

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

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:27 p.m. starting with roll call. Aldermen present: Bob Prailles, Ed Johnson, Peter Hintz, Jim Prailles, Tom Vos, Steve Rauch, Jeff Fischer Excused: Katie Simenson

Also present: City Administrator Kevin Lahner, Police Chief Peter Nimmer, Library Director Gayle Falk, Treasurer Steve DeQuaker, Police Department Administrative Service Manager Kim Hardesty, Utility Director Connie Wilson, Fire Chief Dick Lodle

2. PLEDGE OF ALLEGIANCE

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

3. CITIZEN'S COMMENTS

Mr. Paul Mueller, 31121 Plank Road, owner of REMAX, 800 Milwaukee Avenue requested that the ChocolateFest Lease be delayed to another meeting. But, he said if it wasn't delayed he wanted to emphasize to council that there are two separate offers at hand-one from himself and one from Mr. Ken Neu. Mueller felt the major question at hand was the building on the piece of property that he is interested in purchasing. Mueller wanted to clarify that if council denies the offer because of the building, Neu's offer was still a viable offer.

Attorney Brian Wanasek, 3111 Washington Avenue spoke on behalf of WAN, LLC and their agent Mr. Kevin Bird. Atty. Wanasek encouraged a delay on the decision of the granting of the Combination "Class B" License that was on this evening's list for approval. As owners of 219 North Pine Street which is and has been a bar/restaurant, WAN, LLC would like to continue that use for the building but are in need of a Combination "Class B" License.

4. CHAMBER OF COMMERCE REPORT

None

5. APPROVAL OF COMMON COUNCIL MINUTES FOR JULY 5, 2011

A motion was made by Vos with a second by Hintz to approve the Common Council Minutes of July 5, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Rauch with a second by Jim Prailles to accept the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Lahner announced the hiring of Mr. Dan Jensen of Columbus, Wisconsin to fill the position of Supervisor of Streets and Parks. Mr. Jensen will begin his work with the city on August 1, 2011

Lahner also reported that the city has been in contact with the DOT regarding the closing of West Chestnut Street. Due to additional work the street will undergo a "hard" closure; the public will be made aware of this change through a press release.

Rauch questioned the progress of the landscaping at the new DPW Building. Wilson reported that watering is in progress for the new grass.

8. REPORTS 1-2

A motion to approve Reports 1-2 was made by Fischer with a second by Hintz. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Hintz with a second by Vos to approve pre-paid, vouchers and reimbursements in the amount of \$487,456.56. Rauch also questioned if this was the last payment to Riley Construction that is listed on the bill list this evening. Lahner replied that was correct. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: None Motion carried 7-0

10. LICENSES AND PERMITS

The mayor advised council that he was looking for a motion for the licenses and permits with the exception of the Combination "Class B" as that will be addressed later. A motion was made by Bob Prailes with a second by Hintz to approve licenses as presented with the exception of the application for the Combination "Class B" License applied for by Lucky Star LLC. With all in favor, the motion carried.

The mayor announced that Jim Prailes and Fischer would not be part of the vote or conversation due to a conflict of interest. Fischer announced that he no longer had any financial interest in 217 North Pine Street and questioned if he should vote. The mayor replied that he should not vote on this issue. Hintz questioned if he could still vote because he was an employee of Wanasek Corporation. The mayor replied that Hintz could vote because he does not have any financial interest or relationship to WAN, LLC. Vos asked for clarification on the Combination "Class B" License that was being applied for by Lucky Star. Lahner explained that the license formerly was held by the Burlington Brewing Company but was not renewed. With the expiration of that license on June 30th it then became available. Lucky Star LLC then completed an original application for the license for their location. WAN, LLC came in after the Lucky Star application and applied but because of the 15 day statutory requirement could not be listed on this evening's meeting.

The mayor stated that council could deny, approve or hold over the Lucky Star application until the next meeting when both applications could be considered.

Atty. Brian Wanasek stated that only Lucky Star could be considered for the license this evening because of the 15 day requirement for publication of the legal notice; he said if council delayed the decision until the next meeting then both applications could be considered at the same time.

Johnson questioned if there was any precedent for issuing the license. Lahner explained that typically it has been first come, first served. The mayor stated that we have never had a case where the license has been turned back in and there was more than one business that was interested in the license.

The mayor then stated that he had been in contact with the city attorney regarding the reserve license that has been granted, but is not being used at this time with the idea of having it turned back in to the city.

Hintz questioned if this license had been turned in or did someone forget to apply. It was the mayor's understanding that it had been surrendered and not renewed.

Atty. Wanasek said the license was not owned by WAN, LLC and it was not their license to renew.

Mr. Dino Katris from Lucky Star LLC discussed his position in wanting the license. He said that when they revamped their building it was with the intention of including a bar. When they realized this license was available they applied and hoped to finish their remodeling. Mr. Katris said they hoped to be able to grow their business by offering the liquor with the meals.

Mr. Jesse Aguirre also from Lucky Star said that he was in a similar situation as WAN, LLC and had to take back a business that was going under so he said he could understand where WAN, LLC was coming from. Aguirre said that he was the first to apply and could not understand why they could not have the license.

Katris then stated that Lucky Star, LLC had followed the process and he hoped the process would work.

Mr. Paul Giammo, 181 Kendall Street said that he has a friend who is interested in purchase the building, but it is contingent upon the liquor license availability. Mr. Giammo stated that he would like to see the license remain with Wanasek.

A motion was made by Rauch to approve the license application for Lucky Star, LLC with Johnson seconding the motion. Roll Call Ayes: Johnson, Rauch Nays: Bob Prailes, Jim Prailes, Vos The motion was denied 3-2.

Bob Prailes encouraged Lucky Star to reapply and be considered at the next meeting.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

None

13. RESOLUTIONS

A. RESOLUTION 4485(10) "A RESOLUTION TO APPROVE A LEASE BETWEEN THE CITY OF BURLINGTON AND CHOCOLATEFEST"

A request for a second reading and a motion to approve was made by Bob Prailes with a second by Jim Prailes Roll Call Ayes: Bob Prailes, Hintz, Jim Prailes, Vos, Fischer Nays: Johnson, Rauch Motion carried 5-2

B. RESOLUTION 4486(11) "A RESOLUTION TO AUTHORIZE THE LEASE OF PROPERTY TO THE BURLINGTON LIONS CLUB FOR A TERM OF FIVE YEARS"

A request for a second reading and 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 Motion carried 7-0

C. RESOLUTION 4492(17) "A RESOLUTION TO APPROVE A CHOCOLATE CITY LOGO AGREEMENT WITH CHOCOLATE EXPRESSION, LLC"

A request for a second reading and motion to approve was made by Jim Prailes with a second by Johnson. With all in favor, the motion carried.

14. ORDINANCES

None

15. MOTIONS

None

16. ADJOURNMENT

A motion was made by Hintz with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 7:55 p.m.

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