

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
April 6, 2011

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, Katie Simenson Excused: Jeff Fischer

High school students present: David Martin Excused: Lauren Nadolski

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Library Director Gayle Falk, Assistant to the Administrator Megan Johnson, Mr. John Grosskreutz and Mr. Mike Timmers of Kapur and Associates.

2. CITIZENS COMMENTS AND QUESTIONS

None

3. APPROVAL OF MINUTES FOR MARCH 15, 2011

A motion was made by Rauch with a second by Jim Prailes to approve the minutes from March 15, 2011. With all in favor, the motion carried.

4. PRESENTATION BY THE WESTERN RACINE COUNTY HEALTH DEPARTMENT FOR THE 2010 ANNUAL REPORT

Ms. Cheryl Mazmanian, City of Burlington's Health Officer and Ms. Lindsay Anderson RN presented the 2010 Western Racine County Health Department's Annual Report.

Rauch questioned if their department would be impacted by any of the budget issues that are happening. Mazmanian replied that some of the grant dollars have disappeared. Most of the money the health department receives is funded with federal dollars with additional money coming from local municipalities. She stated there has been a noticeable decrease in funds.

5. RESOLUTION 4471(55) "A RESOLUTION TO CONSIDER RETAINING APPROVING THE AWARD OF BID FOR THE POLICE STATION ROOF REPLACEMENT PROJECT TO SCHRANZ ROOFING INC. IN THE AMOUNT OF \$46,150"

Mayor Miller introduced Resolution 4471(55) for discussion. Rauch questioned the removal of the library roof from the bid process. Lahner explained there had been some confusion about the repair/replacement of the roof. Eventually, what was approved during the budget process was only for the repair. Lahner advised that the library hold off and see if there would be any funding for the replacement of the roof this year otherwise it would be repaired this year and new roof next year. Lahner stated that the fire department roof is another project that is being monitored.

Vos inquired about the passive solar system that is part of the police department roof and how that was going to be handled by the bidder. Lahner replied that the recommended bidder is taking into consideration the drainage issues surrounding that system. Vos stated that the system was over twenty years old, had never worked, no indication that it would ever be used and it would be his recommendation to eliminate it and have a clean roof.

Lahner said the contractor had looked at the system and it was his recommendation to leave it. Vos did not think that was in the best interest of the city. Lahner then stated that with the award of the bid, the contractor could be requested to take another look at it and give the city a price. If it would be below the budget, then give them a green light.

Mr. Wayne Swihart, 289 West State Street, questioned why the system wasn't working. The mayor replied that it is only a passive system and it is doing what it was designed to do.

Johnson asked why there were no local contractors who bid on the project. Vos replied that it was out of the scope of most of the locals and it would take specialized equipment to complete the job.

This resolution is scheduled for this evening's council meeting

6. RESOLUTION 4472(56) "A RESOLUTION TO CONSIDER REJECTING ALL BIDS RECEIVED FOR THE 2011 UTILITY AND SIDEWALK IMPROVEMENT PROGRAM"

Mayor Miller introduced Resolution 4472(56) to the council. There was no discussion on this resolution.

This resolution is scheduled for this evening's council meeting.

7. RESOLUTION 4473(57) "A RESOLUTION TO CONSIDER APPROVING TASK ORDER NUMBER SEVENTY-NINE WITH KAPUR AND ASSOCIATES FOR CIVIL ENGINEERING SERVICES WITH THE RADIUM REMOVAL PROJECT FOR WELLS #9 AND #10 IN THE AMOUNT OF \$179,570"

Mayor Miller introduced Resolution 4473(57) to the council. Simenson asked if this was an additional cost to the engineering estimate. Lahner replied that this was an additional amount.

This resolution is scheduled for this evening's council meeting.

8. RESOLUTION 4474(58) "A RESOLUTION TO CONSIDER APPROVING THE AWARD OF BID FOR THE 2011 STREET AND SIDEWALK IMPROVEMENT PROGRAM TO R.R. WALTON AND COMPANY, LTD. FOR THE NOT-TO-EXCEED AMOUNT OF \$179,250.12"

Mayor Miller introduced Resolution 4474(58) to the council. Vos questioned if there was \$500,000 in the 2011 Budget for the annual street program. Lahner replied that the money was not in the budget this year. Lahner stated that 2010 was the final year of a three-year program and it was thought that the tolerance for street construction was at the limit.

Simenson stated that she was uncomfortable with the proposed crosswalk by Echo Park and didn't understand the logic behind it because the area is so congested. Simenson suggested that the council give it more thought and wait a year to see how the new parking lot works.

Vos thought the issue had come up because of the new parking lot that had been provided by the Wilson Family across from Veteran's Terrace. Vos stated that he had his reservations also about the site.

Lahner added that this includes a path along the lake by Echo Park. The Park Board is going to revisit the projects to a better explanation of what the improvements are going to be included.

Mr. Roger Borchardt, 433 Briody Street spoke against the addition of another crosswalk.

Bob Prailes felt that the distance the pedestrians had to walk to get to an existing crosswalk was an issue.

Vos didn't think the amount of money was too much if it works and perhaps the city needs to try it out to see if it will work. He felt the bone of contention was the closeness of the crosswalk to the light. Vos also questioned if there could be a temporary solution that could be tried for six months.

Lahner explained that this resolution is for the awarding of the bid for the entire Street and Sidewalk Program which had already been rejected. He reminded council that this portion of the project was based on a policy discussion with council and it was their sentiment to include this project.

Simenson questioned why this one project couldn't be removed from the bid. Lahner stated that the bidder would have to agree to it.

Bob Prailes suggested that we move forward with this bid because of all the problems that could occur by changing the scope of the bid.

Mayor Miller said the council is sending mixed messages on similar projects and should not go back and forth on their decisions but be more uniform. He reminded council that their direction to staff was to include this project which they included. He further explained that the option to council on this resolution was to accept it as written or reject the whole thing and rebid the whole project.

Hintz commented that in rejecting this bid, the unit pricing was exposed and that every time a project is re-bid, there is a cost involved.

Mr. Roger Borchardt, 433 Briody Street, said he didn't see the difference between the rethinking of the Echo Lake pathway and the rethinking of the crosswalk. The mayor responded that Echo Lake was an issue with who is going to pay for the funding.

Lahner explained that procedurally, the council can ask a contractor to "change order" out items. He further stated that typically, contractors are flexible but with this particular low bidder, it is a company that the city isn't familiar with and doesn't know their business practices. He reminded council that there would be positives and negatives with any changes that would be made.

This resolution is scheduled for this evening's council meeting.

9. RESOLUTION 4475(59) "A RESOLUTION TO CONSIDER APPROVING AMENDMENT NUMBER ONE TO TASK ORDER SEVENTY-EIGHT WITH KAPUR & ASSOCIATES FOR THE 2011 STREET AND SIDEWALK IMPROVEMENT PROGRAM IN THE AMOUNT OF \$14,731"

Mayor Miller introduced Resolution 4475(59) to the council. There was no further discussion.

This resolution is scheduled for this evening's council meeting.

10. ORDINANCE 1918(21) "AN ORDINANCE TO CONSIDER AMENDING THE MUNICIPAL CODE TO CREATE CHILD SAFETY ZONES AND RESIDENTIAL RESTRICTIONS APPLICABLE TO SEX OFFENDERS AND TO PROVIDE FOR ENFORCEMENT"

Mayor Miller introduced Ordinance 1918(21) to the council. He said that originally the city had looked at a "residency" issue with sex offenders but realized that idea was not workable so it was changed to "Child Safety Zones" and "Loiter Free Zones".

Chief Nimmer and Atty. Bjelajac provided a presentation to the council on this ordinance. Atty. Bjelajac explained that this type of ordinance has been approved by various federal courts throughout the country but also has been struck down by others. He felt that it was a defensible ordinance but it is like putting out a "lightning rod". Atty. Bjelajac suggested that council take a good look at the ordinance and perhaps bring it back for further discussion at the next COW meeting.

The mayor also spoke about the fact that this could lead to a challenge but he felt it was something that could be defended.

Bob Prailes questioned if someone would be grandfathered in who may live in an area which would be off-limits. Atty. Bjelajac stated that the individual would be grandfathered. Bob Prailes was also concerned with certain areas of the city having more sex offenders than other parts of the city. Atty. Bjelajac said that was a correct assumption.

Vos requested copies of the map be distributed to council members. Vos said the downtown area appears to be restricted for sex offenders and he wondered how they would ever be allowed to shop downtown. Atty. Bjelajac conceded that there are issues that need to be studied further before adoption.

Simenson asked for clarification of "*still requires police officers to inquire and dispel any alarm prior to making an arrest*". Chief Nimmer replied that if a sex offender is seen walking down the street, the police could not automatically arrest them. Simenson furthered questioned if any other communities have this ordinance, how long they have had it and if they have had any issues. Atty. Bjelajac would have to provide a list at a later date.

Mayor Miller stated that this will be brought back to the COW on the first meeting in May for further discussion and then brought for a vote at the second meeting in May.

This ordinance is scheduled for the May 4th, 2011 Common Council Meeting.

11. ADJOURNMENT

A motion was made by Bob Prailes with a second by Johnson to adjourn the meeting. With all in favor, the meeting adjourned at 7:45 p.m. .

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