

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

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

Mayor Miller called the meeting to order at 6:41 p.m. starting with roll call. Aldermen present: Robert Prailes, Peter Hintz, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch, Katie Simenson  
Excused: Ed Johnson, Student Member Bonit Gill Absent: Student Member Tony Wang

Staff present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Acting Police Chief Mark Anderson, Assistant to the Administrator Megan Johnson, Director of Public Works Connie Wilson, Department of Public Works Supervisor Dick Pieters, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Library Director Gayle Falk, Tom Foht of Kapur Engineering

**2. PLEDGE OF ALLEGIANCE**

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

**3. CITIZEN COMMENTS**

None

**4. CHAMBER OF COMMERCE REPRESENTATIVE**

Mr. Jamie Mangold attended the meeting as a representative of the Burlington Chamber of Commerce. He thanked the City of Burlington for their assistance in the Christmas Parade and reminded the council of the upcoming Chamber of Commerce Dinner. The dinner will be held on Thursday, January 20, 2010, 6:00 p.m. at the Veteran's Terrace.

**5. APPROVAL OF COMMON COUNCIL MINUTES**

A motion was made by Fischer with a second by Simenson to approve the minutes of the January 5, 2009 Common Council Meeting. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

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

Rauch gave an update on the action by the Planning Commission. He reported on the approval of a Doggie Day Care, 5821 South Pine and a used book store at 446 South Pine Street which will be opened by Love, Inc.

Hintz discussed a phone call he had received from a resident who had just moved into one of the condos on Hidden Creek and reported there were no street lights in that area. Hintz stated that beyond Pine and Dunford there are no street lights on either side. Vos stated that the area is in a PUD and the agreement would have to be taken into consideration. Hintz stated that he did not think there was any PUD regarding the east side of the street. The Mayor stated that it would be looked into.

Rauch also questioned the lighting at the entrance of Pine Brook Pointe, 1001 South Pine Street.

**8. REPORTS 1-3**

A motion was made by Bob Prailes with a second by Hintz to approve Reports 1-3. With all in favor, the motion carried.

**9. PAYMENT OF VOUCHERS**

A motion was made by Vos with a second by Hintz to approve Prepays (\$152,492.36) and Vouchers (\$166,324.54) for a grand total of \$318,816.90 Discussion: Rauch questioned if the city's refund policy had been changed for tax refunds as he did not remember so many refund checks in the past years. He also questioned if cash was used in the past. Lahner replied that the refunds had always been mailed and he thought the increase in the number of checks might be due to the "first dollar" credit. 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 Jim Prailes with a second by Simenson 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 Rauch to approve the appointment of Jon Schultz (formerly an alternate on Zoning Board of Appeals) to the ZBA. His appointment will expire on January 1, 2012. Discussion: Rauch questioned if an alternate appointment for ZBA would be filled next month. The mayor stated that he has not had much progress in finding someone to take the appointment. With all in favor the motion carried.

**12. PUBLIC HEARINGS**

None

**13. RESOLUTIONS ADOPTED**

**A. RESOLUTION 4383(59) "A RESOLUTION TO APPROVE AN INCREASE TO WATER RATES OF 3.8% UNDER THE PUBLIC SERVICE COMMISSION SIMPLIFIED RATE CASE"**

A request for a second reading and motion to approve was made by Rauch with a second by Hintz. Discussion: Simenson questioned if the Veteran's Building was receiving any reduction in their water or sewer billing. Lahner stated they are not receiving any reduction in either the water or sewer charges.

Vos reiterated his prior concern for the estimated two-million dollars that will have to be spent to correct the radium issue and how that will affect the water/sewer rates. He stated it is a significant issue and needs to be studied. He also voiced his concern with sewer/water rates and how that could affect the future growth of the city. He said it is a competitive advantage in attracting businesses to have more favorable rates than other communities.

Lahner said the city is at this time working with the DNR and engineers to address the issue; he further stated the city needs a timeline for the compliance and the city's financial advisers will also have to be involved.

Wilson advised council that she will be conducting a radium workshop in February for Aldermen and any other interested parties to try and address their concerns. She also will be attending a compliance hearing at the DNR office next Friday which at that time she will be given a "Notice of Consent" that will give the city a timeline. She anticipates this timeline to be three years.

Simenson spoke of the concerns of many of her constituents and they would like to see the radium issue taken care of sooner rather than later.

Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 6-1

**B. RESOLUTION 4384(60) "A RESOLUTION TO DESIGNATE PUBLIC DEPOSITORIES FOR THE CITY OF BURLINGTON MUNICIPAL FUNDS FOR 2010"**

A request for a second reading and motion to approve was made by Vos with a second by Jim Prailes. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**C. RESOLUTION 4385(61) "A RESOLUTION TO APPROVE TASK ORDER NUMBER SEVENTY-THREE IN THE AMOUNT OF \$78,461 FOR THE 2010 UTILITY AND SIDEWALK IMPROVEMENT PROJECT"**

A request for a second reading and motion to approve was made by Simenson with a second by Hintz. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**14. ORDINANCES ADOPTED**

**A. ORDINANCE 1893(14) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP BY CONVERTING THE EXISTING YIELD SIGNS TO STOP SIGNS ON SOUTH OAKLAND AVENUE AT ORCHARD STREET"**

A motion was made by Fischer with a second by Rauch to approve Ordinance 1893(14). Discussion: Vos stated there have been two of these amendments recently and questioned what standard is used to determine whether a stop sign is needed.

The mayor replied that when these issues appear, they are referred to the police department for a study and to make recommendations.

A further explanation was offered by Lahner regarding the "Uniform Manual of Traffic Control Devices". This manual offers a set of standards that are universally applied to intersections. These standards along with accident history and complaints from citizens are all part of the process.

Roll call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**B. ORDINANCE 1894(15) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP TO ADD NO PARKING ZONES ON PORTIONS OF MEADOW LANE AND CHAPEL TERRACE"**

A motion was made by Bob Prailes with a second by Simenson to approve Ordinance 1894(15). Discussion: None Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

**15. MOTIONS ADOPTED**

None

**16. OTHER MATTERS AS AUTHORIZED BY LAW**

Vos questioned the bike/pedestrian path along Highway 11 and asked if it was a dead issue. Foht replied that it is an actual project and it is to run from Highway 11 to just south of the golf course on the west side of Highway W. The project has the potential for additional funding from the State of Wisconsin with the time frame to complete the design this year and construction in 2011.

Rauch commented on the appointment by the Town of Burlington of former Town Chairman Kurt Petrie to act as a liaison to look into the removal of the Highway 142 Overpass. Rauch questioned where the city was with that issue. The mayor indicated the state would enter into discussions again once the bypass is completed.

**17. ADJOURN INTO CLOSED SESSION**

A motion was made by Vos with a second by Hintz to adjourn into closed session per Wis. Stats. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises

responsibility. Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson With all in favor the motion passed.

Also in attendance at the closed session was Labor Attorney Kyle Guyla of VonBriesen and Rober, S.C.

**18. RECONVENE INTO OPEN SESSION**

A motion was made by Fischer with a second by Simenson to reconvene into open session. With all in favor the council returned to open session.

A motion was made by Simenson with a second by Bob Prailes to adopt Motion 10-675 "A motion to approve Collective Bargaining Agreements between the City of Burlington and the Labor Association of Wisconsin (LAW) for and on behalf of its affiliate local the Burlington Police Benevolent Association Local No. 218 for the years 2010 through 2013". With all in favor, the motion passed.

**19. ADJOURNMENT**

A motion was made by Hintz and seconded by Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 8:15 p.m.

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