was made by Bob Prailes with a second by Vos. With all in favor, the motion carried and the meeting adjourned at 7:55 p.m.

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