

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, JANUARY 28, 2013 – 7:00 PM**

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

Mayor Connors called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Alderman Kupsik.

**Roll Call.** Present: Aldermen Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar. Also present: Administrator Jordan, City Attorney Draper and City Clerk Hawes.

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

Mayor Connors announced American Transmission Company (ATC) is holding open houses this week to solicit feedback from residents on proposed transmission line routes.

Mayor Connors also made an announcement about the Wisconsin Historical Society's Homeowner Tax Credit Program. He said information about the tax credit program will be posted on the City website.

**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.**

Richard Peterson, 300 S. Edwards Blvd, # 57, Lake Geneva, commented on Item #15 regarding the Street Use Permit application filed by the Genoa City Lions Club. Mr. Peterson urged the Council to approve the application, stating the parking stall is very important for the Genoa City Lions Club to raise money.

William Thornborough, N1798 N Daisy Dr., Genoa City, approached the Council on behalf of the Genoa City Lions Club. He asked the Council to approve the Street Use Permit application for the location on the northwest intersection of Main St. and Broad St. Mr. Thornborough referenced a letter he submitted to the city outlining the reasons why the Genoa City Lions Club prefers the requested location.

Sturges Taggart, 129 S. Curtis St., #411, Lake Geneva, approached the Council about Item #15. Mr. Taggart commented that the Genoa City Lions Club does a lot of good things for the City. He asked the Council give consideration toward approving the Street Use Permit application.

Terry O'Neill, 954 George St., Lake Geneva, said he agreed with the comments made about Genoa City Lions Club.

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

City Clerk Hawes said the City received a letter dated January 14, 2013 from American Transmission Company announcing open houses scheduled on January 29 and 30 for residents to provide feedback on a proposed transmission line.

The City received a letter dated January 16, 2013 from George Hennerley on behalf of the Geneva Lake Area Chamber of Commerce thanking the City for its support with the Great Electric Children's Christmas Parade.

The City also received letters from Doug Harrod and William Thornburgh on behalf of the Genoa City Lions Club asking the Council's support for their Street Use Permit application for the northwest corner of Broad St. and Main St.

#### **Approval of Minutes**

Wall/Mott motion to approve the regular meeting minutes of January 14, 2013 and special city council meeting minutes of January 17, 2013. Unanimously carried.

#### **Consent Agenda**

Temporary “Class B” License application submitted on behalf of Catholic Daughters for the sale of wine at St. Francis de Sales Catholic Church, 148 W. Main Street, Lake Geneva, for Catholic Daughters Wine Tasting on February 12, 2013

Original 2012-2013 Operator License applications filed by Brandon S. Stevens and Jennifer E. Garner

Kupsik/Kehoe motion to approve. Unanimously carried.

**Items Removed from the Consent Agenda.** None.

**Public hearing on first year review of sidewalk café program**

Spyro Condos, 1760 Hillcrest Dr., Lake Geneva, spoke as owner of Harborside restaurant. Mr. Condos said the first year of the sidewalk café program was successful. He suggested the City eliminate the 9 p.m. closing time for alcohol service. He also asked the Council to consider removing the dates of the sidewalk café program and allowing business owners to operate the cafes as weather permits. Mr. Condos further suggested the City allow businesses to leave their tables and chairs out overnight.

Tammie Carstensen spoke on behalf of the Business Improvement District Board. She expressed support for the sidewalk café program, stating that it adds charm and charisma to the downtown.

Dmitri Anagnos, 110 West St., Lake Geneva, approached the Council as a co-owner of Popeye’s restaurant. Mr. Anagnos asked the Council’s support with allowing restaurants to keep tables and chairs out overnight. He also suggested restaurants be given more flexibility with alcohol service hours.

Carrie Cumming, W3423 McDonald Rd., Town of Geneva, spoke as General Manager of Sopra restaurant. Ms. Cumming commented that the outside dining was successful in 2012. She suggested eliminating the May to October dates of the program so that businesses can take advantage of warm days in the early spring and late fall. She asked that businesses be allowed to keep furniture out overnight. Ms. Cumming further requested alcohol service hours be extended to 11 p.m. She said the 9 p.m. closing time was a constant source of frustration for restaurant owners and patrons.

Terry O’Neill, 954 George St., Lake Geneva, said he agreed that alcohol service hours should be extended to 11 p.m. He also suggested restaurants be allowed to keep their furniture out overnight.

Kupsik/Wall motion to close public hearing. Unanimously carried.

**Discussion/Recommendation to staff on possible modifications to sidewalk café program**

Mayor Connors said he reviewed sidewalk café ordinances from many different municipalities around the country. Based on this review, he drafted some potential modifications to the City’s current ordinance for discussion purposes.

Alderman Mott expressed support for extending alcohol service to 11 p.m. and allowing businesses to keep their furniture out overnight. Mr. Mott said by allowing them to keep furniture out overnight it might encourage businesses to use heavier, higher-quality furniture. Alderman Kehoe said she also supported the idea of letting restaurants keep furniture out overnight.

Alderman Hougen said he was impressed with how smoothly the sidewalk cafes operated in 2012. He expressed support for adding the dog-friendly provisions that Mayor Connors proposed. Alderman Wall agreed the first season of the sidewalk café program went well. He asked what the Police Chief’s opinion was of changing the alcohol service hours. Mayor Connors said he spoke with Police Chief Rasmussen and he said he did not have any problems with extending alcohol hours to 11 p.m.

Alderman Tolar expressed support with allowing tables and chairs to be kept out overnight. He also said he agreed with extending alcohol hours and allowing restaurants to have sidewalk cafés anytime throughout the year. Alderman Kupsik said the mayor’s draft ordinance is consistent with many of the requests from the businesses.

Alderman Hill said the sidewalk café program was a big success in 2012. She suggested the Council take time to review the requests from the businesses and the draft ordinance distributed by the mayor. Ms. Hill said she does not object to extending the alcohol service times. She expressed concerns with allowing the program year-round and allowing restaurants to keep furniture out overnight.

Mayor Connors said he is concerned about allowing restaurants to leave furniture out overnight during the months of December, January and February. He suggested the Council further discuss the potential changes to the sidewalk café program at the Committee of the Whole meeting on February 4. Alderman Kupsik said he would make sure it is on the agenda of that meeting.

**First reading of Ordinance 13-02, amending Chapter 74, Traffic and Vehicles, of the Lake Geneva Municipal Code, by repealing old traffic sections of the Municipal Code**

City Clerk Hawes explained that the purpose of the ordinance is to clean up parts of the Municipal Code by removing out-dated sections relating to parking that were replaced by new sections in 2007. First reading only; no action taken.

**First reading of Ordinance 13-03, amending Chapter 74, Traffic and Vehicles, of the Lake Geneva Municipal Code, by adding a section regarding Traffic Control Signal Emergency Preemption Devices**

City Attorney Draper said the purpose of the ordinance is to prevent other people and agencies from using the City's preemptive devices unless they have specific permission from the City. First reading only; no action taken.

**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. (continued 1/14/13)**

Wall/Krohn motion to approve with the requirement that the applicant pays \$360.00 for the parking stall prior to issuance of the permit. Alderman Wall said the Genoa City Lions Club does a lot of positive things for the community. He said he is not aware of any complaints relating to their raffle in prior years.

Alderman Mott read a statement expressing support for the application. He said the raffle does not cause a traffic bottleneck and there is no conflict with other groups to use the parking space. Alderman Kehoe also expressed support for the application. Alderman Hill said her concerns with the application at the previous meeting had to deal with her desire to have consistent policies for dealing with these type of requests. She further stated that as a matter of consistency, the Council should waive the parking stall fees as they did with the Lake Geneva Jaycees and the Venetian Festival.

Hill/Kupsik motion to amend the motion and waive the parking stall fee requirement. Alderman Mott said there is no reason to waive the parking stall fee if they are willing to pay. Aldermen Hougen and Krohn agreed the applicant should pay for the parking stall. Administrator Jordan said the applicant has paid for the parking almost every year of their raffle.

Wall/Krohn motion to suspend the rules and allow the applicant William Thornborough approach the Council. Unanimously carried. Alderman Wall asked the applicant how long they have paid for using the parking stall. Mr. Thornborough said they have paid for the parking stall for about 17 straight years. He said they had no problem paying for parking up-front.

Roll Call on amendment: Hill, Kehoe and Kupsik voted "yes." Hougen, Wall, Mott, Krohn and Tolar voted "no." Amendment failed by vote of 3 to 5.

Roll Call on original motion: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted "yes." Unanimously carried.

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

**Discussion/Action on agreement with Crispell-Snyder, Inc. for Main Street Tunnel Rehabilitation, Phase I, Tasks 1 through 3, in an amount not to exceed \$2,000.00 (recommended by Public Works Committee 1/17/13)**

Hill/Mott motion to approve agreement with Crispell-Snyder, Inc. for Main Street Tunnel Rehabilitation, Phase I, Tasks 1 through 3, in an amount not to exceed \$2,000.00. Alderman Hill said this is the first step of the project to determine what would be permissible from the perspective of the DNR. Mayor Connors added that the analysis will decide if the City should repair or replace the tunnel.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Unanimously carried.

**Discussion/Action on purchase of chipper from Vermeer - Wisconsin, Inc. in the amount of \$42,500.00 funded by the capital fund**

Hill/Tolar motion to approve. Alderman Hill explained this is a budgeted capital purchase. She said the Council approved the purchase of a chipper box in 2012. This purchase would be for the actual chipper that hooks up to the box. Alderman Wall noted that all three bids were for Vermeer chippers; he asked if other manufacturers were considered. Administrator Jordan said Vermeer was the preferred manufacturer because they have a contract with the state. Mayor Connors added that Vermeer is the premier producer for this type of equipment.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Unanimously carried.

**RESOLUTIONS**

**Resolution 13-R05, establishing the terms and conditions of a Trapping Permit**

Hill/Tolar motion to approve. Alderman Hill said the City already has an ordinance allowing trapping within a certain area of the former Hillmoor Golf Course. She said that this resolution would establish the procedures for issuing the permit. Ms. Hill added that the City is in the process of possibly purchasing the wetland area to the north of the former golf course site. She said once the purchase goes through the Council could move the trapping boundaries to this site. Alderman Hill said there was discussion at the Finance, License and Regulation Committee meeting about adjusting the southern boundary of the trapping area.

Hill/Mott motion to amend the map on the application to move the southern boundary just north of the cart path connecting the former 17<sup>th</sup> hole green and 18<sup>th</sup> hole tee. Unanimously carried.

Roll Call on the original motion as amended: Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Hougen abstained. Motion carried 7 to 0.

**Plan Commission Recommendations – Alderman Hougen**

**Discussion/Action on Precise Implementation Plan (PIP) Amendment, filed by Tim Crum of Dimension IV – Madison, 6515 Grand Teton Plaza, Suite 120, Madison, WI 53719 on behalf of Walworth Apartments, LLC 2 E. Mifflin Street, Suite 801, Madison WI 53703, to construct a new maintenance garage, remove and then add new parking stalls at 250, 260 & 270 Country Club Drive, Tax Key Number ZOP 00002F, including all staff recommendations**

Hougen/Wall motion to approve. Alderman Hougen explained this PIP amendment would allow the applicant to make adjustments to their parking and construct a new maintenance garage. Unanimously carried.

**Discussion/Action on Precise Implementation Plan (PIP) Amendment, filed by Core Commercial, Inc., PO Box 1154, Appleton, WI 54912, to relocate the buildings and also for approval of a revised Certified Survey Map. Both were approved with the original Precise Implementation Plan at the Plan Commission October 15, 2012 and at the City Council October 22, 2012 at the Outlot in front of Target along N. Edwards Boulevard, Tax Key Number ZA3997 00003, including the letter from Crispell-Snyder dated 1/11/13 and all other staff recommendations**

Hill/Hougen motion to approve. Alderman Hougen said the applicant requested to amend their PIP due to stipulations required by Target. He said the Plan Commission also had some additional stipulations. Mayor Connors added that Target asked the applicant to flip-flop the locations of their buildings. Unanimously carried.

**Resolution 13-R06, authorizing the issuance of a Conditional Use Application filed by Lake Geneva House of Music LLC, Chris Buttleman, 1024 Wisconsin Street, Lake Geneva, WI 53147, for Indoor Sales and Service and**

**to allow for music lessons at 529 W. Main Street, Tax Key Number ZOP 00301, including all staff recommendations and the maximum stated hours of 8 a.m. to 11 p.m.**

Hougen/Kehoe motion to approve. Alderman Hougen said the conditional use permit was required for the business to hold music lessons. He said the building has been sound-proofed and it should not disturb the neighbors. Unanimously carried.

**Presentation of Accounts – Alderman Hill**

Hill/Tolar motion to approve Prepaid Bills in the amount of \$2,338.07.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Unanimously carried.

Hill/Wall motion to approve Regular Bills in the amount of \$90,212.96.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Unanimously carried.

**Adjournment**

Hougen/Mott motion to adjourn at 8:41 pm. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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