



**City of Burlington  
Official Minutes  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
May 15, 2012**

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

Mayor Bob Miller called the meeting to order at 7:25 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Steve Rauch, Tom Preusker, Katie Simenson

Student Representatives present: Paul Dhillon Absent: Dale Morrow

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Lt. Mark Anderson, Library Director Gayle Falk, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Fire Chief Dick Lodle, Tom Foht of Kapur Engineering, Mr. David Wagner of Ehlers and Associates

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**3. CITIZEN COMMENTS**

None

**4. CHAMBER OF COMMERCE REPRESENTATIVE**

Chamber of Commerce representative Ms. Judy Bratz discussed upcoming chamber events. She also commented on the success of the recent Hope Walk.

**5. APPROVAL OF COUNCIL MINUTES FOR MAY 1, 2012**

A motion was made by Johnson with a second by Vos to approve the minutes from May 1, 2012. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

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

Vos asked when the sweeper was going to be on the streets. Lahner replied there had been one out sweeping. Lahner also said there had been bids received by Wanasek Corporation and Area Sweepers out of Lake Geneva. Lahner reported the bid from Wanasek was more competitive and provided a better service.

Vos further questioned if the catch basins were being cleaned by city crews or was this going to be a bid process. Lahner thought this was part of the sweeping contract to be aware of those basins that are problematic and to notify the city crews. Lahner will check further with the Department of Public Works Supervisor Dan Jensen.

**8. REPORTS 1-3**

A motion was made by Hintz with a second by Johnson to approve Reports 1-3. Discussion: Rauch commented that he thought Preusker should recuse himself from approving the election report as he does work as an election inspector.

Vos requested a legal opinion on this issue. Atty. Bjelajac will research and provide specific advise to the council.

Preusker recused himself from the vote.

The motion carried 7-0.

**9. PAYMENT OF VOUCHERS**

A motion was made by Vos with a second by Hintz to approve vouchers, prepaids and reimbursements in the amount of \$600,274.39. Discussion: Simenson questioned the R.R. Walton invoice presented for payment. Simenson said the sidewalk along Echo Park is not complete at this time and she hoped it would be done in time for ChocolateFest. The mayor commented that the payment to R.R. Walton was for work that was already completed and the paving of the asphalt by Echo Park was scheduled for the Thursday prior to ChocolateFest. Vos said he was not pleased with the replacement of concrete with asphalt. Lahner said it had been discussed at prior meetings. Preusker questioned the bill from Scherrer Construction for Well #10 and perhaps payment should be withheld as the improvements were not complete. Wilson said she would contact Scherrer the next day. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Rauch, Preusker, Simenson Nay: Vos Motion carried 7-1

**10. LICENSES AND PERMITS**

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

**11. APPOINTMENTS AND NOMINATIONS**

A motion was made by Simenson with a second by Hintz to approve the appointment of election inspectors as presented. Rauch commented that he had the same issue with Preusker voting for the appointments. Atty. Bjelajac did not see a conflict for Preusker. With all in favor, the motion carried.

**12. PUBLIC HEARING**

**A. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REZONE REQUEST FROM O'REILLY AUTOMOTIVE STORES FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE TO REZONE THE PROPERTY FROM M-1, LIGHT MANUFACTURING DISTRICT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT**

The mayor opened the public hearing at 7:41 p.m. There was no discussion. A motion was made by Prailes with a second by Rauch to close the hearing. With all in favor, the hearing closed at 7:42 p.m.

**13. RESOLUTIONS**

**A. RESOLUTION 4550(1) "A RESOLUTION TO APPROVE A CONTRACT WITH VOORHEES ASSOCIATES, LLC TO CONDUCT THE 2012 STRATEGIC PLANNING SESSION"**

A request for a second reading and a motion to approve was made by Johnson with a second by Hintz to adopt Resolution 4550(1) with Option #2. Discussion: Simenson was not in favor of this resolution as she did not deem it that beneficial.

Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker Nay: Simenson Motion carried 7-1

**B. RESOLUTION 4551(2) "A RESOLUTION TO APPROVE AMENDMENT NUMBER ONE TO TASK ORDER NUMBER SEVENTY-NINE WITH KAPUR & ASSOCIATES FOR CIVIL ENGINEERING SERVICES AND CONSTRUCTION MANAGEMENT WITH THE RADIUM REMOVAL PROJECT IN THE AMOUNT OF \$16, 410"**

A request for a second reading and a motion to approve was made by Hintz with a second by Dawidziak to approve Resolution 4551(2). Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson Nay: None Motion carried 8-0

**C. RESOLUTION 4552(3) "A RESOLUTION TO APPROVE A PRELIMINARY RESOLUTION TO DECLARE INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS FOR THE ALLEY IN ELMHURST SUBDIVISION"**

A request for a second reading and a motion to approve was made by Prailes with a second by Johnson to approve Resolution 4552(3) Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson Nay: None Motion carried: 8-0

**D. RESOLUTION 4554(5) "A RESOLUTION TO APPROVE AMENDMENT ONE TO THE PLANNED UNIT DEVELOPMENT AGREEMENT WITH JW WEST RIDGE, LLP"**

A request for a second reading and a motion to approve was made by Rauch with a second by Hintz to approve Resolution 4554(5). Due to a conflict of interest, Vos recused himself from discussion and voting on this resolution. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Rauch, Preusker, Simenson Nay: None Motion carried 7-0

**E. RESOLUTION 4555(6) "A RESOLUTION TO AUTHORIZE THE ISSUANCE AND ESTABLISHMENT OF PARAMETERS FOR THE SALE OF NOT-TO-EXCEED \$1,465,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS"**

A request for a second reading and a motion to approve was made by Simenson with a second by Hintz to approve Resolution 4555(6). Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson Nay: None Motion carried 8-0

**14. ORDINANCES**

**A. ORDINANCE 1947(1) "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY REZONING 216 WEST JEFFERSON STREET FROM RD-2, TWO-FAMILY RESIDENTIAL TO B-2 ,CENTRAL BUSINESS DISTRICT"**

The mayor removed this item from this evening's agenda.

**B. ORDINANCE 1948(2) "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY REZONING 649-657 WEST STATE STREET FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO RM-2/PUD, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY"**

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

**C. ORDINANCE 1949(3) "AN ORDINANCE TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR 216 WEST JEFFERSON STREET FROM MEDIUM-DENSITY RESIDENTIAL TO COMMERCIAL ZONING"**

The mayor removed this item from this evening's agenda.

**D. ORDINANCE 1950(4) "AN ORDINANCE TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR 649-657 WEST STATE STREET FROM COMMERCIAL TO HIGH-DENSITY RESIDENTIAL ZONING"**

A request for a second reading and a motion to approve was made by Rauch with a second by Dawidziak. Discussion: Due to a conflict of interest, Vos recused himself from discussion and voting on this ordinance. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Rauch, Preusker, Simenson Nay: None Motion carried 7-0

**E. ORDINANCE 1951(5) "AN ORDINANCE TO DISSOLVE THE BOARD OF PUBLIC WORKS"**

A request for a second reading and a motion to approve was made by Preusker with a second by Johnson. Discussion: The mayor requested this ordinance not be passed as he would like more time to analyze what went wrong at the last bid opening.

Atty. Bjelajac commented that the Board of Public Work's member Simenson had caught math errors in the reported totals for the bids. The errors were due to wrong formulas in an Excel Spreadsheet.

Prailles questioned if the error wouldn't have been caught by using another process. Attorney Bjelajac said that it probably would have, but it was better caught earlier rather than later.

Roll Call Aye: None Nay: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson.  
Motion failed 8-0

**15. MOTIONS**

**A. MOTION 12-743 "A MOTION TO APPROVE THE ANNUAL INSURANCE RENEWAL WITH EMC INSURANCE"**

A motion was made by Prailes with a second by Hintz to approve Motion 12-743. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson Nay: None Motion carried 8-0

**B. MOTION 12-744 "A MOTION TO APPROVE AN AGRICULTURAL LEASE WITH DON BONNER FOR THREE YEARS AT \$125.00 PER ACRE PER YEAR"**

A motion was made by Johnson with a second by Simenson to approve Motion 12-744. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos, Rauch, Preusker, Simenson Nay: None Motion carried 8-0

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

The mayor announced the closed session had been cancelled for this evening's meeting.

**17. ADJOURNMENT**

A motion was made by Prailes with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:07 p.m.

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