

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, JANUARY 14, 2013 – 7:00 PM**

### **COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was led by Alderman Kehoe.

**Roll Call.** Present: Aldermen Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar. Absent: Alderman Krohn (excused). Also present: Administrator Jordan, DPW Winkler, City Attorney Draper and City Clerk Hawes.

#### **Awards, Presentations, and Proclamations.**

Mayor Connors presented a proclamation to John Nish for his years of service as City Electrician.

**Re-consider business from previous meeting.** None.

#### **Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to 5 minutes.**

Terry O'Neill, 954 Goerge St., Lake Geneva, addressed the Council about item #14A regarding the Riviera seawall inspection. Mr. O'Neill said there appears to be a discrepancy with whether the inspection will be above or below the waterline.

#### **Acknowledgement of Correspondence.**

City Clerk Hawes acknowledged a letter from Joyce and James Iding, 101 Applewood Ct. NW, Marietta, GA, dated January 1, 2013 regarding an increase to their property tax bill for 2012.

#### **Approval of Minutes**

Wall/Tolar motion to approve the regular meeting minutes of December 10, 2012, as prepared and distributed. Motion carried by vote of 7 to 0.

#### **Consent Agenda**

Original Class "B"/Class "C" fermented malt beverage license and wine license application filed by Delish Corporation d/b/a Delish Pizzeria, 150 Center St., Lake Geneva, Jessica Register, Agent

Temporary Class "B" License application submitted by Jessica Pacholczak on behalf of St. Francis Parish Life for the sale of fermented malt beverages at St. Francis Parish Life, 148 W. Main Street, Lake Geneva, for Chili Cook Off on February 2, 2013

Temporary Class "B" License application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees for the sale of fermented malt beverages at Flat Iron Park parking lot, 100 block of Center St., Lake Geneva, for Venetian Festival on August 13-19, 2013

Park Permit Application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees to use Flat Iron, Library and Seminary Parks for Venetian Festival on August 12-19, 2013 (*recommended by Board of Park Commissioners 1/2/13*)

Street Use Permit Application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees to use Wrigley Dr. from Center St. to Broad St. and parking stalls on west side of Center St. from Wrigley Dr. to 150 Center St. for Venetian Festival on August 12-20, 2013

Original 2012-2013 Operator License applications filed by Brandee L. Walton, Kristina A. Conlin, Kayla J. Skomski, Tallulah L. McKimmy and Theodore Harig

Hougen/Wall motion to approve. Motion carried by vote of 7 to 0.

## Items Removed from the Consent Agenda

### **Street Use Permit Application submitted by William Thornborough on behalf of Genoa City Lions Club to use a parking stall on the northwest corner of Main St. and Broad St. for Harley-Davidson Raffle on April 6, 2013 through July 28, 2013, from 7 a.m. to 6 p.m.**

Alderman Hill said the applicant is requesting to use the parking stall on weekends and holidays only. She said last year the applicant paid an additional fee of \$272.00 to cover the lost revenue from the parking stall they used. Mayor Connors said it would come out to 36 days in 2013, which would be \$360.00 in lost parking revenue. Alderman Hill expressed concern with whether it was acceptable for the City to rent out parking stalls in this manner. She said the Parking Commission has been working on improving visibility near the corners of intersections and having a trailer there may impede visibility at this intersection. Alderman Kupsik said he was under the impression that the applicant would consider a new location this year. He suggested the item be continued to the next meeting and the applicant be asked to consider a different location.

Kupsik/Hougen motion to continue to the January 28<sup>th</sup> meeting and recommend the applicant request a less congested location. Alderman Kupsik suggested the applicant consider a parking stall west of the Library. Alderman Tolar agreed the raffle shouldn't be held on a main intersection. Alderman Wall said he has never heard of any issues with the applicant using the requested location in the past. He added that the Genoa City Lions Club is a fine organization and they deserve to continue their raffle at the same location.

Roll Call: Hougen, Hill, Kehoe, Kupsik and Tolar voted "yes." Wall and Mott voted "no." Krohn was absent. Motion carried by vote of 5 to 2.

### **Second reading of Ordinance 12-27, amending Chapter 2, Administration, Article V, Board and Commissions, Division 1, Generally regarding the Communications Committee (continued 12/10/12)**

Mayor Connors said the Council discussed removing the word "all" under (m)(1). Administrator Jordan suggested adding "or matters as referred by staff and Council" at the end of the (m)(1).

Hill/Hougen motion to approve. Hill/Mott motion for an amendment, deleting the word "all" under (m)(1) and adding "or as referred by City staff or Council" at the end of (m)(1). Amendment carried by vote of 7 to 0.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted "yes." Krohn was absent. Motion carried by vote of 7 to 0.

### **Resolution 13-R01, combining polling locations for February 19, 2013 Spring Primary Election**

City Attorney Draper said Resolution 13-R01 appears to conflict with an existing ordinance that designates two polling places for elections. Item failed for lack of motion.

### **Resolution 13-R03, a resolution for the City of Lake Geneva to become a primary wireless 9-1-1 Public Safety Answering Point (PSAP) (recommended by the Police and Fire Commission 1/10/13)**

Hougen/Hill motion to suspend the rules and allow Police Chief Rasmussen to address Council. Motion carried by vote of 7 to 0. Chief Rasmussen said that according to a recent study, 60% of 9-1-1 calls in Walworth County are made on cell phones. When a 9-1-1 call is made from a cell phone, it goes to the County where it then gets redirected to Lake Geneva. Chief Rasmussen suggested establishing Lake Geneva as a primary wireless 9-1-1 Public Safety Answering Point (PSAP) so cell phone calls within certain boundaries in the city limits would go straight to the Lake Geneva dispatch. He said this would avoid the delay of having to be transferred from the County.

Hougen/Wall motion to approve.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted "yes." Krohn was absent. Motion carried by vote of 7 to 0.

## **Finance, License and Regulation Committee Recommendations – Alderman Hill**

**Discussion/Action on agreement with Crispell-Snyder for Riviera Seawall Inspection services in the amount of \$5,500.00 (recommended by Public Works Committee 12/17/12)**

Hill/Kupsik motion to approve the agreement with Crispell-Snyder for Riviera Seawall Inspection services in the amount of \$5,500.00 funded by TIF. DPW Winkler said the inspection would be for the concrete section of the wall located above the water line. He said the below-water portion of the wall is covered in thick steel sheeting and is in good shape. Alderman Mott expressed concern with the inspection not including the steel, below-water portion of the wall.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on agreement with Crispell-Snyder for Cook Street Traffic Signal Analysis and Design (Items 1 and 2) in the amount not to exceed \$2,000.00 (recommended by Public Works Committee 12/17/12)**

Hill/Kupsik motion to approve the agreement with Crispell-Snyder for Cook Street Traffic Signal Analysis and Design (Items 1 and 2) in the amount not to exceed \$2,000.00 funded by TIF. Alderman Hill said this is strictly for the initial study to determine if the City would qualify for traffic signals at this intersection. Mayor Connors asked when the traffic study would be conducted. Administrator Jordan said it would be conducted during a normal day and time, not during an usually slow or busy time. Alderman Wall asked why the study wasn’t conducted while the engineering was being done for the other downtown traffic signals. Mayor Connors said this study was actually included with the original engineering agreement for the Main St. traffic signals project but it was struck by the Public Works Committee. DPW Winkler said the cost for the Cook St. study has not changed since the original quote for the Main St. project.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on award of bid to Humphreys Contracting for Riviera Counter Top Replacements project (in quartz) in the amount of \$24,050.00 (recommended by Public Works Committee 12/17/12)**

Hill/Mott motion to approve the award of bid to Humphreys Contracting for Riviera Counter Top Replacements project (in quartz) in the amount of \$24,050.00 funded by TIF. Alderman Mott expressed support for completing the project.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on revised intergovernmental agreement with the Geneva Lake Law Enforcement Agency**

Hill/Kupsik motion to approve. Alderman Hill said this is an update to the current agreement which was established in 1998. She said it does not include any substantive changes from the current agreement. Mayor Connors added that the revised agreement gives procedures for the creation of bylaws.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on revised emergency services agreement with the Town of Geneva for the term of January 1, 2013 to December 31, 2013 (recommended by Police & Fire Commission 1/10/13)**

Hill/Wall motion to approve. Alderman Hill noted that the revised agreement includes two typographical corrections with regard to the agreed payment installment dates.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on directing staff to issue a Request for Proposals (RFP) to design a disc golf course on the City-owned portion of the former Hillmoor golf course (recommended by Committee of the Whole 1/7/13)**

Hill/Kupsik motion to direct staff to issue a Request for Proposals (RFP) to design a disc golf course on the City-owned portion of the former Hillmoor golf course. Alderman Wall expressed support with the project, noting that he

has received positive feedback on it. Alderman Kehoe asked if dogs will be running onto the disc golf course from the dog park area. Mayor Connors said the dog park area will be fenced in. Alderman Kupsik said the Board of Park Commissioners recommended this project because it was believed the subject site provides perfect terrain for this use. Mayor Connors added that the disc golf course would be a low impact project that could be removed or relocated at little cost at a future time. Alderman Wall asked about how the disc golf course would be maintained. Alderman Kupsik said the City would just need to mow the grass periodically; it would not require as much up-keep as a regular golf course. Alderman Kehoe asked where visitors would park. Mayor Connors said they would park in the Dunn Field parking lot.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Discussion/Action on disallowance of claim filed by Karen Steiner for alleged injury caused by a trip and fall in Flat Iron Park on August 16, 2012, pursuant to Wis. Stat. 893.80(1g)**

Hill/Kupsik motion to disallow the claim. Alderman Hill said the insurance carrier investigated the claim and determined the City was not negligent. Alderman Hougen asked about the details of the claim. City Clerk Hawes said he did not have the details of the claim, but it was reviewed by the insurance carrier.

Roll Call: Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Hougen voted “no.” Krohn was absent. Motion carried by vote of 6 to 1.

**RESOLUTIONS**

**Resolution 13-R02, establishing wages, salaries and benefits for non-represented and part-time (non-seasonal) employees for the 2013 budget year**

Hill/Mott motion to approve. Alderman Hill said the resolution includes a 2% raise for non-represented and part-time (non-seasonal) employees as reflected in the 2013 budget.

Roll Call: Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Hougen voted “no.” Wall abstained. Krohn was absent. Motion carried by vote of 6 to 0.

**Plan Commission Recommendations – Alderman Hougen**

**Discussion/Action on an amendment to the existing General Development Plan filed by Jodeen Mikkelsen, N1595 E Lakeside Lane, Lake Geneva, WI53147, to allow for division of the property and to establish additional permitted uses at 942 Maxwell St. and 1200 La Salle St., Tax Key numbers ZCL2 00014A and ZCL2 00014 respectively including appropriate accommodations to be made for traffic flow and deliveries and to also include all staff recommendations**

Hougen/Wall motion to approve. Alderman Hougen said the purpose of the amendment is to split the parcel to accommodate a redevelopment project. Mayor Connors said the applicant would also need to apply for a Precise Implementation Plan.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

**Presentation of Accounts – Alderman Hill**

Hill/Mott motion to approve Prepaid Bills in the amount of \$14,562.82.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

Hill/Wall motion to approve Regular Bills in the amount of \$330,471.70.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted “yes.” Krohn was absent. Motion carried by vote of 7 to 0.

Hill/Mott motion to accept monthly Treasurer's Report through October 31, 2012. Motion carried by vote of 7 to 0.

### **Mayoral Appointments – Mayor Connors**

#### **Discussion/Action on appointment of C. Andrew Fritz, IV to fill a vacated term on the Communications Committee**

Kupsik/Hill motion to appoint C. Andrew Fritz, IV to fill a vacated term on the Communications Committee. Motion carried by vote of 7 to 0.

#### **Discussion/Action on appointment of Shane Morelock to fill a vacated term on the Communications Committee**

Hill/Kupsik motion to appoint Shane Morelock to fill a vacated term on the Communications Committee. Motion carried by vote of 7 to 0.

#### **Closed Session**

Hougen/Mott motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(c) for consideration of employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of the governing body re: Police Lieutenant (City Attorney Draper)

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted "yes." Krohn was absent. Motion carried by vote of 7 to 0.

The Council entered into Closed Session at 8:24 p.m.

Kupsik/Wall motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in Closed Session.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted "yes." Krohn was absent. Motion carried by vote of 7 to 0. The Council reconvened in open session at 8:40 p.m.

Hill/Wall motion to approve Police Lieutenant Ed Gritzner compensation at \$70,000.00 per year.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Tolar voted "yes." Krohn was absent. Motion carried by vote of 7 to 0.

#### **Adjournment**

Mott/Kupsik motion to adjourn at 8:41 pm. Motion carried by vote of 7 to 0.

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/s/ Michael D. Hawes, City Clerk

**THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL**