



**REVISED AGENDA
COMMON COUNCIL**

Tuesday, November 16, 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

Student Representatives

David Martin, Burlington High School
Lauren Nadolski, Burlington High School

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 November 3, 2010. (*J. Fischer*)
6. Letters and Communications: (*R. Prailes*)
 - A. A memorandum from Alderman Johnson stating his absence from tonight's meetings.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-4: (*J. Prailes*)
 - Report 1 – Library Board minutes, September 28, 2010
 - Report 2 – Plan Commission minutes, October 12, 2010
 - Report 3 – Partisan Office and Referendum Report, November 2, 2010
 - Report 4 – Committee of the Whole minutes, November 3, 2010
9. Payment of Vouchers. (*P. Hintz*)
10. Licenses and Permits. (*T. Vos*)
11. Appointments and Nominations: None.

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to consider the proposed 2011 Budget for the City of Burlington. (*S. Rauch*)

13. **RESOLUTIONS:**

- A. Resolution 4445(29) to accept a Unanimous Petition for Direct Annexation from the Marles A. Kempken Trust for property located at 34701 Chestnut Street. This item was discussed at the November 3, 2010 Committee of the Whole meeting. (*K. Simenson*)
- B. Resolution 4446(30) to authorize application to the Public Service Commission for authority to increase water rates charged by the Burlington Municipal Water Utility. This item was discussed at tonight's Committee of the Whole meeting. (*J. Fischer*)

14. **ORDINANCES:**

- A. Ordinance 1912(15) to repeal 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 November 3, 2010 Committee of the Whole meeting. (*J. Prailes*)
- B. Ordinance 1913(16) to amend the Official Traffic Map on portions of E. Chestnut, N. Dodge and E. Washington Streets within the Downtown Redevelopment area. This item was discussed at the November 3, 2010 Committee of the Whole meeting. (*P. Hintz*)
- C. Ordinance 1914(17) to repeal and recreate Section 308-1B pertaining to the carry of firearms in the City of Burlington. This item was discussed at the November 3, 2010 Committee of the Whole meeting. (*T. Vos*)

15. **MOTIONS:**

None.

16. **ADJOURNMENT** (*K. Simenson*)

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

**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



CITY OF BURLINGTON

City Clerk

300 N. Pine Street, Burlington, WI, 53105

(262) 342-1161 – (262) 763-3474 fax

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Common Council Agenda Item Number: 6A	Date: November 16, 2010
Submitted By: Alderman Johnson	Subject: Communications

Details:

- A. A memorandum from Alderman Ed Johnson stating he will be absent from the November 16, 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 November 16, 2010 Common Council meeting.

TO: Mayor Bob Miller

FROM: Alderman Ed Johnson.

DATE: November 5, 2010

I will be out of town and will miss the budget meeting on Nov 10 and the council meeting on Nov 16.

A handwritten signature in black ink, appearing to read "Ed Johnson". The signature is written in a cursive style with a long, sweeping underline.



Administration Department
300 N. Pine Street, Burlington, WI, 53105
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Common Council Agenda Item Number: 8	Date: November 3, 2010
Submitted By: City Staff	Subject: Reports 1-4

Details:

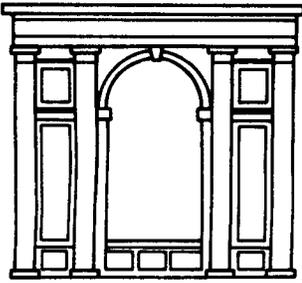
Attached please find the following reports:

Report 1 – Library Board minutes, September 28, 2010
Report 2 – Plan Commission minutes, October 12, 2010
Report 3 – Partisan Office and Referendum Report, November 2, 2010
Report 4 – Committee of the Whole minutes, November 3, 2010

Options & Alternatives:
N/A

Financial Remarks:
None.

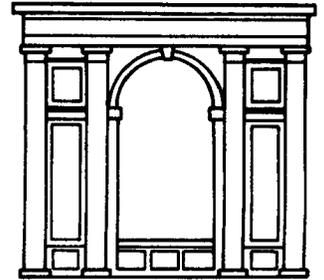
Executive Action:
Staff recommends that the Council accept these reports at the November 3, 2010 Common Council meeting.



Burlington Public Library

166 East Jefferson Street • Burlington, Wisconsin 53105
(262) 763-7623 • Fax (262) 763-1938

www.burlingtonlibrary.org



Minutes of the Burlington Public Library Board of Trustees

The Burlington Public Library Board of Trustees met on Tuesday, September 28, 2010 in the Burlington Public Library Meeting Room. Present were Penny Torhorst, Yvonne Braunschweig, Pat Hurley, Steve Rauch, Kay Pockat, Pat Hoffman, and Mike Kelly. Excused were Dianne Boyle and Scott Johnson. Also present were Library Director Gayle Falk and Administrative Assistant Linda Berndt.

Torhorst called the meeting to order at 4:05.

Minutes of the August 24, 2010 meeting were approved. Kelly moved, and Braunschweig seconded. Motion passed.

The September 2010 General Fund Bills, Prepays, Reimbursements and August 2010 General Fund deposits were discussed and approved. Kelly moved approval and Hoffman seconded. Motion passed. The September 2010 Trust Fund Bills and August 2010 Trust Fund Deposits were approved. Hurley moved and Braunschweig seconded. Motion passed.

Committee Reports:

Personnel Committee: Hoffman reported on the personnel section of the budget. The budget shows a 2.5% wage increase for all personnel. The budget includes a proposed addition of 4 page hours and 5 hours of reference assistance each week. There is also an extra half hour of desk hours for the opening shift each Monday. Information including the cost of health benefits will be provided by the City. The Personnel Committee recommended accepting the budget as presented. The Board will accept a pay increase between 2% and 3% from the City. Hoffman moved for the adoption of the personnel budget as presented. Kelly seconded. The motion passed.

Finance Committee: Kelly reported that the finance committee recommended acceptance of the budget, as presented. He reported that the capital expenses on the additional projects were found reasonable. Kelly moved for approval of the total budget as presented, and Hoffman seconded. Motion passed.

Falk reported that she will bring the final numbers to complete the budget to the October Board meeting. The budget will be presented to the City Council on October 27, the day after our next Board Meeting.

Federated Library Report: Braunschweig reported that Rhonda Puntney, the Special Needs and Children's consultant for Lakeshores, was in Atlanta for 2 days. Ann Becker reported that there is no contract with Share group but there is an agreement. The annual Lakeshores meeting and dinner is coming up on October 14th at the Cotton Exchange. There will be a presentation of Open Meeting Laws. Falk, Kelly and Torhorst are

planning to attend. Braunschweig reported that Lakeshores is also working on the budget and facing difficult financial decisions.

Old Business:

The Friends group's new fundraiser for this year will be to provide additional new computers for the adult side of the Library, as well as upgrading the electrical outlets in that area. They also hope to provide some laptop furniture for people using their own laptops and our Wi-Fi. Software to manage the internet computers is a part of the project. The goal of the Fundraising project is \$16,000.00. Falk has written a grant which would, if funded, help pay for the software.

New Business:

Upcoming Events: Lakeshores is sponsoring library automation software demonstrations. This is to give libraries a chance to see what is available from all library automation vendors.

October 7th is the kickoff for the new Senior Center Bookclub.

October 14th Western Racine Network Breakfast at Runzheimer.

October 14 is also the McGyver Library Continuing Education class and the Lakeshores Trustee Dinner.

October 16th is the program "Visiting the Beyond."

October 30th the Appleseeds group is helping sponsor a Costume Parade in the park next to the Library.

We reinvested two Certificates of Deposit for trust fund money in the past month.

Director's Report:

Falk reported that our Kindles and our iPad will be available for use in the Library. A patron would need to leave their Driver's License at the desk while using them. The new iPad is loaded with numerous apps, including software that identifies constellations, provides keyboards to play music, presents Sudoku puzzles to solve, and a digital copy of People Magazine. The kindles are loaded with many books to read. Tammy demonstrated the iPad for the Board. Our iPad, which came from an LSTA grant, is worth about \$500.00.

Falk reported that with the trust bills was a check moving the gift money into the materials fund. Falk also stated that next month she will be asking the Board for book sale or grocery money to help with the cost of the WLA conference.

Monthly report: the circ is down slightly for the year but the walk in count and internet usage are both up.

Falk reported the Police Department is willing to help us get back our long overdue items. The Board discussed the general concept of an amnesty on fines.

In the News:

There were many newspaper calendar events. There was an article about the Chocolate walk in which the Library participated. The City newsletter had a whole page on library programs coming up in the near future.

Public communication to the Board: There was none at this time.

Meeting was adjourned at 4:45 PM. Hoffman moved and Rauch seconded. Motion passed.

Our next meeting will be on Tuesday, October 26th at 4:00 PM in the Burlington Public Library meeting room.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Rauch".

Steve Rauch,
Aldermanic Representative



CITY OF BURLINGTON

Administration Department
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Minutes City of Burlington Plan Commission Police Dept. Courtroom October 12, 2010, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Mayor Miller introduced the Student Representative, Andrew Krismer, to the members and gave Andrew an overview of his duties as part of the commission. Roll call: Alderman Tom Vos, Commissioners Chris Reesman, John Lynch and Bob Henney were present. Commissioner Darrel Eisenhardt was excused. Alderman Robert Prailes and Town of Burlington Representative Phil Peterson were absent. Also present were City Administrator Kevin Lahner, Zoning Administrator Patrick Scherrer and City Planner Patrick Meehan.

APPROVAL OF MINUTES

Alderman Vos moved and Commissioner Henney seconded to approve the minutes of September 14, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

Commissioner Lynch moved and Alderman Vos seconded to accept correspondence from Commissioner Eisenhardt regarding his absence from the meeting. All were in favor and the motion carried.

PUBLIC HEARINGS

None.

OLD BUSINESS

None.

NEW BUSINESS

- A. Consideration to approve a Site Plan Application from the Peter Scherrer Group on behalf of Hi-Liter Graphics for property located at 700 Blackhawk Drive to construct a building addition.**
- Mayor Miller opened this issue for discussion.
 - Commissioner Henney stated he did not see any loading docks/ramps on the outside of the building and questioned where they would be. Peter Scherrer of The Peter Scherrer Group, on behalf of Hi-Liter Graphics, stated the loading dock feeds from interior areas.

- Administrator Lahner questioned if the design allows for future expansion. Mr. Scherrer stated there are two areas where expansion could occur in the future.
- Alderman Vos questioned if the parking requirements are met with the increase in square footage. Patrick Meehan stated the requirements are met with two extra stalls.
- Alderman Vos questioned if the landscape requirements are also met. Mr. Meehan stated it has been met as Hi-Liter Graphics had more landscaping that was previously required.
- There were no further comments.

Alderman Vos moved and Commissioner Lynch seconded to approve the Site Plan Application for 700 Blackhawk Drive, subject to Kapur & Associates' October 5, 2010 and Patrick Meehan's September 30, 2010 memorandums to the Plan Commission:

- Silt fence shall be labeled in plan view on the Partial Site Grading and Erosion Control Plan.
- Submittal of all of those drawings and materials as listed in the memorandum by submitted to City staff.

All in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved and Commissioner Reesman seconded to adjourn the meeting at 6:37 p.m. All were in favor and the motion carried.



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator

**Partisan Office and Referendum
November 2, 2010
City of Burlington**

	POLLING PLACE #1	POLLING PLACE #2
	DISTRICT 1 & 2	DISTRICT 3 & 4
	WARDS 1,2,3,4,5,6,7,8	WARDS 9,10,11,12,13,14,15,16
REGISTERED VOTERS	2483	3162
VOTES CAST	1552	2199
PERCENT	62.51%	69.54%
STRAIGHT PARTY		
DEMOCRATIC	263	303
REPUBLICAN	476	738
WISCONSIN GREEN	2	0
LIBERTARIAN	1	1
OVER-VOTES	0	0
UNDER-VOTES	810	1156
GOVERNOR/LT. GOVERNOR		
Tom Barrett-Tom Nelson	603	744
Scott Walker/Rebecca Kleefisch	927	1418
No Candidate/Terry Virgil	0	5
James James/No Candidate	4	9
Jim Langer/No Candidate	1	3
Write-In	2	1
Over-vote	2	1
Under-vote	13	17
ATTORNEY GENERAL		
Scott Hassett	529	632
J.B. Van Hollen	971	1518
Write-In	2	1
Over-vote	0	0
Under-vote	50	47
SECRETARY OF STATE		
Doug La Follette	668	877
David D. King	803	1246
Write-In	2	0
Over-vote	0	0
Under-vote	79	75
STATE TREASURER		
Dawn Marie Sass	569	719
Kurt W. Schuller	901	1387
Write-In	1	0
Over-vote	0	0
Under-vote	81	92

**Partisan Office and Referendum
November 2, 2010
City of Burlington**

	POLLING PLACE #1	POLLING PLACE #2
	DISTRICT 1 & 2	DISTRICT 3 & 4
	WARDS 1,2,3,4,5,6,7,8	WARDS 9,10,11,12,13,14,15,16
UNITED STATES SENATOR		
Russ Feingold	623	729
Ron Johnson	917	1434
Rob Taylor	5	23
Write-In	1	0
Over-vote	1	0
Under-vote	5	12
CONGRESS DISTRICT 1		
John Heckenlively	418	514
Paul Ryan	1093	1645
Joseph Kexel	15	21
Write-In	1	0
Over-vote	0	0
Under-vote	25	18
ASSEMBLY DISTRICT 66		
Steven M. Brown	475	580
Samantha Kerkman	1032	1577
Write-in	3	1
Over-vote	0	0
Under-vote	42	40
SHERIFF		
Joseph Buckley	387	473
Christopher Schmaling	1050	1605
Jeffrey A. Gerrietts	55	66
Write-In	2	3
Over-vote	1	1
Under-Vote	57	50
CLERK OF CIRCUIT COURT		
Rose Lee	1088	1657
Write-In	9	7
Over-vote	0	0
Under-Vote	455	534
REFERENDUM		
Yes	231	307
No	1143	1804
Over-Vote	0	0
Under-Vote	178	87

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
November 3, 2010

1. CALL TO ORDER/ROLL CALL

Mayor Bob 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, Steve Rauch, Jeff Fischer, Katie Simenson, High School student members: Ms. Lauren Nadolski, Mr. David Martin

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 and Building Inspector Patrick Scherrer

The mayor introduced the two high school student members and requested they discuss their reasons for wanting to be student members. Ms. Lauren Nadolski replied that she wanted to see how the nucleus of the local government works and how things get done at the city level. She also wanted to bring a teenage perspective to issues. Student David Martin hopes to study politics after high school. He had recently attended Badger State which inspired him to become a student member of the common council.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. MINUTES FROM OCTOBER 19, 2010

A motion was made by Johnson with a second by Jim Prailes to approve the October 19, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

4. DISCUSSION AND RECOMMENDATION OF A UTILITY RATE STUDY PREPARED BY JOHN A. MAYER, UTILITY RATE CONSULTANT.

Mr. John Mayer, the recently hired "Utility Rate Consultant" was present to answer any questions in regard to the proposed rate increase in the water utility. Mr. Mayer stated that the argument for increasing the rate is that the city needs to generate sufficient revenue to pay for all operating expenses, all debt service as well as pay for what he considered an ordinary level of capital expenditures.

Simenson questioned if the rate increases proposed took into consideration the past two years of reduced usage. Mayer replied that the Public Service Commission only allows the past trailing twelve months to be considered.

Vos inquired if fire protection was included in the 28.9 per cent increase. Mayer stated that it was included.

Fischer stated that in looking at the reasons for a rate increase, it appeared a significant portion is related to the radium removal and without an increase there would not be any money to fund the removal. Fischer added that if the city were not to address the radium removal, would the city water be considered unsafe?

Wilson replied that the city was under a consent order from the Department of Natural Resources and must meet the deadline or the city would be breaking the law. Lahner further explained that the city's water is stored in a holding tank which results in the water being blended. This blended water is below the DNR requirements for radium, but the DNR requires the water to be tested at the wellhead.

Vos felt this was another example of an unfunded mandate from the federal government that the city is being forced to address.

Simenson thought that most citizens would want the water treated before it becomes an issue.

Johnson stated that radium issue aside, this is a drastic increase and he would not want this to happen again in the future.

Lahner replied that it was a combination of things affecting the rate increase including a depletion of the cash reserves, using cash and not bonding for Well #11, decrease in water usage and radium.

Mr. John Thate, 581 East State Street commented on the large increase in the water rate and what he considered an unfunded mandate from the government.

Wilson stated that the city is eligible and would be receiving a grant in the amount of \$220,000 from the state.

Simenson stated that Option A with the thirty-five percent increase would be her choice which would provide enough money and hopefully with an increase in water usage would allow the city to put money away for any future radium remediation. She stated her policy has always been to save first for future projects.

A consensus from the council members was to pursue Option #3 with the 27.3 per cent increase.

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

Mayor Miller introduced Resolution 4445(29) to the council for discussion. Hintz questioned if the owner of this property was aware of the failing septic system when they annexed the neighboring property. Tammy McCarthy stated they found out the system failed in August after the other annexation was in process. There was no further discussion.

This resolution is scheduled for the November 16, 2010 Common Council meeting.

6. ORDINANCE 1912(15) "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 1912(15) to the council for discussion. Atty. Bjelajac explained that in 2009 the Wisconsin Legislature adopted a "No Smoking" statute which took effect on July 5, 2010. At the end of July this year, a complaint was received by the police department that smoking was taking place at Chris' USA, 724 Milwaukee Avenue. It became apparent that Mr. Ken Neu, owner of Chris' USA had intentionally set up his restaurant to indicate to everyone that it was a smoking facility and deemed himself to be in compliance with the state statutes.

Attorney Bjelajac further explained that the state statutes indicate there is no smoking in an enclosed place. The statutes define an enclosed place as having a roof and more than two substantial walls. If there is a roof and three or more substantial walls, smoking is not allowed. As defined in the statutes, a substantial wall would consist of either a wall with no openings or if it has an opening a type of opening that does not allow air to flow directly from the outside to the inside. This ordinance change is meant to clarify the definition of "substantial" wall.

Simenson was concerned with the cost of defense of this ordinance. Atty. Bjelajac stated that you cannot stop enforcing laws because of the fear of spending money on litigation.

Mr. Ken Neu was of the opinion that he is in compliance with the law and has sufficient window openings during the warm weather months but with winter approaching would not be able to meet these standards and still heat the building. He reported that the Tavern League states that it is an impractical law and would be repealed by the new governor. It was his opinion that the law has damaged the tavern business more than what was anticipated. Mr. Neu requested that the council do nothing at this time in anticipation of action taking place at the state level.

Atty. Bjelajac requested the council to change the ordinance and he would exercise discretion in how to proceed and to wait for legislation to occur. He further stated that if Mr. Neu were to continue with the smoking then the city would have to prosecute. Mr. Neu stated that he thought that was fair enough.

Atty. Bjelajac advised Alderman Fischer that he should not be participating in this discussion nor vote on this issue due to his involvement in a similar business.

This ordinance is scheduled for the November 16, 2010 Common Council meeting.

7. ORDINANCE 1913(16) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP ON PORTIONS OF E. CHESTNUT, N. DODGE AND E. WASHINGTON STREETS WITHIN THE DOWNTOWN REDEVELOPMENT AREA"

Mayor Miller introduced Ordinance 1913(16) to the council for discussion. There was no further discussion on this ordinance.

This ordinance is scheduled for the November 16, 2010 Common Council meeting.

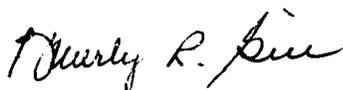
8. ORDINANCE 1914(17) "AN ORDINANCE TO CONSIDER REPEAL AND RECREATE SECTION 308-1B PERTAINING TO THE CARRY OF FIREARMS IN THE CITY OF BURLINGTON."

Mayor Miller introduced Ordinance 1914(17) to the council for discussion. Atty. Bjelajac advised council that this change was to bring the local ordinance into compliance with the constitution. Chief Nimmer was in agreement with Atty. Bjelejac on this ordinance.

This ordinance is scheduled for the November 16, 2010 Common Council meeting.

9. ADJOURNMENT

A motion was made by Jim Prailes with a second by Hintz to adjourn the meeting. With all in favor, the meeting adjourned at 8:21 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
Phone: (262) 342-1170 Fax: (262) 342-1178
www.burlington-wi.gov

Common Council Agenda Item Number: 9	Date: November 16, 2010
Submitted By: Steve DeQuaker, Treasurer	Subject: Prepaids and Vouchers

Details:

Attached please find the Prepaids and Vouchers list for bills accrued through November 16, 2010:

Total Prepaids:	\$260,860.59
Total Vouchers:	\$170,969.07
Reimbursements:	\$1,040.00
Grand Total:	<u><u>\$432,869.66</u></u>

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

Financial Remarks: 5 Largest Disbursements on Prepaids and Vouchers

- 1) Riley Construction Company, Inc – Burl Parking Structure \$118,596.18
- 2) Riley Construction Company, Inc – Burl Alley & Washington St \$68,405.21
- 3) Scherrer Direct, LLC – Integrated Dept of Public Works \$61,177.60
- 4) We Energies – WWTP 6551 S Pine Street \$18,869.41
- 5) Master Graphics - Printer Hi Design Jet T1120 for DPW \$13,995.00

Executive Action:

Staff recommends that the Common Council accept these Prepaids and Vouchers in the amount of \$432,869.66 at the November 16, 2010 Council meeting.



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: 10	Date: November 16, 2010
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

The alcohol license list for applications accrued through November 16, 2010 are as follows:

Licenses Recommended for Approval

OPERATOR'S LICENSES

Ayala, Lynda K.
Chochola, Audrey D.
Clunie, Michael P.
Ebert, June A.
Glover, Laura A.
Holen, Thomas R.
Impens, Melissa A.
Kolashinski, Lynn M.
Lancour, Jason M.
McHenry, Jennifer L.
McKinney, Tanya L.
Ortiz, Rose
VanWormer, Jennifer L.
Weiler, Anthony R.

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

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 November 16, 2010 Council meeting.



CITY OF BURLINGTON

Administration Department
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Common Council Agenda Item Number: 12A	Date: November 16, 2010
Submitted By: Kevin Lahner, City Administrator & Steve DeQuaker, City Treasurer	Subject: Public Hearing A for the proposed 2011 Annual Budget.

Details:

A Public Hearing has been scheduled to hear comments from the public regarding the proposed 2011 Annual Budget. A workshop was conducted in October with the Common Council and Department Heads to project City revenues and expenses for the next year. The next scheduled workshop is November 17.

Options & Alternatives:

A Public Hearing on the Budget is required by state law.

Financial Remarks:

The City's General Fund budget expenditures are \$7,309,520. The revised budget reflects Common Council priorities of devoting funds to bridge maintenance, the Riverwalk repair and maintenance and brick sidewalk repair. The City's total budget, including all funds is \$22 million.

Executive Action:

This item is for public comment only.

City of Burlington, Racine and Walworth Counties, Wisconsin

Notice is hereby given that on TUESDAY, November 16, 2010 at or shortly after 6:30 p.m. in the Council Chambers of the Police Department, the Common Council for the City of Burlington will hold a PUBLIC HEARING on the Proposed 2011 Budget for the City of Burlington. The Proposed Budget in detail is available for inspection at the City Clerk's Office and at the Burlington Public Library during regular hours. The following is a summary of the Proposed 2011 Budget and is likely to change based upon State budgetary input until the Proposed 2011 Budget is adopted by the Common Council.

BUDGET SUMMARY FOR THE CITY OF BURLINGTON

GENERAL FUND

	Budget 2010	Proposed Budget 2011	Percent Change
Revenues			
Taxes	\$ 4,621,177	\$ 4,426,614	
Intergovernmental Revenues	\$ 1,396,874	\$ 1,471,008	
Licenses and Permits	\$ 283,804	\$ 286,464	
Fines and Forfeitures	\$ 220,000	\$ 205,000	
Charges for Services	\$ 31,500	\$ 35,500	
Special Assessments	\$ 15,000	\$ 77,813	
Property Sales and Recoveries	\$ -	\$ 250,050	
Investment Income	\$ 50,000	\$ 12,000	
Other	\$ 19,704	\$ 4,550	
Total Revenues	<u>\$ 6,638,059</u>	<u>\$ 6,768,999</u>	1.97%
Expenditures			
Current:			
General Government	\$ 976,692	\$ 940,699	
Public Safety	\$ 3,579,122	\$ 3,523,236	
Public Works	\$ 2,261,358	\$ 2,373,131	
Health and Human Services	\$ 98,630	\$ 96,753	
Culture, Recreation and Education	\$ 3,350	\$ 3,500	
Conservation and Development	\$ 180,742	\$ 170,187	
Total Expenditures	<u>\$ 7,099,894</u>	<u>\$ 7,107,506</u>	0.11%
Excess Revenues Over (Under)			
Expenditures	\$ (461,835)	\$ (338,506)	
Other Financing Sources (Uses)			
Special Capital Outlay		\$ (350,000)	
Operating Transfers In	\$ 430,000	\$ 430,000	
Operating Transfers Out	\$ (161,607)	\$ (289,386)	
Total Other Financing Sources (Uses)	<u>\$ 268,393</u>	<u>\$ (209,386)</u>	
Excess Revenues and Other Financing Sources Over (Under) Expenditures & Other Uses			
Net Change in Fund Balance	\$ (193,442)	\$ (547,892)	
Fund Balances - January 1	\$ 2,512,095	\$ 2,592,711	
Fund Balances - December 31	\$ 2,318,653	\$ 2,044,819	

	Fund Balance	Total	Total	Fund Balance
	1/1/2011	Revenues	Expenditures	12/31/2011
Governmental:				
General	\$ 2,592,711	\$ 6,768,999	\$ 7,316,892	\$ 2,044,819
Library	\$ 17,163	\$ 770,708	\$ 779,767	\$ 8,103
Block Grant	\$ 454,972	\$ 103,500	\$ 167,000	\$ 391,472
TIF 3 RLF Loan	\$ 508,129	\$ -	\$ -	\$ 508,129
Wehmoff	\$ 54,755	\$ 200	\$ -	\$ 54,955
Park Development	\$ 184,637	\$ 106,005	\$ 192,000	\$ 98,642
Library Trust	\$ 114,147	\$ 12,650	\$ 11,165	\$ 115,632
DARE Program Fund	\$ 5,741	\$ 5,502	\$ 3,000	\$ 8,243
DeRozier	\$ 47,645	\$ 300	\$ -	\$ 47,945
Debt Service -TIF 3	\$ 2,511,167	\$ 2,903,333	\$ 3,829,638	\$ 1,584,862
TIF 3 Capital Projects	\$ -	\$ -	\$ -	\$ -
Debt Service	\$ 961,357	\$ 428,759	\$ (316,746)	\$ 1,706,862
Debt Service -ER TID	\$ 27,068	\$ 57,662	\$ 57,662	\$ 27,068
Capital Projects - Infr.	\$ 57,690	\$ -	\$ 113,000	\$ (55,310)
Storm Water	\$ 13,298	\$ 25	\$ -	\$ 13,323
Façade Grants	\$ 14,094	\$ 31,045	\$ 31,000	\$ 14,139
TIF 4	\$ (192)	\$ 793,653	\$ 894,662	\$ (101,201)
Downtown Redev	\$ (175,068)	\$ 350	\$ -	\$ (174,718)
Equipment Replacement	\$ 1,549,244	\$ 511,950	\$ 612,774	\$ 1,448,420
Enterprise:				
Wastewater	\$ 1,008,397	\$ 3,944,900	\$ 3,704,959	\$ 1,248,338
Water	\$ 560	\$ 3,063,238	\$ 2,602,950	\$ 460,848
Airport	\$ 10,896	\$ 581,908	\$ 697,590	\$ (104,786)
Internal Service:				
Self Insurance	\$ 348,631	\$ 1,349,416	\$ 1,159,623	\$ 538,423
	<u>\$ 10,307,041</u>	<u>\$ 21,434,103</u>	<u>\$ 21,856,936</u>	<u>\$ 9,884,209</u>

Date : October 26, 2010

Submitted by: Steven J. DeQuaker, Budget Officer/Treasurer