

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
November 16, 2010**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:12 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson, High School student members Lauren Nadolski, David Martin Excused: Ed Johnson

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Department of Public Works Supervisor Dick Pieters, Fire Chief Dick Lodle, Department of Public Works Director Connie Wilson, Building Inspector Patrick Scherrer, 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. NOVEMBER 3, 2010 COMMON COUNCIL MINUTES

A motion was made by Fischer with a second by Hintz to approve the Common Council Minutes of November 3, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Bob Prailes with a second by Simenson to accept Communication "A". With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Vos questioned Tom Foht if the stoplights at Milwaukee and Grove had been fixed. Tom Foht replied that the lights had been fixed and the problem was due to an electrical short in the control panel.

Jim Prailes mentioned the lights at South Pine and Robert needing attention. Tom Foht stated that they have not yet been adjusted.

The mayor announced that construction had begun on the parking structure on Dodge and Washington and Highway 36 North was now open for use.

Simenson questioned the lack of street lighting around the Police Department area. Lahner explained that the lights all along Pine, Washington and Dodge Streets are under the same control box which was located in the construction area and is being worked on at this time. He expected the lights to be back on shortly. Pieters said the contractor promised by the end of the week the lights would be working.

8. REPORTS 1-4

A motion was made by Jim Prailes with a second by Fischer to approve Reports 1-4. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Hintz with a second by Jim Prailes to approve pre-paids, vouchers and reimbursements in the amount of \$432,869.66. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0.

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

A. "A PUBLIC HEARING TO CONSIDER THE PROPOSED 2011 BUDGET FOR THE CITY OF BURLINGTON"

The public hearing was opened by the Mayor at 7:17 p.m. Lahner provided a "Power Point" presentation regarding the budget. Vos questioned if that was actual cash on hand in the fund balance for the TIF 3 Debt Service at the end of 2011. Lahner replied that it was debt that was issued but has not been used. DeQuaker explained that it was to be considered restricted cash. A motion was made by Rauch with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:32 p.m.

13. RESOLUTIONS

A. RESOLUTION 4445(29) "A RESOLUTION TO ACCEPT A UNANIMOUS PETITION FOR DIRECT ANNEXATION FROM THE MARLES A. KEMPKEN TRUST FOR PROPERTY LOCATED AT 34701 CHESTNUT STREET"

A request for a second reading and motion to approve was made by Bob Prailes with a second by Vos. All were in favor with the exception of Simenson. The motion carried 6-1

B. RESOLUTION 4446(30) "A RESOLUTION TO AUTHORIZE APPLICATION TO THE PUBLIC SERVICE COMMISSION FOR AUTHORITY TO INCREASE WATER RATES CHARGED BY THE BURLINGTON MUNICIPAL WATER UTILITY"

A request for a second reading and motion to approve was made by Fischer with a second by Hintz. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 6-1.

14. ORDINANCES

A. ORDINANCE 1912(15) "AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 80 OF THE MUNICIPAL CODE REGARDING THE PROHIBITION OF SMOKING IN PUBLIC PLACES AND PRIVATE WORKPLACES"

A request for a second reading and motion to approve was made by Jim Prailes with a second by Bob Prailes. Simenson asked if it specified in the ordinance that the windows needed to be completely opened when calculating the open space requirement. Atty. Bjelajac replied that when the open space requirement is calculated, it is based on the door or windows being opened. He further stated that the reason for the ordinance is to clarify what constitutes an opening and then determine what defines a substantial wall. Because of a conversation with Mr. Ken Neu of Chris' USA, 724 Milwaukee Avenue at the previous council meeting, Atty. Bjelajac requested that council pass this ordinance. At this time, Atty. Bjelajac does not intend to prosecute Mr. Neu who had received citations in violation of the recently enacted state-wide smoking ban, unless the smoking continues at the restaurant. Mr. Neu's hope is that the newly elected Wisconsin Legislature will repeal the smoking law. Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Simenson Nays: None Fischer abstained from voting due to a conflict of interest. Motion carried 6-0

B. ORDINANCE 1913(16) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP ON PORTIONS OF EAST CHESTNUT, NORTH DODGE AND EAST WASHINGTON STREETS WITHIN THE DOWNTOWN REDEVELOPMENT AREA"

A request for a second reading and motion to approve was made by Hintz with a second by Jim Prailes. Discussion: Simenson asked for clarification on the removal of the two-hour parking spots on Dodge Street. The Mayor replied that on the east side of Dodge Street in front of the hotel there will be angled parking with the two-hour limit removed. According to the developer's agreement those

parking spots are assigned to the hotel as well as thirty spots in the parking structure. Directly across from the hotel on the west side of Dodge Street there will be a no parking area in front of the parking structure. The remainder of Dodge Street will have parallel parking as it was prior to the current construction project. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

C. ORDINANCE 1914(17) "AN ORDINANCE TO REPEAL AND RECREATE 308-1B PERTAINING TO THE CARRY OF FIREARMS IN THE CITY OF BURLINGTON"

A request for a second reading and motion to approve was made by Vos with a second by Hintz. Roll Call Ayes: Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: Bob Prailes Motion carried 6-1

15. MOTIONS

None

16. ADJOURN

A motion to adjourn the meeting was made by Simenson with a second by Fischer. With all in favor, the meeting adjourned at 7:48 p.m.

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