

**City of Burlington  
Official Minutes  
Common Council  
Robert Miller, Mayor  
Beverly R. Gill, City Clerk  
September 20, 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 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 Chief Peter Nimmer, Treasurer Steve DeQuaker, Utility Director Connie Wilson, Supervisor Streets and Parks Dan Jensen, 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**

Alderman Johnson reported on the golf outing the chamber had sponsored.

**5. APPROVAL OF COMMON COUNCIL MINUTES FOR SEPTEMBER 6, 2011**

A motion was made by Johnson with a second by Jim Prailles to approve the Common Council Minutes of September 6, 2011. With all in favor, the motion carried.

**6. LETTERS AND COMMUNICATIONS**

None

**7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS**

Dan Jensen reported on a meeting between the city, DNR and Augies Excavating regarding the Riverside Park Project. The project will begin on the 26<sup>th</sup> of September with completion anticipated by the 25<sup>th</sup> of October.

Wilson reported the Chamber of Commerce "Business After Hours" was being co-hosted by the DPW and RKW. She invited everyone to attend as it was being held at the new DPW Building, Thursday, September 22<sup>nd</sup> from 5-7 p.m. Wilson also reported on the radium removal project as being on schedule; the tank for Well #9 had been delivered with the tank for Well #10 being scheduled to arrive on the following Monday. She anticipated the radium removal to begin around the first of December.

Vos requested an update on the report regarding the landfill. Lahner stated that he will provide information at the next council meeting.

**8. REPORTS 1-2**

A motion to approve Reports 1-2 was made by Jim Prailles 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 Johnson to approve pre-paid, vouchers and reimbursements in the amount of \$332,429.07 Vos stated that because he is a sub-contractor for Scherrer Construction and will be doing work on Wells #9 and 10 he would not be voting on approval of any subsequent bills for Scherrer Construction. Rauch suggested that Vos also not participate in any

discussion as well. Atty. Bjelajac concurred with Rauch with Vos stating that he also agreed. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Rauch, Fischer, Simenson Nay: None Abstain: Vos Motion carried 7-0

**10. LICENSES AND PERMITS**

A motion was made by Vos with a second by Rauch 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 PERMANENTLY ZONING PROPERTY ON SOUTH TEUT ROAD AND TIMBER LANE TO THE CITY OF BURLINGTON PURSUANT TO THE STIPULATION BETWEEN THE TOWN OF BURLINGTON AND THE CITY OF BURLINGTON AND TO PERMANENTLY ZONE THE PROPERTY ATTACHED"**

The mayor opened the public hearing at 7:03 p.m. Mr. Tom Tess, 525 Teut Road stated the residents on Teut Road and Timber Lane have had ten years to prepare for this change, but they did not anticipate the city's request for reassessment. He suggested an opportunity to discuss the uniqueness of their properties as to the fact they do not have curb/gutter or sidewalks with the city's assessor.

Vos questioned if reassessment was part of the original agreement. Lahner explained reassessment is one of the requirements of state statutes. Lahner added that he had been in contact with the city's assessor Mr. Keith Munson and a meeting is anticipated some time the first week of October.

Mr. Larry Richter, 2648 Timber Lane questioned the horses that are kept at the Cottonpicker Restaurant and if his own property would be "grandfathered" in so that he could keep a duck on his property. Richter was also concerned with issues with building inspection. Atty. Bjelajac suggested that he should put his concerns on paper or email and send them to the city as Atty. Bjelajac did not have the answers at this time.

Vos thought the idea of being "grandfathered in" was over once the annexation took place and he didn't want to give anyone any false hope. Lahner stated there is a concept of "existing, non-conforming" that the city has contended with through the years. Atty. Bjelajac stated that issues would be dealt with fairly through ordinances and state statutes.

A motion to close the public hearing was made by Rauch with a second by Vos. With all in favor, the public hearing closed at 7:10 p.m.

**B. "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REZONE REQUEST FOR PART OF LOT 1, CSM 1999 (SOUTH PINE STREET AND STH 11 BYPASS) FROM RM-2/PUD, MULTIPLE-FAMILY RESIDENCE DISTRICT IN A PLANNED UNIT DEVELOPMENT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT"**

The mayor opened the public hearing at 7:10 p.m. Ms. Rita Dietzel 1073 South Pine Street, Unit 201 commented that as one of the owners of the Springbrook Crossing, she wanted to verify what had already been noted that all of the current owners are totally behind the proposed project. The condo owners were concerned with Galesburg, LLC being in financial difficulty as they would not want the LLC to go bankrupt. As condo owners, they would then still be tied to the property. She felt it would be beneficial for the city as well to have the land developed.

A motion was made by Simenson with a second by Vos to close the public hearing. With all in favor, the hearing closed at 7:11 p.m.

### 13. RESOLUTIONS

**A. RESOLUTION 4495(20) "A RESOLUTION TO APPROVE TASK ORDER NUMBER EIGHTY-ONE WITH KAPUR & ASSOCIATES FOR ENGINEERING SERVICES WITH THE MUNICIPAL LANDFILL FOR 2012-2013 IN THE AMOUNT OF \$8,665"**

A request for a second reading and a motion to approve was made by Fischer with a second by Simenson. Vos questioned if this resolution addresses the well abandonment and other issues that concerned the DNR. Tom Foht replied those issues will be addressed in the task order. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0

**B. RESOLUTION 4496(21) "A RESOLUTION TO APPROVE A TRAFFIC AND SIGNALIZATION ANALYSIS AGREEMENT WITH KAPUR & ASSOCIATES IN THE AMOUNT OF \$23,732.38"**

The mayor announced this item was being removed from the agenda this evening.

**C. RESOLUTION 4497(22) "A RESOLUTION TO APPROVE A LEASE BETWEEN THE CITY OF BURLINGTON AND ANDREW NABER FOR PROPERTY AT 756 MARYLAND AVENUE"**

A request for a second reading and a motion to approve was made by Johnson with a second by Jim Prailes. Simenson questioned what had changed with this agreement since the last meeting. Atty. Bjelajac explained the lease document dated September 7, 2011 had been changed to a one-year term with an automatic one year renewal. After a two year period, there would then be an option to terminate either from the tenant or landlord with a six month notice. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0

**D. RESOLUTION 4498(23) "A RESOLUTION TO CONSIDER PROVIDING FOR THE SALE OF GENERAL OBLIGATION REFUNDING BONDS IN THE NOT-TO-EXCEED AMOUNT OF \$9,400,000"**

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

**E. RESOLUTION 4499(24) "A RESOLUTION TO CONSIDER PROVIDING FOR THE SALE OF WATERWORKS SYSTEM REVENUE REFUNDING BONDS IN THE NOT-TO-EXCEED AMOUNT OF \$2,090,000"**

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

**F. RESOLUTION 4502(27) "A RESOLUTION TO APPROVE A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SOUTH PINE STREET AND THE STH 11 BYPASS"**

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

### 14. ORDINANCES

**A. ORDINANCE 1931(8) "AN ORDINANCE TO APPROVE A TEXT AMENDMENT TO CHAPTER 315 OF THE MUNICIPAL CODE REGARDING EXPIRATION OF APPROVED DEVELOPMENT PLANS AND PERMITS"**

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

**B. ORDINANCE 1932(9) "AN ORDINANCE TO ATTACH PROPERTY TO THE CITY OF BURLINGTON PURSUANT TO WI STATUTE 66.0225 AND THE CITY-TOWN AGREEMENT TO PERMANENTLY ZONE THE ATTACHED LAND AND AMEND THE OFFICIAL MAP OF THE CITY"**

A request for a second reading and a motion to approve was made by Simenson 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. ORDINANCE 1933(10) "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY REZONING LOT 1 OF CSM 1999 (SOUTH PINE STREET) FROM RM-2/PUD, MULTI-FAMILY RESIDENCE DISTRICT IN A PLANNED UNIT DEVELOPMENT TO B-1, NEIGHBORHOOD BUSINESS DISTRICT"**

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

**15. MOTIONS**

**A. MOTION 11-725 "A MOTION TO CONSIDER APPROVING AN EMPLOYEE POSITION AND SALARY RESTRUCTURING POLICY"**

A motion to approve was made by Bob Prailes with a second by Johnson. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nay: Simenson Motion carried 7-1

**18. ADJOURNMENT**

A motion was made by Johnson with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 7:28 p.m.

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