

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
May 17, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:06 p.m. starting with roll call. Aldermen present: Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Bob Prailes

High school students present: David Martin, Lauren Nadolski

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Fire Chief Dick Lodle

2. PLEDGE OF ALLEGIANCE

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

3. CITIZEN'S COMMENTS

Mr. Russell Reesman, 561 Briody Street disagreed with amounts charged for airport hangar leases and the agricultural lease.

4. CHAMBER OF COMMERCE REPORT

Representative from the Chamber of Commerce Ms. Barb Bakshis was in attendance at the meeting but did not have any updates from the Chamber.

5. APPROVAL OF COMMON COUNCIL MINUTES FOR MAY 3, 2011

A motion was made by Johnson with a second by Vos to approve the Common Council Minutes of May 3, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch questioned the status of the landscaping at the new DPW building. Lahner replied that work is being done this week and next week and includes the installation of a sign.

Vos questioned the status of the painting on the parking structure. The mayor replied that the first coat is now on with a second coat in a darker shade to be applied.

Simenson inquired whether the Historic Preservation Committee had given their approval of the color for the parking structure. The mayor said the original design went to the HPC and was approved. Simenson further questioned why if the structure is in the Historic Preservation District that the color wouldn't be approved by the HPC. Lahner said no one had thought to question the HPC because the original design was approved.

Simenson also questioned whether the steepness of one of the exits out of the city's Dodge Street Parking Lot was ever resolved. Lahner replied that he had spoken to the Wisconsin DOT but did not have an update on the exit. Simenson requested a reply by email as to the resolution of this exit.

Simenson asked if there had been any response from Western Racine County Community Health Department regarding bed bugs. Atty. Bjelajac stated that he had left a phone message for Ms. Cheryl Mazmanian to return his call, but she was out of town.

Johnson was concerned about the lack of street lights on the corner of Pine and Jefferson. Vos said that on the other end of Pine Street by Fred's it was also very dark. Lodle confirmed that about a week and a half ago he had also noticed that a whole block of Pine Street on both sides were dark. Lahner will look at the area and determine if additional lighting is needed.

8. REPORTS 1-3

A motion was made by Jim Prailes with a second by Johnson to approve Reports 1-3. With all in favor, the motion carried. The mayor complimented the Police Chief on the exemplary police report that was submitted.

9. PAYMENT OF VOUCHERS

A motion was made by Hintz with a second by Johnson to approve pre-paid, vouchers and reimbursements in the amount of \$279,238.24. Simenson asked where the electric bill was for the parking structure. Dequaker said that it had just been received for the month of April and the amount was \$581.00; he further stated that the delay might have been because of adjustments that needed to be made on the bill.

Vos assumed that a lot of the cost of the electric bill was due to the heaters in the stairways and questioned if they were on timers. Lahner said they were not on timers but on sensors. Lahner said the heaters are now turned off but will remain on in the winter months. Jim Prailes calculated that it was costing approximately three-hundred dollars a month to heat the stairways. Vos also questioned how the lights were regulated. Lahner replied that they were on timers.

Simenson questioned the Wanasek bill and what was budgeted for street sweeping and for the jet vac. Lahner will provide the numbers to Simenson.

Roll Call Ayes: Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0.

10. LICENSES AND PERMITS

None

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

None

13. RESOLUTIONS

A. RESOLUTION 4476(1) "A RESOLUTION TO MODIFY THE CITY ADMINISTRATOR'S AGREEMENT TO REQUIRE CONTRIBUTION TO THE EMPLOYEE PORTION OF THE WISCONSIN RETIREMENT SYSTEM CONTRIBUTION UPON ENACTMENT OF THE 2011 WISCONSIN ACT 10"

A request for a second reading and a motion to approve was made by Rauch with a second by Hintz. With all in favor, the motion carried.

14. ORDINANCES

A. ORDINANCE 1926(3) "AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO CREATE CHILD SAFETY ZONES AND RESIDENTIAL RESTRICTIONS APPLICABLE TO SEX OFFENDERS AND TO PROVIDE FOR ENFORCEMENT"

A request for a second reading and motion to approve was made by Simenson with a second by Vos. Atty. Bjelajac advised council of the correction of the numbering of this ordinance. Simenson said that she did not feel this ordinance was strict enough and didn't address the needs of the

people in restricting where the sex offenders could live. Atty. Bjelajac did not perceive the ordinance as written to be weak as it is prospective to avoid problems in the future. He further stated this ordinance contains a loitering provision which he felt was both the strength and weakness of the ordinance; he felt there was no perfect answer and the ordinance could be modified if council desired.

Johnson questioned if a realtor could provide information to a prospective client on this subject. Atty. Bjelajac said there is language in some standard "Offer to Purchase" contracts that advise potential buyers to check the Sex Offender Registry but he was not sure what type of information the Administrative Code allowed realtors to distribute.

Vos felt that this was middle ground and a step up from where the city was previously.

Lahner explained that the criticism to the residency issue is that it can create pockets within the city where convicted sex offenders could live and could conceivably create higher concentrations in certain neighborhoods. Another criticism that Lahner stated is that it can cause sex offenders to go underground where they don't register and then no one knows where they are living.

The mayor said he would be fine with the passage of this ordinance as it is written and council would have the ability to strengthen it in the future if it was necessary.

Chief Nimmer stated that in the Village of Brown Deer they had a similar ordinance that dealt with residency and there was only a four-block area of the city that allowed sex offenders to reside. The Village of Brown Deer had a sex offender who had been released from prison and moved into his parent's home in an area where sex offenders were not allowed to live. The Village of Brown Deer then successfully removed that individual from that area.

Ms. Susan Riddle, 424 Storle Avenue, thanked the council for developing this ordinance and considering the constitutionality of the ordinance but she was concerned with the wording under the definitions that included Sunday Schools and religious schools. Atty. Bjelajac said that if adopted this evening, he would recommend the deletion of the references to Sunday Schools and religious schools. Atty. Bjelajac further advised that churches can regulate themselves and if they have a child sex offender in their midst, they have the right to remove that individual as a trespasser.

Fischer asked for clarification on how law enforcement would have the right to remove an individual who was loitering in a religious setting. Atty. Bjelajac said that this ordinance would not prohibit that loitering because that area would not be a child safety zone.

Johnson made a motion to amend the original motion to approve by strike from 240-2(b) (5) reference to "*Sunday Schools, religious education schools or classrooms*". Fischer asked for clarification on enforcement of this ordinance in parochial schools. Atty. Bjelajac stated that this would not be a child safety zone area and would have to be enforced by the religious school itself.

Mayor Miller then posed a hypothetical situation that if on a Saturday and there are children playing on a playground by St. Mary's and a sex offender approaches these children, this ordinance would not prohibit that from happening because there is no one from the church/school present to order them off the playground. Atty. Bjelajac confirmed that would be true.

Vos said in his mind, the churches, schools and playgrounds were all one complex, and who would monitor and enforce this ordinance.

Johnson withdrew his motion to amend and Vos withdrew his second to the amended motion; Simonsen withdrew her motion to adopt and Vos withdrew his second. This ordinance was then tabled.

B. ORDINANCE 1924(1) "AN ORDINANCE TO AMEND SECTION 6-2A, "BOARD OF REVIEW MEMBERSHIPS" IN THE CITY OF BURLINGTON MUNICIPAL CODE"

A request for a second reading and motion to approve was made by Fischer with a second by Rauch. Simenson requested that the newsletter be used to encourage others to apply for these positions when they become available. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 6-1

15. MOTIONS

A. MOTION 11-709 "A MOTION TO APPROVE THE ANNUAL INSURANCE RENEWAL WITH ZAREK INSURANCE"

A motion was made by Vos with a second by Hintz to approve Motion 11-709. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None With all in favor, the motion Carried 7-0

B. MOTION 11-710 "A MOTION TO APPROVE A TWENTY-NINE YEAR AIRPORT HANGAR LEASE WITH MARK WAGNER AT 948 ALPHA TAXIWAY FOR \$313.50 PER YEAR"

A motion was made by Johnson with a second by Vos to approve Motion 11-710. Johnson questioned if this was the standard fee. Jim Prailes confirmed that was correct. With all in favor, the motion carried 7-0

C. MOTION 11-711 "A MOTION TO APPROVE A ONE-YEAR AGRICULTURAL LEASE BETWEEN THE CITY OF BURLINGTON AND MR. DON BONNER FOR APPROXIMATELY 50 ACRES AT \$125.00 PER YEAR"

A motion was made by Jim Prailes with a second by Hintz to approve Motion 11-711. Lahner stated that this would be a one-year lease and because others are interested, it would go out for bid next year. With all in favor, the motion carried 7-0

16. ADJOURNMENT

A motion was made by Vos with a second by Rauch to adjourn into closed session. With all in favor, The closed session began at 8:03 p.m.

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