

**City of Burlington  
Official Minutes  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
July 5, 2011**

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

Mayor Bob Miller called the meeting to order at 6:46 p.m. starting with roll call. Aldermen present: Bob Prailles, Ed Johnson, Peter Hintz, Jim Prailles, Tom Vos, Katie Simenson Absent: Jeff Fischer, Steve Rauch

Also present: City Attorney John Bjelajac, Police Chief Peter Nimmer, Library Director Gayle Falk, Assistant to the Administrator Megan Johnson, Treasurer Steve DeQuaker, Mr. Blake Thiesen of Schreiber Anderson Associates, Mr. John Grosskreutz 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. APPROVAL OF COMMON COUNCIL MINUTES FOR JUNE 21, 2011**

A motion was made by Hintz with a second by Simenson to approve the Common Council Minutes of June 21, 2011. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

A motion was made by Vos to reject Alderman Jim Prailles' letter regarding his excused absence for this council meeting due to the fact he was in attendance. A second was made by Simenson and with all in favor, the motion carried.

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

Vos stated that he was very upset with the fact that two aldermen were not in attendance at this evening's council meeting which could affect a vote that needs to be taken this evening. Vos thought there was a requirement that an alderman had to provide an excused absence to the council. The mayor replied that there will be an ordinance coming forward soon that will address unexcused absences for aldermen.

Vos continued that he was also upset that for the last three council meetings there had been no representation from DPW, Water or the Parks Department. The mayor explained that Ms. Connie Wilson was on a two week vacation and the city had not hired a new DPW Director at this time. Vos said that someone should have been designated to attend the meetings.

Mr. John Grosskruetz of Kapur Engineering reported that TAPCO had adjusted the lights on Milwaukee Avenue and Grove Street; they had discovered at Bridge, Pine and Robert Street, the loop detector needed to be adjusted. He further stated that now that the bypass was complete, another traffic study will be done to perhaps adjust the lights at some of the intersections.

Bob Prailles would like to have the lights on the corner of Highway 142 and 11 looked at because of the way they are now timed.

Vos thought the city should take another look at the corner of Milwaukee Avenue and Chestnut Street where it can become difficult to cross when there is a large vehicle parked on Milwaukee Avenue/Chestnut Street corner. He suggested either a no-parking area or a compact car zone.

Simenson said the traffic would stack up behind anyone trying to make a left turn from Milwaukee Avenue to South Pine Street. Chief Nimmer said an option would be to designate that intersection as a "no left turn" area.

**8. REPORTS 1-9**

A motion to approve Reports 1-9 was made by Bob Prailes with a second by Hintz. With all in favor, the motion carried.

**9. PAYMENT OF VOUCHERS**

A motion was made by Simenson with a second by Hintz to approve pre-paid, vouchers and reimbursements in the amount of \$340,411.41. Simenson questioned where the electrical bill was for the parking structure. DeQuaker stated that it was not available at this time. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Simenson Nays: None Motion carried 6-0

**10. LICENSES AND PERMITS**

A motion was made by Hintz with a second by Vos to approve licenses as presented. With all in favor, the motion carried.

**11. APPOINTMENTS AND NOMINATIONS**

None

**12. PUBLIC HEARING**

**"A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A RESOLUTION TO VACATE AN UNIMPROVED PUBLIC RIGHT-OF-WAY IDENTIFIED AS EAST WASHINGTON STREET LYING BETWEEN EAST MAIN STREET AND EAST WISCONSIN STREET WITH REVERSION OF TITLE TO SUCH LAND TO THE ABUTTING PROPERTY OWNERS AND TO AMEND THE OFFICIAL MAP OF THE CITY OF BURLINGTON TO SHOW THE SAME"**

Mayor Miller opened the public hearing at 7:01 p.m. There was no discussion. A motion was made by Bob Prailes with a second by Jim Prailes to close the public hearing. With all in favor, the motion carried and the public hearing closed at 7:02 p.m.

**13. RESOLUTIONS**

**A. RESOLUTION 4479(4) "A RESOLUTION TO VACATE AN UNIMPROVED PUBLIC RIGHT-OF-WAY IDENTIFIED AS EAST WASHINGTON STREET EAST OF NORTH MAIN STREET AND WEST OF NORTH WISCONSIN STREET WITH REVERSION OF TITLE OF SUCH LAND TO THE ABUTTING PROPERTY OWNERS"**

A request for a second reading and a motion to approve was made by Johnson with a second by Hintz. Vos questioned if a survey will be completed and recorded at the county as he was concerned with the accuracy of the division of land. Atty. Bjelajac replied that while the land is being divided in half, he did not know if an additional survey in the future would be needed. Johnson added that Racine County will be adding the information provided by the city to the GIS Program and will be updating their maps. Simenson compared this issue to the recent land division on Briody Street where the property owners had to pay for a new survey. Atty. Bjelajac offered to provide more information at the next meeting. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Simenson Nays: None Motion carried 6-0

**B. RESOLUTION 4482(7) "A RESOLUTION TO APPROVE AN AMENDMENT TO A LETTER OF AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE RACINE COUNTY ECONOMIC DEVELOPMENT CORPORATION (RCEDC) FOR 2011"**

A request for a second reading and a motion to approve was made by Hintz with a second by Vos. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos Nays: Simenson None Motion carried 5-1

C. **RESOLUTION 4487(12)** "A RESOLUTION TO AWARD THE BID FOR THE RIVERSIDE PARK IMPROVEMENT PROJECT TO AUGIE'S EXCAVATING IN THE AMOUNT OF \$134,843.68"

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

D. **RESOLUTION 4488(13)** "A RESOLUTION TO CONSIDER APPROVING CONTRACT CHANGE ORDER NUMBER ONE WITH SCHERRER CONSTRUCTION COMPANY FOR THE RADIUM REMOVAL PROJECT IN THE AMOUNT OF \$57,464"

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

14. **ORDINANCES**

A. **ORDINANCE 1927(4)** "AN ORDINANCE TO APPROVE THE WARD REDISTRICTING PLAN FOR THE CITY OF BURLINGTON, RACINE AND WALWORTH COUNTIES"

A request for a second reading and motion to approve was made by Simenson with a second by Vos. Johnson questioned the location of the area designated as Ward 9. The mayor replied that it was located in Walworth County and is part of the airport. Simenson questioned if the residents located in the upcoming annexation (Teut Road, Timber Lane) are part of these totals. The mayor replied that the population in that area is part of the city totals. Johnson added that growth in that area as well as the proposed Schaefer subdivision has been taken in to consideration. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Simenson Nays: None Motion carried 6-0

B. **ORDINANCE 1928(5)** "AN ORDINANCE TO AMEND CHAPTER 50-4A, COUNCIL MEETINGS OF THE MUNICIPAL CODE"

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

15. **MOTIONS**

A. **MOTION 11-714** "A MOTION TO APPROVE THE 2010 ANNUAL AUDIT AS PREPARED BY PATRICK ROMENESKO, CPA"

A motion was made by Bob Prailes with a second by Johnson to approve Motion 11-714. With all in favor, the motion carried.

B. **MOTION 11-715** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR 132 WEST CHESTNUT STREET"

A motion was made by Johnson with a second by Simenson to approve Motion 11-715. With all in favor, the motion carried.

C. **MOTION 11-716** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR 404 NORTH PINE STREET"

A motion was made by Hintz with a second by Simenson to approve Motion 11-716. With all in favor, the motion carried.

D. **MOTION 11-717** "A MOTION TO APPROVE TWO CERTIFICATE OF APPROPRIATENESS APPLICATIONS AND SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR 388 NORTH PINE STREET"

A motion was made by Bob Prailes with a second by Johnson to suspend the council rules for Motion 11-717 under the City of Burlington's Municipal Code, Chapter 50-22 "Suspension of Rules". Due to a conflict of interest, both Alderman Bob Prailes and Jim Prailes would not be part of the discussion or vote. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Simenson Nays: None Motion to suspend the rules carried 6-0.

A motion to approve was made by Vos with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Vos, Simenson Nays: None Motion carried 4-0

E. **MOTION 11-718** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR 189 EAST CHESTNUT STREET"

A motion was made by Vos with a second by Simenson to approve Motion 11-718. With all in favor, the motion carried.

F. **MOTION 11-719** "A MOTION TO RESCHEDULE THE JULY 19, 2011 COMMITTEE OF THE WHOLE AND COMMON COUNCIL MEETINGS TO JULY 18, 2011 DUE TO THE PRIMARY RECALL ELECTION"

A motion was made by Simenson with a second by Johnson to approve Motion 11-719. With all in favor, the motion carried.

16. **ADJOURN INTO CLOSED SESSION PER WIS. STATS 19.85(1)(E) DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRING A CLOSED SESSION"**

A motion was made by Vos with a second by Jim Prailes to adjourn into closed session. Roll Call Ayes: Johnson, Bob Prailes, Hintz, Jim Prailes, Vos, Simenson Nays: None Motion carried 6-0 Closed session began at 7:25 p.m.

17. **RECONVENE INTO OPEN SESSION**

A motion was made by Bob Prailes with a second by Johnson to reconvene into open session. With all in favor, the open session began at 8:05 p.m. There were no recommendations from closed session.

18. **ADJOURNMENT**

A motion was made by Johnson with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 8:06 p.m.

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