



City Clerk
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CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, May 7, 2019

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Tom Preusker. Excused: *Alderman Grandi, Alderman Todd Bauman

Student Representatives - Present: Jack Schoepke (BHS). Excused: Morgan Tracy (BHS).

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Fire Chief Alan Babe, Police Chief Mark Anderson, Building Inspector Gregory Guidry, Library Director Joe Davies and Intern Nick Faust.

*Alderman Grandi joined the meeting at approximately 7:20 p.m.

2. **Citizen Comments** - There were none.

3. **Approval of Minutes** - To approve the April 3, 2019 Committee of the Whole Meeting Minutes. Motion: Alderman Kott. Second: Alderman Schultz. With all in favor, the motion carried.

4. **PRESENTATIONS:**

A. A presentation by Thomas Niccolai regarding the possible Performing Arts Center.

Rob King, Vice President of the Burlington Performing Arts Center Board, shared a PowerPoint Presentation stating that it was important for the Board to have a clear sense of what should be built before moving forward with a feasibility study. The Board visited several PAC's and were able to gain a better understanding of what the vision for the City of Burlington should be.

Alderman Schultz asked if a timeline had been established. King responded that they are not going to jump the gun and want to be sure to do everything right, therefore will more than likely take longer to complete. King stated that the next step is the feasibility study.

Alderman Preusker asked if there is an existing foundation or legal structure that has been set up for the PAC. Dr. Nikolai responded that the Burlington PAC is incorporated and also has a separate 501C3.

Alderman Schultz asked how much money needs to be raised. Nikolai responded \$16 million to build and maintain.

Alderman Rauch asked if any property has been obtained yet. Nikolai responded that no property has been obtained yet, but they have put offers in on three properties. Alderman Rauch then asked at what point does the Council become involved. Administrator Walters responded that Council would become involved after the feasibility study is completed and the regular development process begins.

5. **DISCUSSION:**

A. Discussion with Dorothy Dean from Nothing Less regarding Motion 18-911.

Dorothy Dean, founder and CEO of Nothing Less, Inc. presented a statement to Council and staff and requested that Motion 18-911 be rescinded. Per Ms. Dean's request, a copy of this statement has been included as an attachment to the meeting minutes.

6. **RESOLUTIONS:**

A. **Resolution 4948(1)** - To Award the Sale of \$1,310,000 General Obligation Corporate Purpose Bonds, Series 2019A.

Mayor Hefty introduced Resolutions 4948(1) and 4949(2) at the same time and included the corrected amounts of \$1,285,000 for the General Obligation Corporate Purpose Bonds and \$1,575,000 for the Waterworks System Revenue Bonds. Finance Director, Steve DeQuaker stated the reason for the changes were due to discounts that were given during the bond sale. Jon Cameron, further explained the bond closings.

B. **Resolution 4949(2)** - To Authorize the Issuance and Sale of \$1,655,000 Waterworks System Revenue Bonds, Series 2019B of the City of Burlington, Racine and Walworth Counties, Wisconsin, and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds.

This item was presented at the same time as Resolution 4948(1).

C. **Resolution 4950(3)** - To consider approving an Extraterritorial Zoning Certified Survey Map for property located at 1225 Browns Lake Drive.

Zoning Director, Megan Watkins provided an overview of the ETZ CSM for 1225 Browns Lake Drive, and stated that Council approval is required as this property is within 1.5 miles of the City of Burlington.

D. **Resolution 4951(4)** - To consider approving an Extraterritorial Zoning Certified Survey Map for property located at 6621 Brever Road.

Zoning Director, Megan Watkins provided an overview of the ETZ CSM for 6621 Brever Road, and stated that Council approval is required as this property is within 1.5 miles of the City of Burlington.

E. **Resolution 4952(5)** - To accept A Unanimous Petition for Direct Annexation of 0.84 acres for property located at W. State Street (002-03-19-31-032-000) in the Town of Burlington, Racine County, Wisconsin.

Zoning Director Watkins, explained that the owners of the property located at W. State Street, are requesting the annexation in order to have access to municipal water and sewer and the petition is the first step in the annexation process.

- F. **Resolution 4953(6)** - To consider approving a two-year contract for part-time building inspection services with Municipal Services, LLC.

Building Inspector Gregory Guidry provided an overview of the Municipal Services contract, stating that the owner, Jim Deluca, has worked with the City's Building Inspection Department since 1995 and is very knowledgeable of the city code and ordinances. Guidry also requested an increase in hourly pay from \$57 to \$65 since there hasn't been an increase since 2010.

Alderman Grandi asked how this is related to the SafeBuilt contract. Guidry responded that SafeBuilt deals primarily in code violation.

- G. **Resolution 4954(7)** - To consider approving the award of bid to Axon Enterprise, Inc. for five years in the amount of \$57,296.74 for eighteen body cameras, three six-bay docking stations, user licenses, and cloud storage for the City of Burlington Police Department.

Sergeant Krusemark reviewed the background history and stated that in 2010, the police department purchased 10 VieVu body cameras for \$7,079.77, however over the past three years, \$6,257.80 has been spent to repair and replace the damaged cameras. Krusemark also stated that VieVu has sold their body worn camera platform to Axon and in the near future will no longer be sold or supported. Krusemark then presented three quotes and recommended that Council award the bid to Axon Enterprise Inc for Quote #3.

Alderman Rauch stated that \$22,000 was budgeted but the cost of the body cameras totals \$57,000 and wanted to know where the extra money would come from. Walters responded that it would be paid for through the Equipment Replacement Fund.

7. **ORDINANCES:** There were none.

8. **MOTIONS:**

- A. **Motion 19-926** - To consider approving a Certificate of Appropriateness for property located at 533 Milwaukee Avenue.

Inspector Guidry reviewed the background and stated that this property belongs to the Top Museum and the owner would like to repair, repaint, and replace the lights on street facing facade of the building. Guidry further stated that the owner was awarded a facade grant for this project in the amount of \$5,000 and has been recommended for approval by the Historic Preservation Committee.

- B. **Motion 19-927** - To consider approving a Certificate of Appropriateness for property located at 541 Milwaukee Avenue.

Inspector Guidry reviewed the background and stated that this property belongs to the Teacher's Place and the owner would like to repair, repaint, and replace the lights on street facing facade of the building. Guidry further stated that the owner was awarded a facade grant for this project in the amount of \$5,000 and has been recommended for approval by the Historic Preservation Committee.

- C. **Motion 19-928** - To allow alcoholic beverage consumption on premise at the Burlington Senior Center.

Walters reviewed the background history and stated that the Senior Center was approached by Daniels Funeral Home to inquire if the Senior Center would be interested in renting space for Celebration of Life ceremonies that would allow for the consumption of food and alcoholic beverages, which would be provided by a licensed caterer. In addition, the Senior Center would like the ability to rent their space for other special occasions that might also allow for alcohol consumption provided by a qualified and licensed caterer. Walters further stated that as a result of City policy, the Common Council would

need to approve the allowance of alcohol on city property, if so determined.

Susan Crane, Interim Executive Director, explained in further detail the potential opportunities for additional income and provided an overview of all the current activities and the increased attendance at the Senior Center.

Alderman Rauch asked Crane if the intention for the Senior Center is to serve alcohol. Crane responded they do not want a liquor license, but rather the ability to rent their space for special occasions, of which a caterer would have the ability to provide alcohol if so desired.

D. **Motion 19-929** - To consider the annual insurance renewal with Ansay & Associates, LLC.

Walters stated that Ansay has been the City's broker since July 2018 and provides worker compensation and general liability insurance coverage and covers the City against losses incurred from injuries occurring on city property. Walters stated that the total premium for 2019 is \$387,547, which is an overall increase of less than 1% from the previous year.

Corina Kretschmer and Tony Matera, from Ansay, were in attendance and provided a brief overview of the year in review.

9. **ADJOURNMENT**

Motion: Alderman Meyer. Second: Alderman Heft. With all in favor, the meeting adjourned at 7:37 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington

**Remarks of Dorothy K Dean, Founder and CEO
Nothing Less, Inc. (dba Disability Justice)
to Burlington City Council
May 7, 2019**

Mayor Jeannie Hefty
Susan Kott, Alderman, 1st District
Theresa Meyer, Alderman, 1st District
Bob Grandi, Alderman, 2nd District
Ryan Heft, Alderman, 2nd District
Steve Rauch, Alderman, 3rd District
Jon Schultz, Council President, Alderman, 3rd District
Thomas Preusker, Alderman, 4th District
Todd Bauman, Alderman, 4th District

Mayor Hefty, Council members, Members of the Public:

Good evening. Thank you for your time.

I am here to address something that has not come up in the meetings I watched on video.

I am Dorothy Dean, founder of Nothing Less, Incorporated, a Wisconsin Disability Justice organization.

We educate the public and teach people how to be advocates, promoting civil rights.

Nearly everyone knows someone with a disability – a friend, a family member, themselves. Disabilities are acquired through living. Work accidents, arthritis, combat, and sports injuries, are some of the ways people get disabilities.

The Americans with Disabilities Act is civil rights law.

It is not a medical law. It is not a social services law. It is not a set of regulations.

The ADA is the most recent civil rights law in a series of Amendments and federal laws **deriving their authority directly from the US Constitution.**

For example:

Amendment 14, in 1868, guaranteed the Constitutional right to vote to former male slaves.

The 19th Amendment, in 1920, recognized the right of women to vote. Wisconsin was the first state to approve this amendment 99 years ago!

No one gave the right to vote to these citizens. They already owned that right.

Participation in the civic, commercial, educational, religious, and social life of the community is essential for a democratic society. Disability or not.

These 2 Amendments to the Constitution were followed by:

**the Civil Rights Act of 1964,
the Voting Rights Act of 1965,
the Fair Housing Act of 1968, and, of course,
the Americans with Disabilities Act of 1990**

Each of these federal laws was preceded by decades of citizens fighting for equal rights. These 2 Amendments and 4 federal laws were necessary to break down barriers to full inclusion in society.

For example:

No longer was it OK to refuse to rent to families with children

Likewise, the ADA was passed to make inclusion a reality:

steps with alternatives like a ramp or a lift,
restrooms that are safe to use,

These, plus curb cuts, disabled parking, closed captions on videos and more are all designed to include everyone.

No body, elected or otherwise, has the authority to grant anyone or any business an exemption from civil rights.

Our attorney, Jeffery Spitzer-Resnick has been practicing civil rights law in Wisconsin since 1985.

Mr. Spitzer-Resnick reviewed the illegal exemption this Council approved. His findings and conclusions are stated in his memo.

He concludes there is “no legal basis to grant an exemption”.

Enforcing the existing local ordinances and building codes is well within the authority of the City. There are excellent economic development arguments for zoning and building codes.

The City of Burlington illegally slammed the door on every person with a mobility problem – whether it is temporary or permanent; visible or invisible; current or future.

It sets a false precedent for every government and business in Wisconsin.
This is a lawsuit waiting to happen. I urge the Council to continue to be good stewards of taxpayer money.

29 years ago with strong bi-partisan support, Congress approved the ADA.

President George H. W. Bush said, when he signed the Americans with Disabilities Act into law:

“ . . . we will not accept, we will not excuse, we will not tolerate discrimination in America.”

I have faith that the Burlington City Council will rescind Motion 18-911.

Rescinding shouts that Burlington welcomes everyone and their contributions to the vitality of the city.

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I will give a copy of my remarks to the Clerk. I request that my written remarks be made part of the written public record of this meeting.

Thank you for your time.

Dorothy K Dean, Founder & CEO
Nothing Less, Inc. dba Disability Justice

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