



**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
November 1, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:38 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Also present: 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

City Administrator Kevin Lahner arrived at 6:40 p.m.

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 OCTOBER 18, 2011

A motion was made by Simenson with a second by Johnson to approve the common council minutes of October 18, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Fischer with a second by Hintz to accept the letters and communications as presented. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Chief Nimmer reported the receipt of a \$25,000 grant by the police department from the Wisconsin Bureau of Traffic and Safety. Nimmer stated \$20,000 will be used for overtime costs and \$5,000 for equipment purchase. Nimmer further added the goal of this grant wasn't to write more tickets but rather to gain compliance from the drivers to wear their seatbelts.

8. REPORTS 1-5

A motion to approve Reports 1-5 was made by B. Prailes with a second by Simenson. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Johnson with a second by Hintz to approve vouchers, pre-paid and reimbursements in the amount of \$869,767.75. Simenson questioned a bill for the repair of the police car. Nimmer replied the car had been involved in an accident and the amount would be reimbursable with insurance coverage minus the deductible. Roll Call Aye: B. Prailes, Johnson, Hintz, J. Prailes, Vos, Rauch, Fischer, Simenson Nay: None. Motion carried 8-0.

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARINGS

None

13. RESOLUTIONS

A. RESOLUTION 4506(31) "A RESOLUTION TO APPROVE A CONTRACT WITH LJM ARCHITECTS TO CONDUCT A HISTORIC BUILDING SURVEY IN THE CITY OF BURLINGTON FOR THE AMOUNT OF \$24,000"

A request for a second reading and a motion to approve was made by Hintz with a second by Rauch. Simenson requested more information on this resolution. Mr. Tom Stelling, Chairman of the Historic Preservation Committee was present and stated that in 2008 and 2009 the HPC had been given "Certified Local Government Status" that would allow the identification of properties outside of the current historic district and designate them as significant. Roll Call Aye: B. Prailes, Johnson, Hintz, J. Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0

B. RESOLUTION 4507(32) "A RESOLUTION TO APPROVE THE PURCHASE OF CARPETING FOR THE PUBLIC LIBRARY FROM BEST VALUE FLOORING IN THE AMOUNT OF \$30,816.80"

A request for a second reading and a motion to approve was made by Vos with a second by Rauch. Johnson questioned when the carpeting would be installed. Falk replied the schedule is still being worked out but the preference would be between the Christmas and New Years holidays.

Roll Call Aye: B. Prailes, Johnson, Hintz, J. Prailes, Vos, Rauch, Fischer, Simenson Nay: None. Motion carried 8-0.

C. RESOLUTION 4508(33) "A RESOLUTION TO CONSIDER APPROVING CHANGE ORDER NUMBER ONE WITH AUGIE'S EXCAVATING & GRADING, INC FOR THE RIVERSIDE PARK IMPROVEMENT PROJECT FOR A REDUCTION IN THE AMOUNT OF \$35,908.30"

A request for a second reading and a motion to approve was made by Rauch with a second by Hintz. Vos questioned if the issue with the DNR had been resolved regarding the wrong colored stone used along Echo Park. Lahner replied that issue had been addressed. Roll Call Aye: B. Prailes, Johnson, Hintz, J. Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0

14. ORDINANCES

A. ORDINANCE 1936(13) "AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 219, "NOISE" OF THE MUNICIPAL CODE"

A request for a second reading and a motion to approve was made by Simenson with a second by Vos. Simenson questioned what type of a response a citizen could expect from the police department if a call is made at 2:00 a.m. and the individual does not want to wait for the police officer. Nimmer replied that if the individual did not want to wait for the officer then it would be up to the officer to find the source of the noise and if the noise had stopped, it would make it difficult to respond. Nimmer also stated the call could be made anonymously.

Vos did not like the idea of anonymous complaints and thought there had to be a better way.

Atty. Bjelajac said it would be best to try and speak to Echo Lake to determine which piece of equipment is creating the noise and if it doesn't cease then it could be considered a nuisance action and be referred to Racine County Circuit Court.

Ms. Yvonne Braunschweig, 133 Hillcrest Drive, Burlington did have an alderman visit the neighborhood to witness the noise. She said the noise has been a problem for close to twenty years. She reported the noise is constant with it ending on a Friday afternoon around four o'clock and then beginning again on Monday morning.

Atty. Bjelajac said there were several solutions with the first being to live with the noise, but he was not advocating that solution. The second thing would be to discuss the problem with Echo Lake and hope for cooperation. The third solution is to enforce the local noise ordinance. The final action would be to file a public nuisance claim by the city or a private nuisance claim by citizens.

Atty. Bjelajac said that he lives near that area and if the noise were to occur at a "reasonable" hour, he would like to be notified so he could witness it himself.

Fischer questioned the penalty provision. Atty. Bjelajac stated the penalties are per day with the first offense being \$5.00 to \$500.00 and the second \$10.00 to \$1000.00.

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

B. ORDINANCE 1937(14) "AN ORDINANCE TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR THE CITY OF BURLINGTON FOR LOTS 1, 2 AND 3 OF CSM 3012 ON MARYLAND AVENUE"

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

C. ORDINANCE 1938(15) "AN ORDINANCE TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR THE CITY OF BURLINGTON FOR LOT 1 OF CSM 1999 ON SOUTH PINE STREET AND THE STH 11 BYPASS"

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

15. MOTIONS

A. MOTION 11-730 "A MOTION TO APPROVE THE INSTALLATION OF A SPRINKLER SYSTEM AT BRANEN FIELD"

A motion to approve was made by Johnson with a second by Hintz. Motion carried 8-0.

B. MOTION 11-731 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HPC OVERLAY DISTRICT FOR 109 EAST CHESTNUT STREET"

A motion to approve was made by Vos with a second by J. Prailes. Motion carried 8-0.

C. MOTION 11-732 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HPC OVERLAY DISTRICT FOR 557 MILWAUKEE AVENUE"

A motion to approve was made by Hintz with a second by Simenson. Motion carried 8-0.

16. ADJOURN

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

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