

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
September 6, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 8:15 p.m. starting with roll call. Aldermen present: Bob Prailles, Ed Johnson, Peter Hintz, Jim Prailles, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Assistant to the Administrator Megan Johnson, Police Lt. Mark Anderson, Treasurer Steve DeQuaker, Utility Director Connie Wilson, Fire Chief Richard Lodle, Library Director Gayle Falk, 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

Mr. Jim Webley, was in attendance but did not have anything to report for the chamber.

5. APPROVAL OF COMMON COUNCIL MINUTES FOR AUGUST 17, 2011

A motion was made by Vos with a second by Simenson to approve the Common Council Minutes of August 17, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

None

8. REPORTS 1-6

A motion to approve Reports 1-6 was made by Rauch with a second by Jim Prailles. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Simenson with a second by Hintz to approve pre-paid, vouchers and reimbursements in the amount of \$637,321.66. Johnson questioned the payments to Kohl's, Pick N Save and Memorial Hospital. Lahner explained that the Kohl's and Pick N Save amount is the annual payment under the developer's agreement for their increment that is created. This payment will be made for ten years or for an amount of up to two million dollars. Lahner then explained the amount for the Memorial Hospital is in regard to the Wellness Center and is tied to the Revenue Bond that was issued. Roll Call Ayes: Bob Prailles, Johnson, Hintz, Jim Prailles, Vos, Rauch, Fischer, Simenson. Nays: None Motion carried 8-0

10. LICENSES AND PERMITS

A motion was made by Bob Prailles with a second by Hintz to approve the licenses as presented.

Simenson reported that in her opinion it was a mistake to give a license to a vacant building as they had once granted the reserve license to the Boneyard and it had never opened. It was suggested by Simenson that the city hold the license for any future development that may come into the city. She

cited the two million dollar payment that is being given to the Kohls/Pick N Save Development as incentive for future development.

Bob Prailes then stated that he had a problem when the city makes rules after someone has applied and the city doesn't follow a precedent. He didn't think rules should be changed after the application has been received.

Atty. Brian Wanasek, representing WAN LLC stated that the corporation does have a plan and he said that he didn't consider it a vacant building, but rather a bar/restaurant waiting for a liquor license. He further stated that they do have someone interested in the business but only if there is a liquor license. He also thought that with the annexation of the town property that the city may now be eligible for an increase to their quota.

Vos said that he had recently learned that someone can be granted a liquor license and not serve a drop of liquor but would then be eligible for five gaming machines. He then mentioned the old Foxville Restaurant who did not fully utilize their license. He said he will discuss this with his son, Representative Robin Vos that the law needs to be changed. The mayor then stated that he would like to see the state eliminate the whole quota system and let the city decide how many liquor licenses they would want to have.

Atty. Bjelajac then wanted to discuss several issues with the council. The first item he wanted to mention was the annexation as the ordinance indicates there will be forty-eight new residents brought into the city. The second issue was the fact that he represents the whole City of Burlington and not just the mayor and council. At the time the one liquor license was being sought by Lucky Star and WAN, LLC it was his opinion that three aldermen had a conflict of interest due to a close business relationship and they were: Alderman Jim Prailes, Peter Hintz and Jeff Fischer. He further stated that every alderman can vote if they see fit and no one can stop them from voting. Atty. Bjelajac said that this situation is a little different with only having one applicant for the license, but it still was his opinion that there yet exists the same conflict of interest with three of the aldermen having a close business relationship with the applicant.

Hintz withdrew his second to the motion and on the advice from Atty. Bjelajac recused himself. Johnson then seconded the motion.

Roll Call Ayes: Bob Prailes, Johnson, Vos, Rauch, Simenson Nays: None Recused: Hintz, Jim Prailes, Fischer Motion carried 5-0

Hintz questioned if a license is turned back to the city if it would then become a "Reserve" license. Atty. Bjelajac said that he would have to research the statutes as it is not a simple answer.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

A. PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING AN AMENDMENT TO THE MUNICIPAL CODE TO CREATE SECTIONS 315-8A AND B, "BUILDING PERMITS AND/OR OCCUPANCY PERMITS ISSUED", 315-130(F), "REVOCATION AND EXPIRATION OF CONDITIONAL USE PERMITS", 315-137(F), "LIMITATIONS ON SITE PLAN APPROVAL AND EXPIRATION" 315-138(K) "LIMITATIONS ON LANDSCAPE PLAN APPROVAL AND EXPIRATION"

The mayor opened the public hearing at 8:33 p.m. A motion to close the public hearing was made by Jim Prailes with a second by Vos. With all in favor, the public hearing closed at 8:34 p.m.

13. **RESOLUTIONS**

A. **RESOLUTION 4493(18)** "A RESOLUTION TO APPROVE CHANGE ORDER NUMBER ONE WITH R.R. WALTON & COMPANY FOR THE 2011 STREET & SIDEWALK IMPROVEMENT PROGRAM IN THE AMOUNT OF \$7,461.94"

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

14. **ORDINANCES**

None

15. **MOTIONS**

A. **MOTION 11-721** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 166 EAST JEFFERSON STREET"

B. **MOTION 11-722** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 256 EAST CHESTNUT STREET"

C. **MOTION 11-723** "A MOTION TO APPROVE A SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 256 EAST CHESTNUT STREET"

D. **MOTION 11-724** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS AND SIGN PERMIT IN THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR PROPERTY AT 189 EAST CHESTNUT STREET"

A motion to approve Motions 11-721,722,723,724 was made by Bob Prailes with a second by Vos. With all in favor, the motion carried.

16. **ADJOURN INTO CLOSED SESSION PER WIS. STATS 19.85 (1)(C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY"**

A motion was made by Hintz with a second by Jim Prailes to adjourn into closed session at 8:35 p.m. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

17. **RECONVENE INTO OPEN SESSION**

A motion was made by Vos with a second by Rauch to reconvene into open session. With all in favor, the open session began at 9:08 p.m.

There were no recommendations from closed session.

18. **ADJOURNMENT**

A motion was made by Jim Prailes with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 9:09 p.m.

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