



City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
May 1, 2012

1. **CALL TO ORDER - ROLL CALL**

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Ruth Dawidziak, Tom Vos, Steve Rauch, Tom Preusker, Katie Simenson

Student Representative present: Paul Dhillon Excused: Dale Morrow

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Public Works Director Connie Wilson, Fire Chief Dick Lodle, Tom Foht of Kapur Engineering, Mr. David Wagner of Ehlers and Associates, Mr. John Grosskreutz of Kapur Engineering

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

3. **CITIZEN COMMENTS**

None

4. **CHAMBER OF COMMERCE REPRESENTATIVE**

None

5. **APPROVAL OF COUNCIL MINUTES FOR APRIL 17, 2012**

A motion was made by Hintz with a second by Rauch to approve the minutes from April 17, 2012. With all in favor, the motion carried.

6. **LETTERS AND COMMUNICATIONS**

A motion was made by Vos with a second by Hintz to approve the letters and communications. With all in favor, the motion carried.

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

Simenson reported on the success of the recent Clean Sweep and suggested it be done again next year. She also attended her first ChocolateFest meeting and reported that they would like people to use Facebook to get the word out about the festival.

Vos questioned the traffic analysis study and when it would be implemented. Lahner reported he had met with Kapur to review the comments from council and hopefully will have the report to council in the next couple of weeks.

Prailes questioned if the path along Milwaukee Avenue was going to be completed in time for ChocolateFest. Lahner replied that it is anticipated to be completed.

Wilson reported on the huge success of the Clean Sweep Program with three-hundred and fifty pounds of prescription drugs collected. Wilson also reported on the upcoming bid opening on May 10th for Phase II of the Wastewater Treatment Plant.

8. REPORTS 1-8

A motion was made by Rauch with a second by Johnson to approve Reports 1-8. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Simenson with a second by Hintz to approve vouchers, prepaids and reimbursements in the amount of \$316,579.98. Roll Call Aye: Prailes, Johnson, Hintz, Dawidziak, Vos Rauch, Preusker, Simenson Nay: None Motion carried 8-0

10. LICENSES AND PERMITS

A motion was made by Bob Prailes with a second by Hintz to approve licenses as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Johnson with a second by Prailes to approve appointments as presented. With all in favor, the motion carried.

12. PUBLIC HEARING

A. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REZONE REQUEST FROM MS. MEGAN MCCARTHY FOR PROPERTY LOCATED AT 216 WEST JEFFERSON STREET TO REZONE THE PROPERTY FROM RD-2, TWO-FAMILY RESIDENTIAL DISTRICT TO B-2, CENTRAL BUSINESS DISTRICT

The mayor opened the public hearing at 8:17 p.m.

Ms. Marion McCarthy, 680 North Lake Shore Drive, Chicago, Illinois stated she and her husband were interested in purchasing the historical property at 216 West Jefferson Street for their daughter Ms. McCarthy and was aware the zoning needed to be changed to suit their business plan. She stated the family roots are deep in Burlington and her family is concerned with the preservation of history in this area.

Ms. Sarah Nason, W5717 Ridge, Elkhorn spoke in favor of the Jefferson Street property as a class site. As a member of the "Healing Class for Yoga" that Ms. McCarthy teaches, she said there is a need at times for privacy which a public location like the Wellness Center does not afford. Ms. Nason said Ms. McCarthy is offering a wonderful service to Burlington and hoped the technicalities of the zoning could be worked out so the classes could be offered at that location. Ms. Nason said it is not only a yoga class but is also a support group for cancer survivors.

Mr. John Nason, W5717 Ridge Road, Elkhorn said the yoga class is a very quiet operation for the neighborhood. The property itself has four parking places, a parking lot next door with a commercial property behind. He said they type of classes that Ms. McCarthy is offering are very special and very much needed by many people.

Mr. George Dundore, 201 West Jefferson Street was the appointed spokesperson for the neighborhood and said the neighborhood was concerned with the parking. He said many of the residents do not park on the street because they consider it unsafe. He did not consider the area serene with the church bells ringing every fifteen minutes, traffic from the Log Cabin and B. J. Wentkers and the train sounds. He was concerned with the zoning change on the house and would the zoning continue to be changed all down the street. He did not think the zoning change would be conducive to the neighborhood. Devaluation of property was another concern of the neighborhood.

Mr. Mike Smith, property owner of 165-167 and 180 West Jefferson asked the council to deny the zoning request because it would change the character of the street and neighborhood and increase the traffic. He said his family also has deep roots in Burlington as his grandfather had donated the land for the hospital and the 180 West Jefferson Street address had been built by his family and is still owned by the family.

Ms. Jackie Kerkman, 324 West State Street spoke in favor of the zoning change. She said the yoga classes are now held at the Wellness Center and due to the noise level in that building, she felt the Jefferson Street location would be much quieter. She also felt that the historic aspect of the building would be well maintained by Ms. McCarthy.

Ms. Laurie Dundore, 201 West Jefferson Street was not in favor of the zoning change. She did not think the interior of the house due to its smallness, would be conducive to conducting a class and she also was concerned with the parking.

Ms. Dorothy Kline, 1200 Raptor Court, Unit #16, had taken many different yoga classes in many different settings and preferred classes in a home-like setting. She said Ms. McCarthy is trying to create just that type of situation on Jefferson Street.

Ms. Brenda Brustman, 189 West Jefferson spoke against the rezoning. She wanted the area to remain residential.

Mr. John Elliot, 125 West Jefferson did not want to see more business allowed on the street and wanted the area to remain residential.

A motion was made by Hintz with a second by Rauch to close the Public Hearing. With all in favor, the public hearing closed at 8:45 p.m.

B. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 216 WEST JEFFERSON STREET MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL

The mayor opened the public hearing at 8:46 p.m.

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 8:47 p.m.

C. A PUBLIC HEARING TO CONSIDER A REZONE REQUEST FROM JW WEST RIDGE, LLP FOR PROPERTY LOCATED AT 649-657 WEST STATE STREET TO REZONE THE PROPERTY FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO RM-2/PUD, MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY

The mayor opened the public hearing at 8:48 p.m.

A motion was made by Rauch with a second by Preusker to close the public hearing. With all in favor, the public hearing closed at 8:48 p.m.

D. A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A REQUEST TO AMEND THE RACINE COUNTY MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 649-657 WEST STATE STREET COMMERCIAL TO HIGH DENSITY RESIDENTIAL

The mayor opened the public hearing at 8:49 p.m.

A motion was made by Simenson with a second by Johnson to close the public hearing. With all in favor, the public hearing closed at 8:50 p.m.

13. **RESOLUTIONS**

A. **RESOLUTION 4553(4)** "A RESOLUTION TO AWARD THE SALE OF \$3,190,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2012A"

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

14. **ORDINANCES**

None

15. **MOTIONS**

A. **MOTION 12-740** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HPC OVERLAY DISTRICT FOR 133 EAST CHESTNUT STREET"

B. **MOTION 12-741** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION IN THE HPC OVERLAY DISTRICT FOR 492 NORTH PINE STREET"

C. **MOTION 12-742** "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 615 NORTH PINE STREET"

A motion was made by Johnson with a second by Hintz to approve Motion 12-740, 12-741, 12-742. With all in favor the three motions carried.

16. **ADJOURNMENT**

A motion was made by Rauch with a second by Preusker to adjourn the meeting. With all in favor, the meeting adjourned at 8:50 p.m.

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