

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
January 18, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:54 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

High school students present: Lauren Nadolski Absent: David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Library Director Gayle Falk, Fire Chief Dick Lodle, Assistant to the Administrator Megan Johnson and Tom Foht of Kapur Engineer

2. PLEDGE OF ALLEGIANCE

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

3. CITIZEN'S COMMENTS

4. CHAMBER OF COMMERCE REPORT

Chamber of Commerce Representative Jerry Koch invited the mayor and council to the January 20th annual dinner auction to be held at Veteran's Terrace.

5. JANUARY 4, 2011 COMMON COUNCIL MINUTES

A motion was made by Jim Prailes with a second by Rauch to approve the Common Council Minutes of January 4, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Rauch asked if Veolia would be distributing recycling schedules as they had done last year. Lahner thought it might only have been for last year, but he would check with Veolia.

Simenson questioned whether larger recycling bins were available. Lahner had checked with Veolia and they do have ninety-six gallon bins that could be made available to city residents. A representative from Veolia is expected to contact the city with a price.

Simenson then referred to a January 7, 2011 memo from the administrator which reported over forty-seven per-cent of the property taxes had been collected. Simenson asked if that was the normal. Lahner was not sure as this was the first time those figures had been made available at this stage of collection.

Wilson reported on the receipt of a check from Focus on Energy in the amount of \$151,000. This check represents the rebate for the digester modifications that were done for the Phase One Wastewater Plant Expansion.

Nimmer reported on the ongoing investigation at the high school in which the police department was involved. He read a letter from the high school principal that had been sent to the parents regarding the recent threat.

Lodle commented on the pending retirement of a full-time fireman which will create an opening at the fire department.

Vos questioned if Washington Street under the parking structure is wide enough for two vehicles. The mayor replied that it will accommodate two-way traffic.

8. REPORTS 1-3

A motion was made by Hintz with a second by Jim Prailes to approve Reports 1-3. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve pre-paids, vouchers and reimbursements in the amount of \$4,709,370.69 Johnson questioned the payment to the Wellness Center. Lahner explained that it was part of the redevelopment agreement. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0.

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

A. "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 717 W. CHESTNUT STREET FROM RESIDENTIAL-UNSEWERED TO MEDIUM-DENSITY RESIDENTIAL"

The public hearing was opened by the Mayor at 7:05 p.m. There were no comments. A motion was made by Simenson with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:06 p.m.

B. "A PUBLIC HEARING TO CONSIDER A REZONE REQUEST FROM THE CITY OF BURLINGTON FOR PROPERTY LOCATED AT 681 MARYLAND AVENUE TO REZONE THE PROPERTY FROM M-1, LIGHT MANUFACTURING DISTRICT AND I-1, INSTITUTIONAL DISTRICT TO M-1 DISTRICT IN ITS ENTIRETY"

The public hearing was opened by the Mayor at 7:06 p.m. There were no comments. A motion was made by Fischer with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:07 p.m.

13. RESOLUTIONS

A. RESOLUTION 4455(39) "A RESOLUTION TO APPROVE A LETTER OF AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE RACINE COUNTY ECONOMIC DEVELOPMENT CORPORATION (RCEDC) FOR 2011"

A motion to approve was made by Bob Prailes with a second by Simenson. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

B. RESOLUTION 4456(40) "A RESOLUTION TO APPROVE AND AUTHORIZE AN APPLICATION TO THE BOARD OF COMMISSIONERS OF PUBLIC LANDS FOR A STATE TRUST FUND LOAN IN THE AMOUNT OF \$815,000"

A motion to approve was made by Johnson with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

C. RESOLUTION 4457(41) "A RESOLUTION TO APPROVE TASK ORDER NUMBER SEVENTY-EIGHT WITH KAPUR & ASSOCIATES FOR THE 2011 UTILITY AND SIDEWALK IMPROVEMENT PROGRAM IN THE AMOUNT OF \$43,593"

A motion to approve was made by Jim Prailes with a second by Vos. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

D. RESOLUTION 4459(43) “A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO FILE A LEGAL ACTION AGAINST CHRIS’ USA RESTAURANT TO STOP ILLEGAL SMOKING ON THE RESTAURANT PREMISES”

A motion to approve was made by Hintz with a second by Jim Prailes. Simenson questioned what the average court costs would be. Atty. Bjelajac said the filing fee would be approximately three hundred dollars with attorney fees that could range from five to ten thousand dollars. He did not want to underestimate any attorney fees. Simenson also asked if there were any other court cases in the State of Wisconsin dealing with this issue. Atty. Bjelajac said that he was not aware of any injunction filed using the express language in the non-smoking law that allows for this to occur. Atty. Bjelajac stated that he was willing to take a wait and see approach and not rush to file the injunction. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Simenson Nays: None Fischer voted present. Motion carried 7-0

14. ORDINANCES

None.

15. MOTIONS

None.

16. ADJOURN INTO CLOSED SESSION PER WIS. STATS. 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 REQUIRE A CLOSED SESSION.

Simenson asked for an explanation of the reason that council was going to go into closed session this time, while two weeks ago there was discussion during open session. Atty. Bjelajac explained that at that time there were no specifics and the city was in negotiations and is still in negotiations presently with respect to both offers. There are further negotiations necessary and there is a need to discuss these issues in closed session with regard to specific details. A motion to adjourn into closed session was made by Vos with a second by Jim Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0 The closed session began at 7:17 p.m.

17. RECONVENE INTO OPEN SESSION

A motion was made by Rauch with a second by Vos to return to open session. With all in favor, the open session began at 8:47 p.m.

18. DECISION FROM CLOSED SESSION

MOTION 11-700 “A MOTION TO NEGOTIATE A FINAL SALE AGREEMENT WITH FIL1, FIL2 AND FIL3, LLC FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE”

A motion to approve was made by Bob Prailes with a second by Vos. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer Nays: Rauch and Simenson Motion carried 6-2

19. ADJOURNMENT

A motion was made by Rauch with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 8:50 p.m.

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