



**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
February 7, 2012**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:37 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Katie Simenson Absent: Jeff Fischer
Excused: Ed Johnson

Student Representatives present: Dale Morrow, Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Fire Chief Richard Lodle, Utility Director Connie Wilson, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Library Director Gayle Falk, Supervisor Streets and Parks Dan Jensen, Tom Foht of Kapur Engineering

Alderman Fischer 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 JANUARY 17, 2012 AND JANUARY 24, 2012

A motion was made by Bob Prailes with a second by Hintz to approve the common council minutes of January 17 and January 24, 2012. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Jim Prailes with a second by Vos to approve the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Vos questioned where the city was at with the traffic analysis on the stoplights. Lahner replied the analysis will be discussed at the next council meeting on the 21st of February.

Jensen reported on the receipt of two brine tanks that will be outfitted on the vehicles that cover Shiloh Hills and other areas that have steeper hills.

Lahner reported to council that the city had put out "Requests for Proposals" for IT services and was in the process of interviewing to fill the position. Lahner also reported on discussions with Mr. Keith Munson of National Appraisal on the possibility of Munson winding down his assessing business.

Vos questioned Jensen on the monetary savings of the brining system. Jensen replied this has been such a mild winter, the money that would have been spent on salt has been spent on the new brining system which once in operation, will save even more salt.

Simenson reported seeing large clumps of salt on the roadways. Jensen suggested that she call him so he will be able to determine which trucks are leaving the clumps of salt.

8. REPORTS 1-8

A motion to approve Reports 1-8 was made by Hintz with a second by Simenson. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve vouchers, pre-paid and reimbursements in the amount of \$4,753,826.79. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

10. LICENSES AND PERMITS

A motion was made by Rauch with a second by Jim Prailes to approve the licenses and permits as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARINGS

None

13. RESOLUTIONS

A. RESOLUTION 4503(28) "A RESOLUTION TO APPROVE AMENDMENT TWO TO TASK ORDER SEVENTY-EIGHT WITH KAPUR & ASSOCIATES FOR THE RIVERSIDE PARK SHORELINE AND PATH IMPROVEMENTS IN THE AMOUNT OF \$18,706"

A request for a second reading and a motion to approve was made by Simenson with a second by Hintz.

Discussion: Simenson noted the date of the Task Order as October 18th and questioned the delay. Lahner replied that it had been overlooked with the error being caught by Kapur.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

B. RESOLUTION 4516(41) "A RESOLUTION TO APPROVE A CONTRACT FOR SLUDGE HAULING AND APPLICATION WITH PAT'S SERVICES, INC. FOR A THREE-YEAR TERM"

A request for a second reading and a motion to approve was made by Fischer with a second by Vos.

Discussion: Vos questioned what equipment would be sold under this resolution and the type of payment schedule. Wilson replied the tractor and the injector would be sold with the terms of the contract not yet determined but, she would provide a payment agreement at a later date. Vos also was concerned that if by the end of three years and this doesn't work out, the city would have no equipment and no money in the equipment replacement fund. Vos further questioned the savings in labor costs. Wilson said one example is an employee that is being trained in cross-connections which will be a savings to the city. Fischer noted that one of the options is to not pay Pat's for approximately a year for hauling service. Additionally, there would be no budget cost for equipment replacement and it would also be an opportunity to reduce outside services by utilizing our own employees. Wilson stated that we are one of the last communities to do our own sludge hauling. Simenson questioned the sale of equipment with the proceeds not going back into the Equipment Replacement Fund. Wilson said the equipment was over twenty years old and has been amortized down to nothing. The mayor reminded council that Resolution 4516(41) applies the \$80,000 to the monthly fees. Simenson further stated that she would prefer the money to be returned to the Equipment Replacement Fund because in three years if this doesn't work out, the city would at least have \$80,000. Bob Prailes commented that money had already been put aside through the years with the anticipation of replacement.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

C. RESOLUTION 4517(42) "A RESOLUTION TO AUTHORIZE FEE ASSESSMENTS FOR WEIGHTS AND MEASURES LICENSE HOLDERS FOR JULY 1, 2010 THROUGH JUNE 30, 2011"

A request for a second reading and a motion to approve was made by Bob Prailes with a second by Simenson.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

D. RESOLUTION 4520(45) "A RESOLUTION TO APPROVE A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE"

A request for a second reading and a motion to approve was made by Jim Prailes with a second by Rauch.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

E. RESOLUTION 4522(47) "A RESOLUTION TO PURCHASE TWO 2013 FORD POLICE UTILITY VEHICLES FROM MILLER MOTOR SALES IN THE AMOUNT OF \$53,000"

A request for a second reading and a motion to approve was made by Hintz with a second by Jim Prailes.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

14. ORDINANCES

A. ORDINANCE 1940(17) "AN ORDINANCE TO AMEND THE PROVISIONS OF SECTION 187-14B OF THE MUNICIPAL CODE REGARDING RETAIL CLASS A SALES OF ALCOHOLIC BEVERAGES"

The mayor wanted to clarify that this ordinance will allow the city to meet the requirements of Act 97 that will allow the city to adjust opening times for those businesses that are designated as Class A packaged goods stores. This ordinance would allow sales of alcoholic beverages to begin at 6:00 a.m. with the city's current ordinance reading 8:00 a.m. He further stated that if the council doesn't approve this ordinance as it is written for 6:00 a.m., it will have to be brought back to another council meeting to reflect the 8:00 a.m. start time. The mayor stated that if this ordinance is rejected, the start time will be 6:00 a.m. for both Class A and Class B businesses.

A request for a second reading and a motion to approve was made by Vos with a second by Bob Prailes.

Discussion: Atty. Bjelajac said the bottom line is that the council has to choose a start time for the packaged goods retailers. Bob Prailes did not see how this could be an issue to promote early morning drinking for teens. The mayor commented that several retailers had said it was a matter of a level playing field to be able to sell at 6:00 a.m. as the taverns are allowed to sell at that time. Hintz thought of it as a convenience for the third shift workers. Vos had not received any calls on this ordinance but he did reference a letter from Partners2 that stated they were not pleased with the change. Bob Prailes spoke to several people and no one had a problem with the 6:00 a.m. start time. Student Representative Paul Dhillon spoke against the change of time to 6:00 a.m. as he felt it may encourage more drinking. Ms. Christina Converset of Partners2 also spoke against an earlier start time. Ms. Converset read a statement from Ms. Megan Kroes, Director of Racine County Youth Coalition that they also are against the earlier start time. Mr. Peter Girolamo, 116 West Highland spoke against the earlier retail hours and agreed with the comments from Partners2. Vos stated that he thought the larger problem was illegal sales and not the time of day that it was sold. Mr. Jim Jante, 681 Milwaukee Avenue, the owner of Rice's Liquor agreed with Vos that the time of day was not the issue but, he would not be opening at 6:00 a.m. for alcohol sales.

Roll Call Aye: Bob Prailes, Hintz, Fischer Nay: Jim Prailes, Vos, Rauch, Simenson

Motion failed 4-3. This ordinance will be brought back in two weeks to reaffirm the 8:00 a.m. start time.

15. **MOTIONS**

A. **MOTION 12-733 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 109 EAST CHESTNUT STREET"**

A motion to approve Motion 12-733 was made by Rauch with a second by Vos. With all in favor, the motion carried.

B. **MOTION 12-734 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 481 MILWAUKEE AVENUE"**

A motion to approve Motion 12-734 was made by Simenson with a second by Jim Prailes. With all in Favor, the motion carried.

16. **ADJOURN INTO CLOSED SESSION PER WIS. STATS 19.85(1) (g) "CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS LIKELY TO BECOME INVOLVED"**

A motion was made by Fischer with a second by Vos to adjourn into closed session at 7:31 p.m. per Wisconsin Statutes 19.85(1)(g) Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

17. **RECONVENE INTO OPEN SESSION**

A motion was made by Bob Prailes with a second by Rauch to reconvene into open session at 8:04 p.m. With all in favor, the motion carried.

A motion was made by Vos with a second by Jim Prailes to approve a motion to not enter into a lease agreement and/or option to purchase for 508 Sheldon Street in Burlington, Wisconsin. With all in favor, the motion to not enter into a lease agreement carried.

18. **ADJOURNMENT**

A motion was made by Vos with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:09 p.m.

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