

REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 11, 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.

The Lake Geneva Beautification Committee presented the Mayor's Holiday Decoration Awards.

Mayor Connors announced there will be a primary election for State Supreme Court Justice on Tuesday, February 19. Mr. Connors said all voting will take place at City Hall for this election only.

Mayor Connors announced the Office of Emergency Management will hold a kick-off meeting on February 28, 2013 for its Public/Private Partnership program. Lake Geneva businesses are encouraged to attend to discuss topics on emergency preparedness.

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 George St., Lake Geneva, spoke about Item #14. He suggested the Council remove the requirement that aldermen submit Council agenda items two Fridays prior to the meeting. Mr. O'Neill also addressed Item #17 regarding the slip and buoy lease agreements. He asked the Council to make sure the lease does not renew automatically. Finally, he spoke about the sidewalk café ordinance, asking that outdoor music be allowed as part of the ordinance.

Acknowledgement of Correspondence. None.

Approval of Minutes

Wall/Kupsik motion to approve the regular meeting minutes of January 28, 2013. Unanimously carried.

Consent Agenda

Park Permit Application filed by Jean Mikrut on behalf of Geneva Lakes YMCA for the Shamrock Shuffle 5K and 1 Mile Kids' Run using Veteran's Park on March 16, 2013 from 9-11 a.m. (*recommended by Board of Park Commissioners 2/6/13*)

Original 2012-2013 Operator License applications filed by May A. Manley

Hougen/Wall motion to approve. Unanimously carried.

Items Removed from the Consent Agenda.

Park Permit Application filed by Ryan Lasch on behalf of Lake Geneva Jaycees for Easter Egg Hunt using Seminary Park on March 30, 2013 from 8-9 a.m. (*recommended by Board of Park Commissioners 2/6/13*)

Kupsik/Hougen motion to approve the permit for the hours 8 a.m. to 3 p.m. Unanimously carried.

Park Permit Application filed by Andy Kerwin on behalf of Alzheimer's Association of Southeastern Wisconsin for the 7th Annual Walk to End Alzheimer's using Library Park on September 21, 2013 from 7 a.m. to 1 p.m. (recommended by Board of Park Commissioners 2/6/13)

Hill/Kupsik motion to approve, including waiving the fees for using the six parking stalls for four hours. Mayor Connors stated the parking fees amount to \$24.00. Unanimously carried.

Park Permit Application filed by Carrie Swatek for the Lake Geneva Hope Walk using Library Park on September 28, 2013 from 6 a.m. to 2 p.m. (recommended by Board of Park Commissioners 2/6/13)

Hill/Kupsik motion to approve, with the condition that the park fee and security deposit be paid prior to issuance of the permit. Alderman Kupsik said the park fee is \$105.00 and the deposit is \$300.00. Unanimously carried.

Second 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

Hill/Mott motion to approve.

Hill/Hougen motion for an amendment to the ordinance, adding "except for municipal parking lots located at Sage Street and Seminary Park" at the end of (d)(1). Alderman Hill said these are lots that you can currently park at overnight and it was not the intent of the ordinance to eliminate that. Unanimously carried.

Original motion as amended unanimously carried.

Second 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

Hougen/Kupsik motion to approve. City Attorney Draper suggested an amendment that would allow other approved agencies, such as private ambulance companies, to use the preemptive devices.

Hougen/Wall motion for an amendment to the ordinance, adding "or other agency" to (a). Unanimously carried.

Original motion as amended unanimously carried.

First reading of Ordinance 13-04, amending Chapter 62, Streets, Sidewalks and Other Public Places, of the Lake Geneva Municipal Code

Alderman Hougen asked if the ordinance addresses live music in the sidewalk café areas. City Attorney Draper said it is not included in the ordinance. He suggested this issue be addressed separately and more comprehensively throughout the City.

Hill/Kehoe motion to suspend the rules and proceed to a second reading. Unanimously carried

Second reading of Ordinance 13-04. Hill/Wall motion to approve.

Mott motion to amend the ordinance to state under (b) that bollards, tables and seats shall not be set out from November 1 to March 30. Amendment failed due to lack of second.

Mott/Hougen motion to amend the ordinance, removing (b)(vii) which prohibits logos on sidewalk café furniture. Alderman Mott said the issue of logos on furniture should not be decided by the ordinance and it should be considered on a case-by-case basis according to the downtown design review procedures. Mayor Connors said the sidewalk café ordinance does not require consideration from the Plan Commission. Motion failed by a vote of 1 to 7, with Hougen, Wall, Hill, Kehoe, Kupsik, Krohn and Tolar opposed.

Alderman Hill asked why the permit year is July 1 to June 30. City Clerk Hawes said alcohol licenses are required to run from July 1 to June 30. He said staff coordinates most City licenses to also go by these dates so that the renewal process can occur more efficiently. City Attorney Draper said the Council would need to

consider a resolution at a subsequent meeting to address how permits will be issued for the period up until June 30, 2013.

Hougen/Hill motion to amend the ordinance, removing the colors green and black in b(viii). Alderman Hougen said black is a standard color for furniture and it would be unreasonable to prohibit it. Unanimously carried.

Alderman Mott said the Council discussed limiting times of the year that sidewalk cafés would be allowed. Mayor Connors said that the discussion had more to do with what times of the year they wouldn't be allowed to keep furniture out overnight.

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

First reading of Ordinance 13-05, amending Chapter 2, Administration, of the Lake Geneva Municipal Code regarding agenda item referrals

First reading only; no action taken.

Finance, License and Regulation Committee Recommendations – Alderman Hill

Discussion/Action on purchase of additional LUKE pay stations

Hill/Mott motion to purchase three additional pay stations for beach passes funded by the lakefront fund and to purchase three additional pay stations for parking funded by the parking fund. Alderman Hill said the item was recommended for approval by the Finance, License and Regulation Committee but she voted against it. She said she didn't oppose additional parking spaces or the new beach procedures, but she didn't see the justification for this exact number of new stations. Administrator Jordan said the number of pay stations was based on the number they felt was needed to avoid from people having to walk too far. Alderman Kehoe said Piers, Harbors and Lakefront Committee recommended three pay stations at the beach to make sure they could handle the peak times. She said if they only need two they can stock one as back-up. Alderman Wall said it was agreed that three stations were needed for when there were long lines at the beach. Mayor Connors noted that the beach passes would now only be available from the pay stations at the beach and not at the parking stations.

Roll Call: Hougen, Wall, Mott, Kehoe, Kupsik, Krohn and Tolar voted "yes." Hill voted "no." Motion carried 7 to 1.

RESOLUTIONS

Resolution 13-R04, establishing the 2013 West End Pier, Lagoon Slip, Buoy, Dinghy and Kayak Rack Rates

Hill motion to deny. Motion failed due to lack of second.

Hill/Wall motion to approve.

Tolar/Krohn motion an amendment to increase rates 5% across-the-board instead of 10%. Alderman Hill spoke in favor of the 10% increase, stating it is needed to get the rates more in line with the market rates. She added that the City continues making purchases out of the lakefront fund without collecting additional revenue. Alderman Wall said he believed the increases should be 10% because boat slips and buoys are a luxury enjoyed by few residents and non-residents. He said the rates would still be a bargain compared to Fontana and Williams Bay. Alderman Kupsik asked why the 10% increase would result in a net increase of 42% for the lagoon slips. Mayor Connors said Resolution 13-04 also includes that the lagoon rate would be increased to the same as the buoy rate. Alderman Krohn said 10% is too steep of an increase in one year. Alderman Hougen agreed, stating that people expect fee changes to be more in line with cost of living changes.

Roll Call: Hougen, Mott, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Wall and Hill voted “no.” Motion carried 6 to 2.

Roll Call on ordinance as amended: Hougen, Mott, Hill, Kehoe, Krohn and Tolar voted “yes.” Wall and Kupsik voted “no.” Motion carried 6 to 2.

Plan Commission Recommendations – Alderman Hougen

Discussion/Action on an application for Certified Survey Map submitted by Attorney Robert Liebslc on behalf of Margaret T Borg Trust for land located in the Town of Linn that is within the City's extra-territorial plat review jurisdiction (*recommended by Plan Commission 1/21/13*)

Hougen/Hill motion to approve the restriction/modification affidavit of correction request of Margaret T. Borg Trust, owner. City Attorney Draper said there was a restriction put on the subject property a long time ago that prevented anyone from building 125 feet from lake. The property owner is asking to have this restriction removed. Unanimously carried.

Hougen/Kupsik motion to authorize Mayor Connors and necessary staff to execute an amended document. Unanimously carried.

Piers, Harbors & Lakefront Committee Recommendations – Alderman Wall

Discussion/Action on three year renewal of commercial slip and buoy leases with Gage Marine, Marina Bay, and Geneva Lake Boat Lines

Wall/Hougen motion to approve commercial slip and buoy leases with Gage Marine, Marina Bay, and Geneva Lake Boat Lines for three years using 2013 rate as set by City Council.

Hill/Kupsik motion for amendment, reinstating the language under item #5 and changing the date from November 15, 2012 to January 1, 2016.

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

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

Presentation of Accounts – Alderman Hill

Hill/Wall motion to approve Prepaid Bills in the amount of \$103,753.95.

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

Hill/Mott motion to approve Regular Bills in the amount of \$150,366.32.

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

Closed Session

Kupsik/Tolar motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation which it is or is likely to become involved in re: Village of Bloomfield Annexation (City Attorney Draper); and pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for police and fire unions negotiations (Administrator Jordan)

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

The Council entered into Closed Session at 8:31 p.m.

Kehoe/Kupsik 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, Krohn and Tolar voted “yes.” Unanimously carried. The Council reconvened in open session at 9:21 p.m.

Kehoe/Kupsik motion to direct City Attorney Draper to file papers to tax costs from the Village of Bloomfield. Unanimously carried.

Hill/Wall motion to instruct the City Administrator to contact the Police Union as discussed in closed session. Unanimously carried.

Adjournment

Mott/Hougen motion to adjourn at 9:23 pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL