



AGENDA
COMMON COUNCIL

Tuesday, July 20, 2010

To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Jim Prailes, Alderman, 2nd District
Peter Hintz, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Jeff Fischer, Alderman, 4th District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council minutes for June 15, 2010. *(E. Johnson)*
6. Letters and Communications: *(J. Prailes)*
 - A. A memorandum from Alderman Katie Simenson regarding her absence at tonight's meetings.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1- 3: *(P. Hintz)*
 - Report 1 – Community Development Authority minutes, April 27, 2010
 - Report 2 – Plan Commission minutes, June 8, 2010
 - Report 3 - Committee of the Whole minutes, July 6, 2010
9. Payment of Vouchers. *(T. Vos)*
10. Licenses and Permits. *(S. Rauch)*
11. Appointments and Nominations: None.

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear public comment regarding a proposal to repeal and recreate Chapter 80 regarding the prohibition of smoking in public places and private workplaces, including restaurants and bars, adopting by reference the Wisconsin Smoke Free Law as outlined in Wisconsin State Statutes 101.123. (*J. Fischer*)
- B. A Public Hearing to hear public comment regarding a proposal to create Section 148 titled "Construction Site Erosion" of the City of Burlington Municipal Code that will be consistent with Wisconsin Department of Natural Resources regulations. (*R. Prailes*)

13. **RESOLUTIONS:**

None.

14. **ORDINANCES:**

- A. Ordinance 1902(5) to consider repealing and recreating Chapter 80 of the Municipal Code regarding the prohibition of smoking in public places and private workplaces. This item was discussed at the July 6, 2010 Committee of the Whole meeting. (*E. Johnson*)
- B. Ordinance 1903(6) to consider creating Section 148 titled "Construction Site Erosion" of the City of Burlington Municipal Code. This item was discussed at the July 6, 2010 Committee of the Whole meeting. (*J. Prailes*)

15. **MOTIONS:**

None

16. **ADJOURN INTO CLOSED SESSION** (*P. Hintz*)

- 1. 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.
 - A. To discuss the results of the non-represented employee salary survey.

17. **RECONVENE INTO OPEN SESSION** (*T. Vos*)

- 1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (*S. Rauch*)

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
July 20, 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, Jim Prailes, Tom Vos, Jeff Fischer, Steve Rauch Excused: Katie Simenson

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

Chamber of Commerce Representative Mr. Darrell Davis was in attendance at the meeting and discussed the upcoming Chamber events.

5. COUNCIL MINUTES FROM JULY 6, 2010

A motion was made by Johnson with a second by Vos to approve the Council Minutes of July 6, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Jim Prailes with a second by Hintz to accept the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch reported on the upcoming book sale at the library to be held on July 29-July 31st.

Vos questioned the paving that had been done on South Pine Street and if that were the finished product. Pieters explained that it was not the end product.

Lodle reported on the seventy-five foot ladder truck that was undergoing its' five year inspection. It had been reported back to him that it was in excellent condition and had been well maintained.

8. REPORTS 1-3

A motion was made by Hintz with a second by Jim Prailes 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 Johnson to approve pre-paids, vouchers and reimbursements in the amount of \$824,097.96. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: None Motion carried 7-0

10. LICENSES AND PERMITS

A motion was made by Rauch with a second by Hintz 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 HEAR PUBLIC COMMENT REGARDING A PROPOSAL TO REPEAL AND RECREATE CHAPTER 80 REGARDING THE PROHIBITION OF SMOKING IN PUBLIC PLACES AND PRIVATE WORKPLACES, INCLUDING RESTAURANTS AND BARS, ADOPTING BY REFERENCE THE WISCONSIN SMOKE FREE LAW AS OUTLINED IN WISCONSIN STATE STATUTES 101.123"

The mayor opened the public hearing at 7:50 p.m. There were no public comments. A motion was made by Fischer with a second by Hintz to close the public hearing. With all in favor, the public hearing closed at 7:51 p.m.

(B) "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A PROPOSAL TO CREATE SECTION 148 TITLED "CONSTRUCTION SITE EROSION" OF THE CITY OF BURLINGTON MUNICIPAL CODE THAT WILL BE CONSISTENT WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES REGULATIONS"

The mayor opened the public hearing at 7:52. Mr. Dan Wilson of 832 Cedar Drive questioned if there would be a vote for or against this erosion control proposal. It was pointed out to him that Ordinance 1903(6) was on this evening's agenda. A motion was made by Bob Prailes with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:56 p.m.

13. RESOLUTIONS

None

14. ORDINANCES

A. 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"

A request for a second reading and a motion to approve Ordinance 1902(5) was made by Johnson with a second by Rauch. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: None Motion carried 7-0

B. ORDINANCE 1903(6) "AN ORDINANCE TO CONSIDER CREATING SECTION 148 TITLED "CONSTRUCTION SITE EROSION" OF THE CITY OF BURLINGTON MUNICIPAL CODE"

A request for a second reading and a motion to approve Ordinance 1903(6) was made by Jim Prailes with a second by Johnson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: None Motion carried 7-0

15. MOTIONS

None

16. ADJOURN INTO CLOSED SESSION PER WISCONSIN STATUTES 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"

A motion to go into closed session was made by Hintz with a second by Rauch to adjourn into closed session. With all in favor, the closed session began at 8:06 p.m.

17. RECONVENE INTO OPEN SESSION

A motion was made by Vos with a second by Jim Prailes to return to open session. With all in favor, the open session began at 8:52 p.m.

There were no decisions from closed session.

18. ADJOURNMENT

A motion was made by Jim Prailes with a second by Johnson to adjourn the meeting. With all in favor, the meeting adjourned at 8:53 p.m.

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



CITY OF BURLINGTON

City Clerk

300 N. Pine Street, Burlington, WI, 53105

(262) 342-1161 – (262) 763-3474 fax

www.burlington-wi.gov

Common Council Agenda Item Number: 6A	Date: July 20, 2010
Submitted By: Alderman Simenson	Subject: Communications

Details:

- A. An email notification from Alderman Katie Simenson stating she will be absent from the July 20, 2010 Committee of the Whole and Common Council meetings.

Options & Alternatives:

N/A

Financial Remarks:

N/A

Executive Action:

This correspondence is for approval at the July 20, 2010 Common Council meeting.

Megan Johnson

From: Katie Simenson [simensonfamily@yahoo.com]
Sent: Friday, June 25, 2010 12:42 PM
To: Megan Johnson
Subject: Re: Special Park Board / Council Meeting July 20

I will not be able to attend the Tuesday, July 20th Special Park Board/Council Meeting or the regular COW/Council meeting. I will be out of town.
Katie Simenson

Megan,
Can you please print this up and put it in the packet.
Thanks,
Katie



CITY OF BURLINGTON

Administration Department
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Common Council Agenda Item Number: 8	Date: July 20, 2010
Submitted By: City Staff	Subject: Reports 1-3

Details:

Attached please find the following reports:

- Report 1 – Community Development Authority minutes, April 27, 2010
- Report 2 - Plan Commission minutes, June 8, 2010
- Report 3 – Committee of the Whole minutes, July 6, 2010

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the July 20, 2010 Common Council meeting.

COMMUNITY DEVELOPMENT AUTHORITY

April 27, 2010

5:30 p.m.

Council Chambers

224 East Jefferson Street

ROLL CALL

The meeting was called to order by Mayor Bob Miller at 5:30 p.m. with the following in attendance: Alderman Jeff Fischer, Commissioners Jack Eckola, Judie Lemieux, Jim Peterson Absent: Jim Spiegelhoff, Bil Scherrer

Also in attendance: Mr. Peter Scherrer and Ms. Leslie Scherrer of the Peter Scherrer Group, Ms. Tina Chitwood of Racine County Economical Development Committee (RCEDC)

APPROVAL OF MINUTES FROM APRIL 7, 2010

A motion was made by Eckola to approve the minutes of the April 7, 2010 regular meeting. Fischer seconded the motion and with all in favor, the motion carried.

RESOLUTION 99 "A RESOLUTION APPROVING THE FIRST AMENDMENT TO A FINANCING AGREEMENT BETWEEN THE CDA AND THE FRANCISCAN FRIARS ASSUMPTION BVM PROVINCE, INC., WITH RESPECT TO THE \$3,475,000 SENIOR HOUSING REVENUE BOND, SERIES 1999"

The mayor explained to the commissioners that the City of Burlington Community Development Authority is the successor to the Town of Burlington's Community Development Authority since the annexation. He further explained this resolution does not have any downside for the city and does not affect the city's bond rating.

A motion was made by Eckola with a second by Peterson to approve. With all in favor, the motion carried.

RESOLUTION 100 "A RESOLUTION TO CONSIDER APPROVING AN AGREEMENT FOR OWNER REPRESENTATION SERVICES WITH THE PETER SCHERRER GROUP FOR THE NOT-TO-EXCEED AMOUNT OF \$28,000"

The mayor introduced this resolution for consideration with the explanation that the purpose in hiring the Peter Scherrer Group is for them to oversee and be the representation for the City of Burlington in regard to the parking structure project. Due to the fact that part of the structure is coming from J.W. Peters and the other from an unknown source, it will take a lot of coordination to put the project together as well as to coordinate with the new retail area. The mayor further stated that The Peter Scherrer Group would be given the task of completing the project on time, under budget and done correctly.

Eckola questioned where the money would be coming from to pay the Peter Scherrer Group. The mayor stated it would be coming out of the bond fund.

Fischer asked where all the responsibilities will lie with the project. The mayor stated that Stelling and Associates are in charge of the design with the CDA hiring the general contractor. Fischer further questioned how the roll of the owner representation fits in with the project. Peter Scherrer explained that with pieces of this structure coming from two different sources, it will be his job to coordinate the construction. Scherrer stated there would not be a true general contractor roll as that roll would be held by the pre-cast company.

A motion was made by Peterson with a second by Fischer to approve. Roll Call Ayes: Miller, Fischer, Eckola, Peterson, Lemieux Nays: None Motion carried 5-0

ADJOURNMENT

A motion was made by Eckola to adjourn the meeting. Fischer seconded the motion and with all in favor, the meeting adjourned at 5:42 p.m.

Beverly R. Gill
City Clerk
City of Burlington
Racine & Walworth County



Administration Department
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Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
June 8, 2010, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Alderman Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Bob Henney were present. Alderman Tom Vos was excused. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of April 13, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

- A. A Public Hearing to hear public comments regarding a Conditional Use Application from Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue to use a portion of the property for seasonal outdoor display.**
- Mayor Miller opened the public hearing at 6:32 p.m.
 - There were no comments. Commissioner Lynch moved and Commissioner Henney seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.
- B. A Public Hearing to hear public comments regarding a Conditional Use Application from Geoff's Construction, Inc. on behalf of Lincoln Lutheran of Racine for property located at 165 W. Chestnut Street to use the property as an elderly adult daycare facility.**
- Mayor Miller opened the public hearing at 6:33 p.m.
 - There were no comments. Commissioner Lynch moved and Commissioner Henney seconded to close the Public Hearing at 6:34 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application and Site Plan Application from Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if the display area would be kept gravel or would need to be paved with asphalt or concrete. Brad Gjermo of Cooperative Plus, Inc., responded that CPI would like to keep the area gravel for cost factors and to avoid run-off issues with rain water. Patrick Meehan stated the municipal code requires the area to be paved and cannot be left gravel. CPI may apply for a variance through the Zoning Board of Appeals to have it remain gravel if they can prove hardship. Administrator Lahner responded that the Plan Commission may not grant a variance and the ZBA would likely deny the request.
- Patrick Scherrer mentioned that the Conditional Use request stated it was for “outdoor display” not outdoor storage. He stated he is concerned with the current storage of crated equipment near the requested area and loading docks.
- Commissioner Lynch questioned if the outdoor display is going to be year round or for a limited time. Mayor Miller stated the Site Plan lists it as “seasonal”. Mr. Gjermo stated it would most likely be during the spring, summer and autumn months. Patrick Meehan stated there is nothing referenced in the code that would limit the amount of time CPI could display items. It could be year round if they choose. Mr. Gjermo further stated that the display items will be in a fenced area that will be screened from view from STH 36/83.
- There were no further comments.

Commissioner Reesman moved and Commissioner Lynch seconded to approve a Conditional Use and Site Plan Application for 1201 Milwaukee Avenue, subject to Patrick Meehan’s May 24, 2010 and Kapur & Associates’ May 29, 2010 memorandums to the Plan Commission as follows:

- Pursuant to the requirements of Section 315-26(D)(34)(c)(6) of the City Zoning Ordinance, all outdoor display of merchandise areas shall be required to be paved with pavement of either asphalt or concrete. The applicant proposes a gravel surface. Therefore, the Site Plan drawing will need to be revised and resubmitted to the City to indicate pavement of either asphalt or concrete and said pavement of either asphalt or concrete shall be installed at the subject property prior to the issuance of a Conditional Use Permit.

All in favor and the motion carried.

B. Consideration to approve a Conditional Use Application and Site Plan Application from Geoff’s Construction, Inc. on behalf of Lincoln Lutheran of Racine for property located at 165 W. Chestnut Street.

- Mayor Miller opened this issue for discussion.

- Commissioner Henney stated he is concerned about the current ramp to the building and if it would be large enough for the proposed use. Geoff Fitzharris, contractor for the project, stated the ramp would be upgraded and fully ADA compliant.
- Patrick Scherrer informed the commission that the Department of Health and Human Services is requiring the building to have a sprinkler system installed. At this time the water service available to the building is not adequate enough for a sprinkler system and would need to be upgraded as well.
- Mayor Miller questioned if Meals on Wheels will be a part of this program and if meals will be prepared in the facility. Ellen Mutter from Lincoln Lutheran of Racine stated the Meals on Wheels program will be available, hold an office in the building and initially prepare meals in the building. She further stated that this is a separate program from the Meals on Wheels program offered in conjunction with the Senior Center.
- Commissioner Eisenhardt questioned how many square feet of the building would be used for this facility. Mr. Fitzharris responded the unit is roughly 2,559 square feet.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve a Conditional Use and Site Plan Application for 164 W. Chestnut Street, subject to Patrick Meehan's May 24, 2010 memorandum to the Plan Commission as follows:

- All proposed architectural plans would also need to be reviewed by the City Building Inspector for compliance with Building Codes.

All in favor and the motion carried.

C. Consideration to recommend approval to the Common Council of a Rezone Application and Certified Survey Map from Attorney Michael Kelly for property located at 600 Tower Street to rezone the property from Rs-3, Single-Family Residence District to Rs-2, Single-Family Residence District

- Mayor Miller opened this issue for discussion.
- There were no comments.

Commissioner Henney moved and Commissioner Reesman seconded to recommend approval to the Common Council of the rezone request and CSM, subject to Patrick Meehan's May 24, 2010 memorandum to the Plan Commission as follows:

- The following data be indicated on the Certified Survey Map: "Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based upon National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may

be waived if the parcel(s) created is (are) fully developed." Since the proposed new Lot 1 is fully developed, it is recommended that the Plan Commission and Common Council waive the requirement of Section 278-48(A)(5).

All in favor and the motion carried. This item will move forward to the June 15, 2010 Committee of the Whole meeting.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 6:50 p.m. All were in favor and the motion carried.


Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

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



CITY OF BURLINGTON

Finance Department

300 N. Pine Street, Burlington, WI 53105
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Common Council Agenda Item Number: 9	Date: July 20, 2010
Submitted By: Steve DeQuaker, Treasurer	Subject: Prepaids and Vouchers

Details:

Attached please find the Prepaids and Vouchers list for bills accrued through July 20, 2010:

Total Prepaids:	\$453,651.66
Total Vouchers:	\$369,807.69
Reimbursements:	\$638.61
Grand Total:	<u><u>\$824,097.96</u></u>

Options & Alternatives: Approve expenditures as presented or alter purchasing procedures.

Financial Remarks: 5 Largest Disbursements on Prepaids and Vouchers

- 1) Lexington Hotel Group II, LLC – Loan \$250,000.00
- 2) Scherrer Const Co., Inc. – Integrated Dept of Public Works Facility, application #2 for \$191,828.00
- 3) Burlington Hotel Group, LLC – Loan \$50,000.00
- 4) Sierra Petroleum Co., Inc - AV Gas 100LL at Burlington Airport for \$29,553.32
- 5) Burlington Fire Department – 2010 annual payment to the Burlington Fire Department volunteers for \$28,285.00

Executive Action:

Staff recommends that the Common Council accept these Prepaids and Vouchers in the amount of \$824,097.96 at the July 20, 2010 Council meeting.



CITY OF BURLINGTON

City Clerk

300 N. Pine Street, Burlington, WI, 53105

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Common Council Agenda Item Number: 10	Date: July 20, 2010
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

The alcohol license list for applications accrued through July 20, 2010 are as follows:

Licenses Recommended for Approval

Operator's & Business Licenses

- Blanco, Alyssa B.
- Blank, Gary L.
- Brown, Kim M.
- Brown, Lucille C.
- Dehart, Jessica A.
- Moll, Amber L.
- Mouzakis, Matthew M.
- Schlotthauer, Steven J.
- Thomas, Heather L.
- Ziemann, Kimberly A.

The Police Department has performed a background check on these applicants and recommends approval for the applicants to receive an Operator's License.

Options & Alternatives:

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business licenses fees are calculated on a case by case basis depending on the type of license applied for.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the July 20, 2010 Council meeting.



CITY OF BURLINGTON

Administration Department
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Common Council Item Number: 12A	Date: July 20, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: A Public Hearing for Ordinance 1902(5) to consider repealing and recreating Chapter 80 of the Municipal Code regarding the prohibition of smoking in public places.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding an ordinance to repeal and recreate Chapter 80 of the Municipal Code to mirror the new Wisconsin Law regarding prohibiting smoking in public places, private workplaces, restaurants and bars. 2009 Wisconsin Act 12 will officially take effect July 5 and will run state-wide. By updating and mirroring our ordinance to this law the city will be able to retain funds brought in by way of citations.

Options & Alternatives:

For public comment only.

Financial Remarks:

None.

Executive Action:

This item is for Public Hearing at the July 20, 2010 Common Council meeting.

STATE OF WISCONSIN

COUNTY OF RACINE

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE CODE OF THE CITY OF BURLINGTON**

To Whom It May Concern:

NOTICE is hereby given that the Common Council of the City of Burlington proposes to repeal and recreate Chapter 80 regarding the prohibition of smoking in public places and private workplaces, including restaurants and bars.

This proposed repeal and recreation of Chapter 80 will adopt by reference the Wisconsin Smoke Free Law as outlined in Wisconsin State Statutes 101.123.

THIS ORDINANCE MAY HAVE THE EFFECT OF CHANGING THE ALLOWABLE USE OF THE PROPERTIES IN ALL ZONING DISTRICTS. A MAP OF THE ZONING DISTRICTS IS ON FILE AND AVAILABLE FOR VIEWING CITY HALL.

Chapter 80 of the Municipal Code of the City of Burlington shall be amended as necessary to reflect these changes. A copy of this ordinance is on file and available for viewing at City Hall.

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the Council Chambers at the Police Department, 224 East Jefferson St., City of Burlington on

**TUESDAY, JULY 20, 2010 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

to hear any persons objecting to, or in support thereof, on the above mentioned matter.

Dated at Burlington, Wisconsin, this 29th day of June

Beverly Gill, City Clerk

*Published in the **Burlington Standard Press**
July 1st and 8th, 2010*



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Item Number: 12B	Date: July 20, 2010
Submitted By: Kevin Lahner, City Administrator	Subject: A Public Hearing for Ordinance 1903(6) to consider creating Chapter 148 titled “Construction Site Erosion” in the Municipal Code.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding an ordinance to create Section 148 in the Municipal Code to provide an upgraded erosion control ordinance for the city that will meet Wisconsin DNR standards for construction erosion control practices. This ordinance will allow the city to monitor all land disturbance activities within their jurisdictional limits and take action on those not meeting required actions.

Options & Alternatives:

For public comment only.

Financial Remarks:

None.

Executive Action:

This item was a Public Hearing at the July 6, 2010 Common Council meeting and is scheduled for the July 20, 2010 Common Council meeting for consideration.

STATE OF WISCONSIN

COUNTY OF RACINE

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE CODE OF THE CITY OF BURLINGTON**

To Whom It May Concern:

NOTICE is hereby given that the Common Council of the City of Burlington proposes to create Section 148 Titled "Construction Site Erosion" of the City of Burlington Municipal Code.

This proposed amendment to the Municipal Code will create erosion control provisions that are consistent with Wisconsin Department of Natural Resources regulations.

THIS ORDINANCE MAY HAVE THE EFFECT OF CHANGING THE ALLOWABLE USE OF THE PROPERTIES IN ALL ZONING DISTRICTS. A MAP OF THE ZONING DISTRICTS IS ON FILE AND AVAILABLE FOR VIEWING CITY HALL.

A copy of this ordinance is on file and available for viewing at City Hall.

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the Council Chambers at the Police Department, 224 East Jefferson St., City of Burlington on

**TUESDAY, JULY 20, 2010 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

to hear any persons objecting to, or in support thereof, on the above mentioned matter.

Dated at Burlington, Wisconsin, this 28th day of June

Beverly Gill, City Clerk

*Published in the **Burlington Standard Press**
July 1st and 15th, 2010*