



## AMENDED AGENDA COMMON COUNCIL

Tuesday, December 7, 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, 1<sup>st</sup> District  
Edward Johnson, Alderman, 1<sup>st</sup> District  
Jim Prailes, Alderman, 2<sup>nd</sup> District  
Peter Hintz, Alderman, 2<sup>nd</sup> District  
Tom Vos, Council President and Alderman, 3<sup>rd</sup> District  
Steve Rauch, Alderman, 3<sup>rd</sup> District  
Katie Simenson, Alderman, 4<sup>th</sup> District  
Jeff Fischer, Alderman, 4<sup>th</sup> 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 16, 2010. (*E. Johnson*)
6. Letters and Communications: (*J. Prailes*)
  - A. Treasurer's Report from Baseball 2000.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-6: (*P. Hintz*)
  - Report 1 – Burlington Housing Authority minutes, October 13, 2010
  - Report 2 - Park Board minutes, October 21, 2010
  - Report 3 – Library Board minutes, October 26, 2010
  - Report 4 – Committee of the Whole Budget Workshop minutes, October 27, 2010
  - Report 5 – Committee of the Whole minutes, November 16, 2010
  - Report 6 – Committee of the Whole Budget Workshop minutes, November 17, 2010
9. Payment of Vouchers. (*T. Vos*)
10. Licenses and Permits. (*S. Rauch*)

11. Appointments and Nominations: *(K. Simenson)*
  - A. Appoint Mike Deans to Plan Commission to replace Bob Henney, term expiring 5/1/11.
12. Public Hearings: None.
13. **RESOLUTIONS:**
  - A. Resolution 4447(31) to consider approving a Sale and Redevelopment Agreement with Craig Faust for 824 Milwaukee Avenue. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*
  - B. Resolution 4448(32) to approve a three-year contract renewal with National Appraisal Corporation. This item was discussed at the November 16, 2010 Committee of the Whole meeting. *(R. Prailes)*
  - C. Resolution 4449(33) to approve the 2011 Annual Budget. This item was discussed at tonight's Committee of the Whole meeting. *(E. Johnson)*
14. **ORDINANCES:**
  - A. Ordinance 1915(18) to amend the Official Traffic Map by creating a 35 MPH speed limit on S. Pine Street from Dunford Drive to the Bypass. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*
  - B. Ordinance 1916(19) to amend the Official Traffic Map by creating a 45 MPH speed limit on Milwaukee Avenue from Teut Road to CTH W. This item was discussed at tonight's Committee of the Whole meeting. *(P. Hintz)*
15. **MOTIONS:**

None.
16. **ADJOURN INTO CLOSED SESSION** *(T. Vos)*
  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.
    - To discuss the 2011-2014 AFSCME Union contracts for city employees.
    - To discuss the Non-Represented Employee salaries.
17. **RECONVENE INTO OPEN SESSION** *(S. Rauch)*
  1. Consideration on recommendations from the City Council.
18. **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  
December 7, 2010**

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

Mayor Bob Miller called the meeting to order at 9:00 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 Students Present: Lauren Nadolski Absent: David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Department of Public Works Director Connie Wilson, Building Inspector Patrick Scherrer, Tom Foht of Kapur Engineering and Utility Rate Consultant Mr. John Mayer

**2. PLEDGE OF ALLEGIANCE**

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

**3. CITIZEN'S COMMENTS**

Mayor Miller read a letter from Mr. Bob Spitzer, 361 Pickett Court, Burlington, Wisconsin thanking the many members of the community for their time, dedication and leadership in serving the citizens of the City of Burlington.

The Mayor also wanted to thank the Wilson Family who, recently at their own expense, demolished their building at 533 Bridge Street and created a parking lot.

**4. CHAMBER OF COMMERCE REPORT**

Mr. Jamie Mangold representing the Chamber of Commerce was present at the meeting to thank the city for their support in the many chamber activities. He reminded the council members of the upcoming "After Hours" to be held at the new M&I Bank, 1000 Milwaukee Avenue.

**5. NOVEMBER 16, 2010 COMMON COUNCIL MINUTES**

A motion was made by Johnson with a second by Simenson to approve the Common Council Minutes of November 16, 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 Communication "A". With all in favor, the motion carried.

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

Simenson questioned the progress of the health grant. Lahner replied that he was still working on it and was hopeful it would be completed by the end of the week.

Simenson also discussed the mailboxes in Shiloh Hills and who is responsible for replacing when they are hit by the snow plow. This issue will be further studied as the boxes are in the street right-of-way.

Rauch asked if there had been action taken against the owner of the house involved with the drug raid at 357 Milwaukee Avenue. Nimmer replied that the case was in the court system.

Johnson questioned if the access road between Kohls and Kmart will ever be opened. Lahner replied that there has been an ongoing discussion but no resolution at this time.

Simenson spoke about the flood lights that were rented on a Friday evening from "Big Sky Balloons" at a cost of \$1700.00 and that the activities weren't advertised very well in the community.

**8. REPORTS 1-6**

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

**9. PAYMENT OF VOUCHERS**

A motion was made by Vos with a second by Rauch to approve pre-paids, vouchers and reimbursements in the amount of \$721,458.34. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0.

**10. LICENSES AND PERMITS**

Bob Prailes questioned the reserve license that had been granted several years ago to the "Bone Yard" but the business never opened. Atty. Bjelajac will research this. 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**

A motion was made by Fischer with a second by Johnson to appoint Mr. Mike Deans to the Plan Commission. With all in favor, the motion carried.

**12. PUBLIC HEARING**

None

**13. RESOLUTIONS**

**A. RESOLUTION 4447(31) "A RESOLUTION TO CONSIDER APPROVING A SALE AND REDEVELOPMENT AGREEMENT WITH CRAIG FAUST FOR 824 MILWAUKEE AVENUE"**

The mayor announced that this item was being removed from the agenda.

**B. RESOLUTION 4448(32) "A RESOLUTION TO APPROVE A THREE-YEAR CONTRACT RENEWAL WITH NATIONAL APPRAISAL CORPORATION"**

A request for a second reading and motion to approve was made by Bob Prailes 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 4449(33) "A RESOLUTION TO APPROVE THE 2011 ANNUAL BUDGET"**

A request for a second reading and a motion to approve was made by Johnson with a second by Jim Prailes. Roll Call Ayes; Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 7-1

**14. ORDINANCES**

**A. ORDINANCE 1915(18) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP BY CREATING A 35 MPH SPEED LIMIT ON SOUTH PINE STREET FROM DUNFORD DRIVE TO THE BYPASS"**

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

**B. ORDINANCE 1916(19) "AN ORDINANCE TO AMEND THE OFFICIAL TRAFFIC MAP BY CREATING A 45MPH SPEED LIMIT ON MILWAUKEE AVENUE FROM TEUT ROAD TO CTH W"**

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

**15. MOTIONS**

None

**16. ADJOURN INTO CLOSED SESSION PER WIS. STATS. 19.85(1)(c) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY"**

A motion to adjourn into closed session was made by Vos with a second by Simenson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None With all in favor, the motion carried and closed session began at 9:37 p.m.

**17. RECONVENE INTO OPEN SESSION**

A motion was made by Rauch with a second by Simenson to return to open session. With all in favor, the open session began at 10:15 p.m.

**18. DECISION FROM CLOSED SESSION**

A motion was made by Rauch with a second by Jim Prailes to ratify the 2011-2014 AFSCME Union Contracts for 2011-2014. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 7-1

A motion was made by Rauch with a second by Johnson to ratify the non-represented employee salaries. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 7-1

**19. ADJOURNMENT**

A motion was made by Simenson with a second by Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 10:16 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](http://www.burlington-wi.gov)

|  |                                |
|--|--------------------------------|
| <b>Common Council Agenda Item Number: 6A</b>                 | <b>Date:</b> December 7, 2010  |
| <b>Submitted By:</b> Darrel Eisenhardt, Park Board President | <b>Subject:</b> Communications |

**Details:**

A. A Financial Report for Baseball 2000 for 10/20/2010 through 11/17/2010.

**Options & Alternatives:**

N/A

**Financial Remarks:**

N/A

**Executive Action:**

This correspondence is for approval at the December 7, 2010 Common Council meeting.

BASEBALL 2000  
SUMMARY OF RECEIPTS AND DISBURSEMENTS  
10/20/2010 THRU 11/17/2010

**BEGINNING BALANCE** **10,818.98**

RECEIPTS:

|  |          |
|--|----------|
| 1. Southern Lakes Bill Porter Ship 240 | \$150.00 |
| 2. Sign Deposit (Ketterhagen Builders) | \$250.00 |
| 3. BHS (Beaumont Field for 2010)       | \$500.00 |

SUBTOTAL RECEIPTS: \$900.00

AVAILABLE: \$11,718.98

DISBURSEMENTS:

|                                   |          |
|-----------------------------------|----------|
| 1. Neil Daniels (Field Repairs)   | \$528.00 |
| 2. Burlington Chamber of Commerce | \$156.00 |
| 3. A.T. & T.                      | \$85.81  |
| 4. Rochester Sign Shop            | \$250.00 |

**SUB TOTAL DISBURSEMENTS:** **\$1,019.81**

(\$1,000.00 CD for Lights Replacement Fund)

ENDING CHECKING ACCOUNT BALANCE: 8/ 11/17/2010 \$10,699.17

PREPARED BY JIM LUEDEKE TREASURER

## Megan Johnson

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**From:** Debbie Rintamaki [debbier@bizwi.rr.com]  
**Sent:** Monday, November 22, 2010 7:22 AM  
**To:** Megan Johnson  
**Subject:** FW: Baseball 2000 Treasurers report  
**Attachments:** baseball 2000.xls

Hi Megan:

Darrel Eisenhardt sent me the attached Baseball 2000 Treasurers Report and asked that the Council get a copy of this.

Would you include this for the Council please?

Thanks.

Deb Rintamaki

Department of Public Works

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**From:** Darrel Eisenhardt [mailto:darreleisenhardt@yahoo.com]  
**Sent:** Saturday, November 20, 2010 7:20 AM  
**To:** Debbie R  
**Subject:** Fw: Baseball 2000 Treasurers report

Debbie,

Attached is the latest Baseball 2000 treasurers report. Please include this with your submission to the council. Thanks

Darrel

----- Forwarded Message -----

**From:** jim luedeke <jluedekewcp@wi.rr.com>  
**To:** Darrel Eisenhardt <darreleisenhardt@yahoo.com>  
**Sent:** Fri, November 19, 2010 12:59:18 PM  
**Subject:** Baseball 2000 Treasurers report

Hi Darrel,

Attached is this months report. Hope everyting is going good with you. Just getting ready to leave for deer hunting this weekend with Jeff, brother in law and nephew. Have a great weekend.

Jim



|   |                               |
|---|-------------------------------|
| <b>Common Council Agenda Item Number: 8</b> | <b>Date:</b> December 7, 2010 |
| <b>Submitted By:</b> City Staff             | <b>Subject:</b> Reports 1-6   |

**Details:**

Attached please find the following reports:

Report 1 – Burlington Housing Authority minutes, October 13, 2010  
Report 2 - Park Board minutes, October 21, 2010  
Report 3 – Library Board minutes, October 26, 2010  
Report 4 – Committee of the Whole Budget Workshop minutes, October 27, 2010  
Report 5 – Committee of the Whole minutes, November 16, 2010  
Report 6 – Committee of the Whole Budget Workshop minutes, November 17, 2010

**Options & Alternatives:**  
N/A

**Financial Remarks:**  
None.

**Executive Action:**  
Staff recommends that the Council accept these reports at the December 7, 2010 Common Council meeting.

**City of Burlington Housing Authority  
Riverview Manor**

**October 13, 2010**

**The regular monthly meeting of the City of Burlington Housing Authority was held on Wednesday, October 13<sup>th</sup> . 2010 at Riverview Manor at 6:30 P.M. The meeting was called to order by Chairman Lapp.**

**COMMISSIONERS PRESENT: Chairman Lapp, Secretary Heck, Commissioners Kelly Iselin, LeRoy Stoehr and Resident Manager, Dorothy Henning. Commissioner Charles Stublely was excused.**

**Minutes from the September 9<sup>th</sup> . meeting was dispersed to board members and a motion was made by Stoehr, seconded by Iselin to approve the minutes as read, carried unanimously.**

**FINANCIAL REPORT:**

**Reserve Account balances as of September 30, 2010**

|                             |                            |
|-----------------------------|----------------------------|
| <b>First Banking Center</b> | <b>\$ 29,370.34</b>        |
| <b>M&amp;I Bank</b>         | <b><u>\$ 15,118.96</u></b> |
| <b>TOTAL</b>                | <b>\$ 44,489.30</b>        |

**OCCUPANCY REPORT:**

**Manager Henning reported 22 on the waiting list for one bedroom unit and 2 for two bedroom units.**

**BUILDING AND MAINTENANCE:**

- The new water heater to replace the first heater that quit functioning has been installed, the burner unit from the second water heater has been sent back to the company for inspection to verify the validity of the warranty involving usage. The second water heater has been leaking and will need to be repaired or replaced depending on the reply from the company regarding the warranty.**
- Warm-In LLC proposal for air conditioner covers has been approved and are ordered.**

- **Greg Benz to provide a Capital Needs Assessment at cost of \$6,500.00 with 75% of the cost due at submission.**
- **Koch Kuts is working on trimming and replanting of plants and shrubs as described in proposal.**

#### **COMMUNICATIONS:**

- **Pat Lapp and Dorothy Henning will be attending the annual Wi-Carh meeting at Wisconsin Dells on November 4<sup>th</sup>.**
- **Copies of the monthly bills and payments were received and reviewed. Manager Henning gave board members copies of the operating statement from the accounting software along with copies of the ledger sheets.**
- **The resident involved in the smoking problem at the Riverview Manor has been evicted and has been hospitalized and is receiving medical attention.**
- **Letters will be sent or delivered to all residents at Riverview Manor regarding future requirement for renters insurance.**

#### **NEW BUSINESS:**

#### **UNFINISHED BUSINESS:**

- **Manager Henning is seeking more information regarding program to search credit checks and background checks.**
- **Computer back-up available through AT&T was discussed by board members and Manager Henning also spoke of the use of web sites available that would be beneficial to Riverview Manor.**

#### **ADJOURNMENT:**

**There being no further business, motion to adjourn was made by Stoehr, seconded by Iselin and carried unanimously. Meeting adjourned 7:40 P.M. The next monthly meeting is tentatively set for November 18<sup>th</sup>.**

  
**Ralph Heck, Secretary**



## CITY OF BURLINGTON

### Department of Public Works

Street & Park Department  
824 Milwaukee Avenue, Burlington, WI, 53105  
(262) 763-2060 – (262) 763-5492 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

**CITY OF BURLINGTON**  
**PARK BOARD MINUTES, THURSDAY, OCTOBER 21, 2010**  
6:30 PM, 165 West Washington Street, Burlington, WI 53105

Chairman Darrel Eisenhardt, Commissioners Clay Brandt, Tom Follis, Kelly Kamlager, Todd Schalinske, Peter Turke, Alderman Bob Prailes, DPW Supervisor Richard Pieters, Student Chase Robers

**Chairman Eisenhardt called the meeting to order at 6:33 P.M.**

**Roll Call:** Present: Commissioners Kelly Kamlager, Todd Schalinske, Alderman Bob Prailes, Chairman Darrell Eisenhardt and Richard Pieters, DPW Supervisor. Arriving at 6:35 P.M.: Commissioner Tom Follis. Excused: Commissioners Clay Brant and Peter Turke. Also present: Student Chase Robers.

**Approval of September 16, 2010 Minutes:** Chairman Eisenhardt entertained a motion for approval of the September 16, 2010 Minutes. Motion to approve made by Alderman Prailes. Seconded by Commissioner Schalinske. All voted aye, motion carried.

**Citizens Comments:** None

**Aldermanic Report:** Alderman Bob Prailes reported the Common Council had voted on the parking lot project located at Sunset Park, and had approved Payne and Dolan, who were lowest bidders at \$18,930.00.

**DPW Supervisor Report:** Richard Pieters, DPW Supervisor reported the bike racks for Echo Park have been ordered and received. They will most likely be installed in the spring. The park crews are continuing to turn off water, remove meters and blow down lines in the systems.

The skating rink lights for Echo have been completed and are ready for use this coming winter. The Commissioners asked if were possible to keep the bathrooms open for the winter season. Richard Pieters, DPW Supervisor explained the water was turned off to prevent the lines from freezing, but portables could be rented.

Alderman Prailes stated he would like to see an area where people could go into to warm up while skating. Some of the Commissioners agreed, and there was no further discussion.

**New Business :**

**Upgrades at Bushnell Park:** Chairman Eisenhardt stated a meeting would be held on Tuesday, October 26, 2010, at 11:00 AM at City Hall to discuss additional parking, upgrades and possibly running water at Bushnell Park. Chairman Eisenhardt invited Park Board members and said all were welcome to attend.

**Brannen Field Parking Lot Paving:** Discussed under DPW Supervisor Report. This will be started within the next week.

**Baseball 2000 Contract:** Chairman Eisenhardt asked this to be placed on November's Agenda. Richard Pieters, DPW Supervisor had stated that Baseball 2000 representatives were not ready with their items for October meeting.

**Letter from Burlington Chamber requesting use of Wehmhoff Square for Santa's Chalet in December 2010:** Jan Luedtke of the Burlington Chamber had submitted a letter requesting the use of Wehmhoff Square for Santa's Chalet in December 2010. Chairman Eisenhardt entertained a motion for approval to the Chamber for use of Wehmhoff Square to place Santa's Chalet in December 2010. Motion to approve made by Commissioner Follis. Seconded by Commissioner Kamlager. All voted aye, motion carried.

7. **Old Business:**

a. **Update on Comprehensive Park Plan:** Nothing new to report at this time.

b. **Playground equipment at Little League Park:** Nothing new to report at this time.

c. **Update on of Budget Items:** Reported above by Richard Pieters, DPW Supervisor.

d. **Update on Signage in Parks:** Richard Pieters, DPW Supervisor reported he met with Dennis Spankowski of Burl-Sign. The signs will be installed within the next few weeks, and are the same as previously installed in other parks. Previous signs were also purchased from Burl-Sign.

8. **Other Items:** Darrell Eisenhardt introduced student member Chase Robers and welcomed him to the Park Board.

Brad Otter, Building and Grounds Manager of Little League and Tom Koeppen were present to introduce themselves to the Park Board. They were there to verify several items that had been in progress.

Mr. Otter stated he would be storing the baseball nets for winter, after removal by DPW crews. He planned on taking a picture of any repairs needed and getting costs on repairs, which should be less expensive than replacement.

Various items were discussed, including the roof and electrical upgrades for Brannen field at Sunset Park. Other items being replaced in the pavilion would be the vents, fans, lighting in the restrooms and concession area. Alderman Bob Prailes had obtained costs, and would check what he had, and meet with Mr. Otter and Mr. Koeppen within the next week. Necessary permits would be needed from the City of Burlington Building Inspection Department prior to any work beginning.

After some discussion, it was determined that the least expensive bid Alderman Prailes received should be accepted, and that approval could be made now to allow the project to move forward, although the costs were to be taken out of the 2011 budget. Also discussed was if the project comes in under \$14,000, the excess amount could possibly be used towards playground equipment at Hintz Sports Complex, or possibly a T-Ball practice area at Brannen Field located in Sunset Park (in the area where tennis courts were removed).

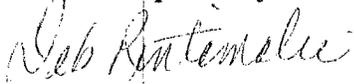
Chairman Eisenhardt entertained a motion to recommend approval for repairs at Brannen field restrooms and pavilion at Sunset Park at a cost not to exceed \$14,000, and that the cost would be paid from the 2011 budget. Motion to approve made by Commissioner Kamlager. Seconded by Alderman Prailes. All voted aye, motion carried.

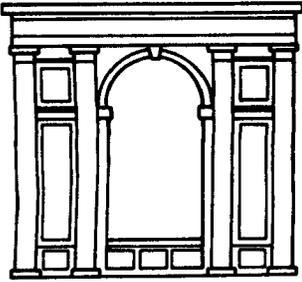
Additional need for a T-Ball practice area was discussed. Various areas were discussed, one of them being at Sunset Park. Dick Pieters, DPW Supervisor stated that Sunset Park was actually a neighborhood park, and by making it completely baseball, you were eliminating the use of the park by all area residents except for baseball. He suggested Devore Park, behind the swimming pool, as this area is not utilized. Item to be discussed further at future date.

Richard Pieters, DPW Supervisor reported a member of the Garden Club had contacted him regarding Community Garden plots. This items of interest was previously brought up by Commissioner Kamlager, and Connie Wilson, DPW Director who also thought it to be a great idea. Richard Pieters stated he would have the Garden Club Member contact Commissioner Kamlager and Connie Wilson, DPW Director, to discuss in further detail.

**There being no further items for discussion, Chairman Eisenhardt entertained a motion for adjournment. Commissioner Follis motioned to adjourn. Seconded by Commissioner Kamlager. All voted aye, and Chairman Eisenhardt adjourned the meeting at 7:40 P.M.**

**Minutes respectfully submitted by:**

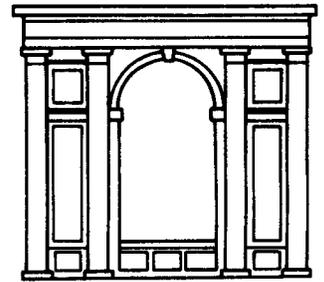
  
**Deb Rintamaki**  
**Department of Public Works**



# Burlington Public Library

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

[www.burlingtonlibrary.org](http://www.burlingtonlibrary.org)



## Minutes of the Burlington Public Library Board of Trustees

The Burlington Public Library Board of Trustees met on Tuesday, October 26, 2010 in the Burlington Public Library Meeting Room. Present were Yvonne Braunschweig, Pat Hurley, Steve Rauch, Pat Hoffman, and Mike Kelly. Excused were Penny Torhorst, Kay Pockat, Dianne Boyle and Scott Johnson. Also present were high school representatives Evelyn Dillman and Nicole Durand, Library Director Gayle Falk and Administrative Assistant Linda Berndt.

Braunschweig called the meeting to order at 4:00.

Minutes of the September 28, 2010 meeting were approved. Kelly moved, and Hurley seconded. Motion passed.

The October 2010 General Fund Bills, Prepaids, Reimbursements and September 2010 General Fund deposits were discussed and approved. Hoffman moved approval and Kelly seconded. Motion passed.

Committee Reports: There are none at this time.

Federated Library Report: There is no report at this time.

### Old Business:

Budget: Falk meets with the City Council on Wednesday evening to present the budget. Falk discussed parts of the budget. The budget was approved in principal by the board at the last meeting. Kelly moved to approve the budget as presented to the Library Board today. Hurley seconded. Motion passed.

Friends: Falk explained that the Friends are almost ready to launch their new fundraiser. It will be to purchase 6 to 8 new computers, new tables for those computers, some laptops for use in the library and also Envisionware, which is software to manage the computers.

### New Business:

#### Upcoming Events:

The Wisconsin Library Association conference will begin next Tuesday. Kelly asked about handouts from the trustee dinner last month. Falk will forward the link to everyone on the board.

Falk wanted to use some trust money to help cover costs for materials, conference and our webpage design. Falk would like to use \$800.00 grocery money for web page redesign and \$500.00 for costs associated with the WLA conference. She also asked for \$150.00 gift money, \$250.00 recycled cartridges money, and \$3,000.00 general trust fund money for materials. This would total \$4,700.00. Kelly moved and Hurley seconded the motion. Motion passed.

The Police Department has agreed to help get back long overdue items from patrons. We are working with the city attorney to establish a procedure. Falk also spoke to the City Attorney about a policy on banning videotaping in the library. He is looking into the matter.

Falk would like to use \$300.00 trust money for staff appreciation and \$25.00 for a gift certificate for our year round volunteer. Courtney Parrett, a desk clerk, made beaded fish and embroidered towels for SRP prizes. Falk asked to give her a \$25.00 check to help defray the cost of the supplies for making these items. Hoffman moved and Rauch seconded the motion. Motion passed.

Falk asked if the Board wanted to do the Director's Evaluation in January again this year. The Board agreed. The form would be handed out at the December meeting and returned in time for the January meeting.

Falk introduced our two new student representatives. The first one is Nicole Durand, a Junior from Catholic Central. She wanted to be a representative so she could be of service to the community. She plans to attend college and study psychology. The second student is Evelyn Dillman, a Junior at BHS. She loves the library and she comes here a lot. She was hoping to share the library's ideas with other students.

Falk reported that we have always scored well in regard to the Wisconsin Public Library standards. A newly revised draft for updated standards has just become available, and we fall short in the area of public access computers. We are hoping the Friends' fundraiser will help us address this problem.

Hoffman moved and Rauch seconded the motion to approve the October Trust Fund Bills and the September Trust Fund Deposits. Motion passed.

#### Director's Report:

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

Falk reported that we now have a gate at the top of the basement stairs, which improves the safety of our entranceway.

Falk reported that there will be a phone upgrade at 9:00 AM on November 11<sup>th</sup>. We will be without any phone service for a short time, then limited to one line until the full system comes back up.

#### BPL in the News:

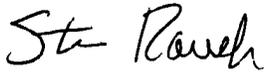
There were many newspaper calendar events.

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

Meeting was adjourned at 4:45 PM. Kelly moved and Hurley seconded. Motion passed.

Our next meeting will be on Tuesday, November 16<sup>th</sup> at 4:00 PM in the Burlington Public Library meeting room. It is early because of the Thanksgiving holiday.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Rauch". The signature is written in a cursive, slightly slanted style.

Steve Rauch  
Aldermanic Representative

**CITY OF BURLINGTON – CITY COUNCIL  
Minutes  
Committee of the Whole  
Burlington Fire Department  
October 27, 2009 5:30 p.m.**

At the meeting this Wednesday evening, Mayor Robert Miller called the meeting to order at 5:37 p.m. and noted the following aldermen were present: Robert Prailes, Edward Johnson, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch and Katie Simenson. Jeff Fischer was not present. Also present were City Administrator, Kevin Lahner; Budget Officer/Treasurer Steve DeQuaker, Library Director Gayle Falk; Administrative Services Manager Kim Hardesty; Police Chief Peter Nimmer, DPW Supervisor Dick Pieters, Utility Director Connie Wilson, Fire Chief Dick Lodle and Assistant to the City Administrator Megan Johnson.

**Fiscal Year Budget** – The Mayor and Council discussed the 2011 budget.

City Administrator Kevin Lahner gave a budget presentation that identified the 2011 budget timeline, a review of accomplishments from the 2010 budget, a general overview of the 2011 budget, 2011 budget format changes, which include departmental mission statements, 2010 accomplishments, 2010 goals and a salary review, significant changes to the 2011 budget format, a general fund overview, a fund balance review and general fund significant changes, assumptions and policies.

Some of the policies and issues that were addressed and briefly discussed include:

- A proposal to limit the tax levy increase to 2% of the 2010 levy in 2011
- No new Real Estate Assessment in 2011
- DOR Changes in TIF revenue calculations
- Shared Revenue remaining stable in 2011 from 2010 levels
- Health Insurance, Pension Contributions and Salaries are the main source of expenditure growth
- Sale of the old DPW building
- Salaries for the 2011 budget
- A proposed capital/facilities funding mechanism using a portion of the general fund balance
- Discussion of Equipment Replacement Fund expenditures in 2011

The City Council also reviewed the following departmental budgets with each department head: Library, Fire Department, Water Utility, Wastewater Utility, Streets, Solid Waste, Parks, Police Department, Administration, Finance, and Building Inspection.

It was decided to cancel the October 28, 2010 budget workshop and to finish the budget review on Wednesday, November 10, 2010, with the Public Hearing scheduled for Tuesday, November 16, 2010.

**Other Matters** – None

Adjourned at 9:35 p.m.

Recording Secretary,  
Steve DeQuaker, Budget Officer/Treasurer

**DRAFT**

CITY OF BURLINGTON  
Committee of the Whole Minutes  
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 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Ed Johnson

High School student members in attendance: 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, Building Inspector Patrick Scherrer, Tom Foht of Kapur Engineering

**2. CITIZENS COMMENTS AND QUESTIONS**

None

**3. MINUTES FROM NOVEMBER 3, 2010**

A motion was made by Rauch with a second by Jim Prailes to approve the November 3, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

**4. DISCUSSION REGARDING CONVERTING EAST STATE STREET FROM PINE STREET TO DODGE STREET TO ONE-WAY, TO RELOCATE THE DODGE STREET POST OFFICE DROP BOXES**

Mayor Miller opened the topic for discussion among the aldermen. Vos stated that he thought it was a great idea. Simenson was not in favor of relocating the boxes between the two driveways but thought they should be moved nearer to Dodge Street. Lahner referred council to the memorandum prepared by Kapur Engineering and distributed to council members.

Tom Foht of Kapur Engineering discussed the following five options:

- Check with the police department to see if any disturbances/accidents had occurred at the current location. If no reported incidents of safety or disturbances, then it would not be necessary to move the boxes.
- Add an island or curb/bollards between the parking lane and driving lane heading east on State Street.
- Relocate one of the mailboxes on Dodge Street to the south end of the current post office building. This would be the preferred recommended option from Kapur Engineering.
- Change State Street to a one-way street which is something that Kapur Engineering would not recommend.
- Find a suitable location nearby in a shopping plaza area.

The mayor reminded council members that the preferred option offered by Kapur had already been discussed with post office officials and they were not in favor of relocating the mailbox to the south end of their property.

Bob Prailes questioned if Sentry had been approached to have the mailboxes in their parking lot? Tom Foht replied that not to his knowledge had Sentry been contacted. Rauch stated that he thought the post office workers were against moving it to the Sentry Parking Lot because of the distance. Vos did not think Sentry would want to take on additional responsibility of having a mailbox on their property. Bob Prailes then spoke about the drop box that is located in another shopping mall by Kmart. The mayor stated that this shopping mall also had the mailboxes for the businesses in the area.

Simenson favored the return to a one-way street for that section of East State Street as she considered it a dangerous area in trying to either make a left turn onto Pine Street or an attempt to cross Pine Street and continue on to East State Street.

Vos questioned who is responsible for the placement of the mail box? The mayor replied that the post office has that responsibility; the two boxes on Dodge Street are sitting in the street right-of-way. Vos suggested that the city does not have to do anything at this time, but could request the post office to move the two boxes from Dodge Street. Lahner concurred that it is not the city's responsibility. The mayor also stated that he was not in favor of creating a one-way street for a few people; he also did not find the crossing at Pine and East State Street to be much of a problem except at around three in the afternoon.

Hintz thought that the trend was toward less usage of the post office itself and just for convenience sake he didn't think the change was worthwhile.

Simenson said that many people are concerned about the location and it was her suggestion to at least try the one-way and see if it would work, as it was not working where the boxes are now located.

Bob Prailes was more in favor of contacting Sentry for the availability of their parking lot rather than changing any traffic patterns in the city. Jim Prailes was in favor of the post office taking care of the problem. Fischer suggested the post office be given a deadline of January 1<sup>st</sup>, 2011 to come up with a solution. Rauch was concerned with winter weather approaching and the ability to stripe the street but Foht stated that a temporary striping could be applied.

Lahner stated that there is no perfect solution, as each opportunity presents an obstacle.

This item will be returning to the December 7, 2010 Committee of the Whole for further discussion. At that time, the postmaster will also be invited to attend the meeting.

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

Rauch questioned if there was any way to stagger out the painting of the storage tanks or if there was a cost savings in doing them at the same time. Wilson replied the painting had been put off for many years and that the last painting had taken place in 1984. She thought there might be some cost savings in having them both done at the same time and it would be a possibility to put off the painting until 2012 which would tie in with the next DNR inspection.

Simenson was still concerned that the increase of 27% would not be enough of an increase. The mayor stated that the 27% as discussed at the last meeting is predicated on the idea that the city would be back requesting a simplified rate increase in the year 2013. Lahner explained that the city must qualify for this and the qualification is the rate of return from the PSC.

This resolution is scheduled for this evening's Common Council meeting.

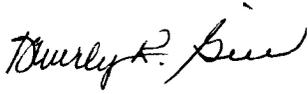
**6. RESOLUTION 4448(32) "A RESOLUTION TO CONSIDER APPROVING A THREE-YEAR CONTRACT RENEWAL WITH NATIONAL APPRAISAL CORPORATION"**

Simenson questioned the increase in the contract of five-hundred dollars. Lahner explained that other bids received had been considerably higher and the increase in cost from National Appraisal Corporation was reasonable.

This ordinance is scheduled for the December 7, 2010 Common Council meeting.

**7. ADJOURN**

A motion was made by Simenson with a second by Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 7:10 p.m.



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

**CITY OF BURLINGTON – CITY COUNCIL**  
**Minutes**  
**Committee of the Whole**  
**Burlington Fire Department**  
**November 17, 2009 5:30 p.m.**

At the meeting this Wednesday evening, Mayor Robert Miller called the meeting to order at 5:40 p.m. and noted the following alderman were present: Robert Prailes, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch, Jeff Fischer and Katie Simenson. Ed Johnson was not present. Also present were City Administrator, Kevin Lahner and Budget Officer/Treasurer, Steve DeQuaker.

**Fiscal Year Budget** – The Mayor and Council continued their discussion on the 2011 budget.

Some of the policies and issues that were addressed and briefly discussed include:

- Equipment Replacement Fund funding and expenditures for 2011.
- TIF #3 and TIF #4 Updates, along with TIF #4 closure in 2012 and how it affects the General Fund. Closure of TIF 4 in 2012 requires DOR filings by May 15 of 2011.
- DOR Changes in TIF revenue calculations.
- Additions to the Budget since last Budget Workshop in the Public Works Department and Equipment Replacement Fund
- Discussions on the Health Insurance having no premium increase in 2011 and discussion of salaries for Non-represented employees
- Discussion of the various options of Tax Levy in 2011. Zero percent increase in tax levy dollars up to 2% increases were discussed
- Another topic of discussion included 3 to 5 year long range planning.

Alderman Simenson left the meeting at approximately 7:15 for another meeting.

The council asked for staff to adjust the budget to reflect a 2% Levy Increase. All remaining council members were in agreement.

Kevin Lahner mentioned that the Proposed Budget was set for adoption at the Council meeting on December 7, 2010

**Other Matters** – None

Adjourned at 7:49 p.m.

Recording Secretary,  
Steve DeQuaker, Budget Officer/Treasurer



# CITY OF BURLINGTON

## Finance Department

300 N. Pine Street, Burlington, WI 53105  
Phone: (262) 342-1170 Fax: (262) 342-1178  
www.burlington-wi.gov

|  |                                      |
|--|--------------------------------------|
| <b>Common Council Agenda Item Number: 9</b>    | <b>Date: December 7, 2010</b>        |
| <b>Submitted By: Steve DeQuaker, Treasurer</b> | <b>Subject: Prepays and Vouchers</b> |

### Details:

Attached please find the Prepays and Vouchers list for bills accrued through December 7, 2010:

|                     |                                   |
|---------------------|-----------------------------------|
| Total Prepays:      | \$171,253.23                      |
| Total Vouchers:     | \$548,688.61                      |
| Reimbursements:     | \$1,516.50                        |
| <b>Grand Total:</b> | <b><u><u>\$721,458.34</u></u></b> |

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

### Financial Remarks: 5 Largest Disbursements on Prepays and Vouchers

- 1) Scherrer Const. Co., Inc. – Integrated Dept of Public Works Facility Application Number 6 \$383,737.00
- 2) Veolia Environmental Services – Monthly Trash & Recycle for City \$39,330.67
- 3) Sierra Petroleum Co., Inc. – Purchase of AV Gas 100LL \$29,042.24
- 4) All-Communications, Inc. – Server #3052 Xeon and Hardware for Public Works Bldg. \$22,025.00
- 5) Sierra Petroleum Co., Inc. – Purchase of Jet A Fuel \$20,447.90

### Executive Action:

Staff recommends that the Common Council accept these Prepays and Vouchers in the amount of \$721,458.34 at the December 7, 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

|  |                               |
|--|-------------------------------|
| <b>Common Council Agenda Item Number: 10</b>     | <b>Date:</b> December 7, 2010 |
| <b>Submitted By:</b> Beverly R. Gill, City Clerk | <b>Subject:</b> Licenses      |

## Details:

The alcohol license list for applications accrued through December 7, 2010 are as follows:

### Licenses Recommended for Approval

#### OPERATOR'S LICENSES

Baumeister, Michelle A.  
Fifield, Ashley M.  
Grisham, Austin J.  
Kuehl, Georgine A.  
Lemke, Erica E.  
Pankonin, Justin M.  
Pitner, Amy M.  
Ruebensam, Courtney R.

#### Class "B" Beer License

Name: The Munch Box, Inc.  
Agent: Douglas Helnore  
Address: 188 Kendall Street, Burlington, Wisconsin  
Trade Name: The Munch Box  
Address: 588 North Pine Street

#### "Class B" Combination Liquor License

Name: Sonlite Enterprises, LLC  
Agent: Eric Dawson  
Address: 39230 93<sup>rd</sup> Street, Genoa City, Wisconsin  
Trade Name: Lucky Mojo's  
Address: 460 North Pine Street

"Lucky Mojo's" is currently licensed as "Benderz". A letter from the current owner regarding relinquishing the license is being provided with this list.

## 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 December 7, 2010 Council meeting.



|  |                               |
|--|-------------------------------|
| <b>Common Council Agenda Item Number: 11</b> | <b>Date:</b> December 7, 2010 |
| <b>Submitted By:</b> Mayor Miller            | <b>Subject:</b> Appointment A |

**Details:**

- A. To appoint Mike Deans to the Plan Commission, replacing Bob Henney, term to expire 5/1/11.

**Options & Alternatives:**

The Council may elect to deny this request and ask the Mayor to seek a different person for this board.

**Financial Remarks:**

None.

**Executive Action:**

Staff recommends that the Council accept these appointments at the December 7, 2010 Common Council meeting.

**Michael T. Deans**

**City Planning Commission – Bio**

**12-2010**

**WORK EXPERIENCE & EDUCATION**

|                      |  |
|----------------------|--|
| <b>2010</b>          | <b>Mays Insurance Agency Partner/Vice President</b>  |
| <b>2005-2009</b>     | <b>Mays Insurance Agency Licensed Agent for Personal and Commercial Property &amp; Casualty, Health, Accident &amp; Life</b> |
| <b>2002-'05 Fall</b> | <b>High School Physical Education Teacher and Head Football/Strength Coach at South Milwaukee School District</b>            |
| <b>2002</b>          | <b>Graduated with Sports Administration Masters from UW-La Crosse</b>  |
| <b>2001-2002</b>     | <b>Strength and Conditioning Intern at UW-La Crosse</b>  |
| <b>1999-2002</b>     | <b>Graduate Assistant for UW-La Crosse Football; Linebacker Coach; Recruiting Southeast, WI &amp; Northeast IL</b>           |
| <b>2000</b>          | <b>Graduated with Physical Education BS from UW-La Crosse</b>  |
| <b>1994-1998</b>     | <b>UW – La Crosse Football; elected Captain in 1998; All-Conference linebacker 1997 &amp; 1998</b>                           |

**OTHER ACTIVITIES INVOLVED IN BURLINGTON**

- **Chocolate Fest Operations Committee – Veterans Memorial Day Parade**
- **Burlington High School Football Varsity Assistant Coach**



**R O B E R T S P I T Z E R ASSOCIATES**

361 Pickett Court, Burlington, WI 53105

• Home: 262-763-7292 • Office: 262-763-5230 • Fax: 262-763-5240

TO: MAYOR ROBERT MILLER  
ALL THE MEMBERS OF THE BURLINGTON CITY COUNCIL  
AND ALL OF THE STAFF

FROM: Robert R. Spitzer

DATE: December 7, 2010

IN OUR BUSY AND DEMANDING WORLD ... we do not always pause to say thank you.

This note is to express my thanks and my family's thanks to you for time and dedication and leadership serving all citizens of Burlington.

BURLINGTON IS AN EXCEPTIONAL COMMUNITY. Our area is blessed with good land, water resources, transportation, parks, good business climate, schools, fire and police protection, many churches and people willing to work, enterprise, sharing of talent and helping others.

LEADERSHIP IS A KEY ... The efforts of so many – especially in these recent years -- is evident. Continuing work on streets, roads, the renovation of buildings, the great new motel, historical society efforts, a new parking structure and the outstanding tribute to veterans and the whole community. Congratulations to all.

Yes ... many are involved and you do not ask for applause ... but accept this thanks and salute from a thankful grateful family.

THANKS TO ELECTED OFFICIALS AND YOUR MANY EMPLOYEES AND VOLUNTEERS IN THIS COMMUNITY THAT WE CAN CALL OUR HOME.



**CITY OF BURLINGTON**

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

**Motion to approve booking the 2011 fireworks display for July 4<sup>th</sup> with Bartolotta Fireworks Company, Inc.**

**Bartolotta Fireworks Company Inc**  
**P.O. Box 5**  
**Genesee Depot WI 53127**  
**Phone: (262) 491-6788**  
**Fax: (262) 292-6584**

**Sponsor:**  
**City of Burlington**  
**c/o Kevin Lahner**  
**300 N Pine Street**  
**Burlington WI 53105**

**Date: 12/1/2010**

### **CONTRACT**

This contract entered into this **01** day of **December** 2010 engages the services of Bartolotta Fireworks Company Inc hereinafter referred to as Bartolotta to produce and perform a pyrotechnic display under the following terms:

1. Bartolotta reserves the right to make substitutions as to the amount size and description of fireworks as called for in this Contracts reasonably necessary to address health and safety concerns.
2. Bartolotta shall provide qualified pyrotechnicians who will deliver set-up, execute and take down the pyrotechnic display. The pyrotechnicians shall conduct an after-display search of the grounds in an effort to locate and dispose of any unexploded fireworks. The extent of such search shall be reasonably dictated by such elements as prevailing weather conditions time of completion of display etc.
3. Bartolotta shall provide Liability Insurance in the amount of \$5,000,000.00 naming the Sponsor as an additional name insured. Further Bartolotta shall provide Workman Compensation insurance on the assigned pyrotechnicians and all necessary USDOT transportation trucking insurance of the shipment of the display items.
4. The cost of the display shall be **\$5,000.00**. At the time of signing of this Contract Sponsor shall pay a deposit in the amount of **\$2,500.00**. The remaining balance shall be paid within 15 days following completion of the display. A late fee of 1.5% per month shall apply to any unpaid balance remaining beyond this 15 day period and should there be additional display yet to be performed by Bartolotta, Bartolotta shall have the right to terminate this contract with no further obligation for Bartolotta to perform any remaining displays.
5. The date of the display shall be **July 4<sup>th</sup>, 2011**. In case of inclement weather the display will be rescheduled for **(to be determined)** at no additional charge to the Sponsor. In the event inclement weather forces the cancellation of the display and the said display is not rescheduled the Sponsor shall pay the sum of 100500 for labor and restocking charges The decision of whether to proceed with the display based upon inclement weather or the imminent threat of inclement weather shall be made by Bartolotta and the Sponsor, Bartolotta shall have complete authority to cancel the display if in the reasonable opinion of Bartolotta the health safety and well being of the pyrotechnicians and or spectators would be jeopardized by proceeding with the display.
6. Sponsor shall procure and furnish a suitable location for the fireworks display in accordance with NFPA 1123 and shall secure all police fire local and state permits and shall furnish all necessary police fire and other appropriate protection necessary for proper crowd control automobile parking and supervision in clearing the debris after the display.
7. Sponsor explicitly acknowledges that an early morning search of the grounds location the morning after the display if of utmost importance. If any unexploded or defective fireworks are found that were missed during the inspection preceding the event the Sponsor shall immediately call Bartolotta and Bartolotta shall send a pyrotechnician to the location to dispose of said materials. The morning after

search of the grounds will be conducted by Sponsor (Bartolotta crew members shall conduct this search when physically possible. If distance or other conditions prohibit Bartolotta from conducting the search Sponsor agrees to conduct said search).

8. Bartolotta agrees to take all steps reasonably necessary to safeguard Sponsor property and the property of spectators Should any losses occur which the Sponsor believes are the result of an intentional act or an act of negligence by Bartolotta the Sponsor shall notify Bartolotta of the nature of the loss and the date on which the loss occurred Said notice shall be in writing and shall provide as much detail as reasonably possible in relation to the nature and extent of the loss.
9. Bartolotta shall perform all services required hereunder except when prevented by strike lockout act of God accident or other circumstances beyond Bartolotta control.
10. This Contract shall be constructed by laws of the state of Wisconsin. In the event that any provisions of this agreement are deemed unenforceable by any court of competent jurisdiction the remaining provisions hereof shall remain in full force and effect
11. The Parties shall indemnify and hold one another their directors officers employees agents and affiliates harmless from and against any and all damages claims costs expenses including reasonable attorneys fees and liability related to indemnifying Party acts, omissions or breach of warranty under this contract.
12. Sponsor agrees to indemnify and hold harmless Bartolotta for any and all cost and liabilities which Bartolotta may incur as a result or arising out of products not supplied by Bartolotta or the actions of individuals other than the pyrotechnicians and other employees of Bartolotta.
13. This Contract constitutes the entire agreement between the parties hereto and supersedes all prior and contemporaneous agreements understandings negotiations and discussions either oral or executed in writing by the parties to be bound thereby The waiver of any provisions of this Contract shall not constitute a waiver of any other provisions of this contract.
14. The party signing this document on behalf of the Sponsor warrant and represents that (s) he is authorized to enter into this agreement on behalf of the Sponsor.

#### ADDITIONAL PROVISIONS

**10% more product with a signed contract and 50% deposit received by January 1<sup>st</sup>, 2011**

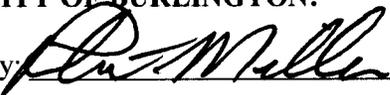
**BARTOLOTTA FIREWORKS CO. INC:**

By: 

Date Signed: 12/27/10

Address: P.O. Box 5  
Genesee Depot, WI 53127

**CITY OF BURLINGTON:**

By: 

Date Signed: 12/22/10

Address: 300 N. Pine Street  
Burlington, WI 53105  
Phone: 262-342-1161