

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
September 7, 2010**

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: Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Bob Prailes

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Assistant to the Administrator Megan Johnson, Department of Public Works Supervisor Dick Pieters, Treasurer Steve DeQuaker, Lt. Mark Anderson, Library Director Gayle Falk, Fire Chief Dick Lodle, Building Inspector Patrick Scherrer, Ms. Tina Chitwood of RCEDC, Mr. David Wagner, of Ehlers, Mr. Tom Foht 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. COUNCIL MINUTES FROM AUGUST 17, 2010

A motion was made by Jim Prailes with a second by Vos to approve the Council Minutes of August 17, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Simenson reported on the September 11th open house to be held by Lincoln Lutheran at their new facility on Chestnut Street; medicine collection on Saturday, October 16th at 156 East State Street and a free program sponsored by TRIAD-West for seniors called "Who's Knocking at Your Door" to be held at Veteran's Terrace on Tuesday, October 5th.

Rauch questioned the circumstances surrounding the State Street parking issue where it was recommended for approval and then ended up being voted down. Lahner explained that he was made aware by staff of the fact that the "No Parking" on State and Schemmer had been established by an ordinance.

Vos added that as a former owner of property in the area that he was very aware of the amount of traffic during certain times of the day. Schemmer Street becomes a bypass for St. Mary's and other businesses and if vehicles are allowed to park on State Street it can become very difficult to exit from Schemmer Street.

8. REPORTS 1-4

A motion was made by Hintz with a second by Johnson to approve Reports 1-4. 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 \$772,384.23. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: 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 as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Simenson with a second by Vos to accept the appointments as presented. With all in favor, the motion carried.

12. PUBLIC HEARING

(A) "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A RESOLUTION TO VACATE A SMALL PORTION OF WASHINGTON STREET LYING BETWEEN DODGE STREET AND PINE STREET WITH REVERSION OF TITLE TO SUCH LAND TO THE CITY OF BURLINGTON AND TO AMEND THE OFFICIAL MAP OF THE CITY OF BURLINGTON SHOW THE SAME"

The mayor opened the public hearing at 8:10 p.m. There were no public 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 8:11 p.m.

(B) "A PUBLIC HEARING TO HEAR PUBLIC COMMENTS REGARDING AN ORDINANCE TO ANNEX PROPERTY DESCRIBED AS THE SOUTHERN PORTION OF 34701 WEST CHESTNUT STREET AND TO AMEND THE OFFICIAL ZONING MAP BY ZONING THE PARCEL RS-2, SINGLE FAMILY RESIDENTIAL DISTRICT"

Mayor Miller opened the public Hearing at 8:11 p.m. Jason and Alicia Plein, 433 Highland and Craig and Dawn Soeth, 432 Highland commented against the annexation. They were concerned with the loss of a natural corridor for wildlife, lowering of their property values, drainage issues and a fear of future annexations. They were in favor of keeping it in the Town of Burlington. Ms. Tammy McCarthy, daughter of Marles Kempken (property owner) commented that before they built their homes on Highridge, the same argument could have been used against their building plans. A motion was made by Vos with a second by Simenson to close the public hearing. With all in favor, the public hearing closed at 8:17 p.m.

13. RESOLUTIONS

A. RESOLUTION 4430(14) "A RESOLUTION TO VACATE A PORTION OF WASHINGTON STREEY LYING WESTERLY OF DODGE STREET WITH REVERSION OF TITLE OF SUCH LAND TO THE CITY OF BURLINGTON"

A request for a second reading and motion to adopt was made by Johnson with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion Carried 7-0

B. RESOLUTION 4431(15) "A RESOLUTION TO APPROVE A LETTER OF ENGAGEMENT WITH JOHN MAYER TO PREPARE A WATER REVIEW FOR SUBMISSION TO THE PUBLIC SERVICE COMMISSION"

A request for a second reading and a motion to adopt was made by Jim Prailes with a second by Simenson. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

C. RESOLUTION 4436(20) "A RESOLUTION TO APPROVE THE PROPOSAL TO REMEDIATE ENVIRONMENTAL POLLUTION AND CREATE ENVIRONMENTAL TAX INCREMENT DISTRICT NUMBER ONE IN THE CITY OF BURLINGTON"

A request for a second reading and motion to adopt was made by Hintz with a second by Jim Prailes. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

14. ORDINANCES

A. ORDINANCE 1907(10) " AN ORDINANCE TO APPROVE A TEXT AMENDMENT TO SECTION 315-27B TO ALLOW MUNICIPAL OWNED PARKING STRUCTURES, GARAGES AND PARKING LOTS AS A PERMITTED USE IN THE B-2 DISTRICT"

A motion to adopt was made by Vos with a second by Jim Prailes. Roll Call Ayes: Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

B. ORDINANCE 1908(11) "AN ORDINANCE TO APPROVE A REZONE REQUEST FOR 115 SOUTH TEUT ROAD TO REZONE THE PROPERTY FROM I-1 INSTITUTIONAL DISTRICT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT"

A motion to adopt was made by Rauch with a second by Jim Prailes. Discussion: Mr. Jon Anderson, 2157 Stonegate attended the meeting representing The Glen at Stonegate Homeowner's Association. He spoke against the rezone request citing the association's concern that the future development of Phase Three at Stonegate would be adversely affected by the closeness of the proposed pet day care. He also felt that the neighborhood should have received notification of this proposed change but had not. Mr. Rod Blake, 2149 Stonegate stated that he was not in favor of this rezone.

Lahner clarified the notification process as those property owners only within 300 feet of the proposed rezone are notified.

Vos questioned Mr. Anderson if there was opposition to the whole veterinary clinic or only to the pet day care? Mr. Anderson stated that it was only the day care portion. Vos commented that the Planning Commission only approved the veterinary clinic but not the day care portion. The day care portion would have to be addressed by the Board of Zoning Appeals.

Rauch commented on the doggy day care on South Pine Street that was approved. Mr. Patrick Scherrer stated that the property had already been zoned M-1.

Dr. Sandra Miller, 841 Ridgemont, owner of the veterinarian clinic and proposed doggy day care addressed the barking issue. She stated that dogs only bark for two reasons which are boredom or anxiety. Dogs left at home would create more noise than if they were left in a day care setting. She stated that many of her clients are looking forward to this aspect of her business.

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

15. MOTIONS

A. MOTION 10-690 " A MOTION TO APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON HISTORICAL SOCIETY FOR PROPERTY LOCATED AT 508 SHELDON STREET"

A motion was made by Simenson with a second by Hintz to approve Motion 10-690. With all in favor the motion was approved.

B. MOTION 10-691 " A MOTION TO APPROVE A HANGAR LEASE WITH MJJ HOLDINGS, LLC LOCATED AT 705 AIRPORT DRIVE IN THE ANNUAL AMOUNT OF \$517.70"

A motion was made by Fischer with a second by Johnson to approve Motion 10-691. With all in favor, the motion was approved.

C. MOTION 10-692 " A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 152 EAST CHESTNUT STREET"

D. MOTION 10-693 " A MOTION TO APPROVE A SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 173 EAST CHESTNUT STREET"

E. MOTION 10-694 " A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN

THE HISTORIC PRESERVATION DISTRICT FOR 240 EAST CHESTNUT STREET”

F. MOTION 10-695 “ A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION DISTRICT FOR 609 NORTH PINE STREET”

A motion was made by Simenson with a second by Hintz to approve Motions 10-692,10-693,10-694, and 10-695. With all in favor, the motion was approved.

16. ADJOURNMENT

A motion was made by Hintz with a second by Jeff Fischer to adjourn the meeting. With all in favor, the meeting adjourned at 8:37 p.m.

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