

**CITY COUNCIL MEETING**  
**MONDAY, FEBRUARY 25, 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 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.**

Daniel Caravette, 664 Cedar Point Drive, Williams Bay, approached the Council about the application for a Conditional Use Permit submitted on behalf of Carvetti's. Mr. Caravette asked the Council to allow outdoor music until 1:45 a.m. on Friday and Saturday nights and until 11 p.m. Sundays through Thursdays. He said he would work with neighboring hotels and residences to ensure the music isn't too loud. Mr. Caravette asked that his requested be granted so they can stay competitive with other downtown establishments.

Terry O'Neill, 954 George St., Lake Geneva, asked the Council to not approve Ordinance 13-05, stating that it would allow the mayor and administrator to change the agenda within a 24-hour notice. Mr. O'Neill also spoke on Resolution 13-R12, stating he hoped the costs for moving and installing the parking stations was considered. He said installing the pay stations at the beach is a good idea but installing the pay stations on Wisconsin and Dodge Streets would not be cost-effective.

**Acknowledgement of Correspondence.**

City Clerk Hawes reported the City received letters from Don Voit, Leslie Schwartz and Dennis Dorner all expressing opposition for the Conditional Use Application filed by Vista del Lago. Copies of correspondence were distributed to the Mayor and Council and are on file in the City Clerk's office.

**Approval of Minutes**

Tolar/Hougen motion to approve the regular meeting minutes of February 11, 2013 and special meeting minutes of February 15, 2013. Unanimously carried.

**Consent Agenda**

Street Use Permit application submitted by Brandon Presern on behalf of RAM Racing to use S. Lake Shore Drive in front of Big Foot State Park for Big Foot Triathlon on June 23, 2013 from 7 to 11 a.m., including the payment of additional personnel fees prior to issuance of the permit

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 Irish Night on March 16, 2013

Kupsik/Krohn motion to approve. Unanimously carried.

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

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

Tolar/Kupsik motion to approve.

Hill/Kupsik motion for an amendment, replacing “alderman” with “members of the Common Council.” Alderman Hill said “members of the Common Council” would include the mayor as well as the aldermen. She said this is important so that the mayor and aldermen are on similar footing with respect to submitting agenda items. Mayor Connors expressed support for the amendment. Unanimously carried.

Motion on ordinance as amended unanimously carried.

**First reading of Ordinance 13-06, amending Chapter 90, Waterways, of the Lake Geneva Municipal Code regarding lakefront rental fees**

First reading only; no action taken.

**Referral of request by Windstream Wireless for location of underground conduit through the City of Lake Geneva to Public Works Committee and Plan Commission**

Kupsik/Mott motion to refer to Public Works Committee and Plan Commission for consideration. Unanimously carried.

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

**Discussion/Action on Notice of Final Acceptance with Payne and Dolan, Inc. for 2011 Street Maintenance contract**

Hill/Tolar motion to approve.

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

**Discussion/Action on Notice of Final Acceptance with Pieper Electric, Inc. for Main Street Traffic Signal Improvements contract**

Hill/Tolar motion to approve. Alderman Hill noted there is a manufacturer’s warranty of one year on the traffic signal equipment. She said Tapco is under contract to make adjustments to the system based on the summer traffic.

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

**Discussion/Action on award of bid to Gage Marine for furnishing and installing 10 additional pier slips at the West Pier in the amount of \$59,687.00**

Hill/Kupsik motion to approve the award of bid to Gage Marine for furnishing and installing 10 additional pier slips at the West Pier in the amount of \$59,687.00 funded by the lakefront fund. Alderman Hill said the City reached out to numerous contractors but only received one bid. She expressed confidence that Gage Marine submitted a competitive bid for the project.

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

**Discussion/Action on disposal of surplus Street Department equipment (*recommended by Public Works Committee 2/21/13*)**

Hill/Mott motion to approve the disposal of surplus Street Department equipment at auction.

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

**Discussion/Action on award of bid to McCormack and Etten for Dunn Field Restroom design in the amount of \$15,000 (*recommended by Public Works Committee 2/21/13*)**

Hill/Kupsik motion to award the bid to McCormack and Etten for Dunn Field Restroom design in the amount of \$15,000 funded by TIF. Alderman Hill said McCormack and Etten submitted the lowest bid and included a conceptual sketch which was not a requirement of the bid.

Alderman Wall said he would like to have a better idea of what construction will cost before approving \$15,000.00 for design. Administrator Jordan said the cost is expected to be under \$200,000.00. Alderman Kehoe said she would like to see the conceptual designs from the two other firms that submitted proposals. Mayor Connors said only McCormack and Etten submitted the sketch; he noted that the sketches were not required and the firms were not being compensated to submit draft designs. Alderman Kehoe questioned whether new restrooms were needed at this time. Alderman Kupsik said the current restrooms are inadequate; he said the new building would also provide improved storage and concessions facilities. He said the current building is not sufficient for concessions.

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

**Discussion/Action on additional downtown sidewalk work on north area of Broad Street (*recommended by Public Works Committee 2/21/13*)**

Hill/Kupsik motion to approve downtown sidewalk work on the north area of Broad Street with Humphreys Contracting in the amount of \$16,986.00 funded by TIF. Alderman Hill said this is a change order for an existing contract with Humphreys for downtown concrete work. She said property owners will pay for a portion of the work totaling about \$7,740.00.

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

**RESOLUTIONS**

**Resolution 13-R07, a resolution granting an extension of 2012 sidewalk café permits and establishing parameters for issuing new sidewalk café permits before June 30, 2013**

Hill/Kupsik motion to approve. Alderman Hill said the new cycle for sidewalk café permits will be from July 1 to June 30 of the following year. The purpose of the resolution is to provide parameters for issuing permits from the period between now and June 30, 2013. The resolution provides that businesses with sidewalk café permits in 2012 would be granted an extension to June 30. Any new permits would be issued at a prorated fee.

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

**Resolution 13-R12, a budget amendment appropriating funds to purchase six LUKE pay stations**

Hill/Mott motion to approve. Alderman Hill said the Council recently approved purchasing the six new pay stations; the purpose of Resolution 13-R12 is to transfer the funds necessary to make the purchase.

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

**Plan Commission Recommendations – Alderman Hougen**

**Resolution 13-R08, authorizing the issuance of a Conditional Use Permit to Vista del Lago Homeowners Association, 1070 S. Lake Shore Drive, Lake Geneva, WI 53147, for landscaping (lawncare) including retaining walls, widening the lake path, remove and replace patio and add fire pit and plantings located in the Lakeshore Overlay District at 1070 South Lake Shore Drive, TAX KEY NO. ZCNV 00001-58, including all staff recommendations and, specifically, that an erosion control plan be submitted and approved prior to permit issuance and that the project is reviewed by the DNR.**

Hougen/Kupsik motion to approve. Alderman Hougen said the Conditional Use Permit maintains the desired land uses of the City’s master plan. Alderman Hill asked if they will be using the large synthetic rock product for the entire length of the retaining wall. Alderman Hougen said the product will only be used in the eroding area as described in the application.

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

**Resolution 13-R09, authorizing the issuance of a Conditional Use Permit to Daniel Caravette, 664 Cedar Point Drive, Williams Bay, WI 53191, to allow outdoor music including live entertainment (Outdoor Commercial**

Entertainment) for their existing Outdoor Entertainment area at 642 Main Street, TAX KEY NO. ZOP 00305 including all staff recommendations and, specifically, to include the addition of the four speakers that are currently installed, change the former volleyball area to a dining area, tents as approved by the Fire Department, sound from all outdoor music be limited to no further than the perimeter of the parcel, that live music be limited to acoustic only between 5 p.m. and 9 p.m. Fridays and Saturdays, all outdoor music be no later than 11 p.m. with the music to not be discernible at the lot line, that the conditional use be reviewed again at the November Plan Commission meeting and this conditional use is limited only to this owner and is not transferable.

Hougen/Hill motion to approve. Alderman Hougen acknowledged that the applicant is requesting they be allowed outdoor music until 1:45 a.m. on Fridays and Saturdays. Alderman Kehoe expressed concern with this leading to more businesses wanting to play music late at night. Alderman Hill asked if outdoor music is allowed downtown. City Attorney Draper said it is generally not allowed unless the business has been issued a conditional use permit for outdoor entertainment. Alderman Wall asked how many businesses currently hold a permit for this purpose. Mayor Connors said there is currently only one, however businesses can be issued up to 10 permits per year for outdoor entertainment.

Alderman Mott said he appreciated the willingness of the applicant to work with the neighboring residences and property owners to ensure the music won't be a problem. Alderman Hill asked what the process would be if the Council wished to allow them to have outdoor music until 1:45 a.m. on Fridays and Saturdays. City Attorney Draper said that since it would be different from the Plan Commission's recommendation, it would need to be referred back to the Plan Commission. Alternatively, the applicant could re-apply for this request by submitting a new application.

Alderman Kupsik asked about the live music component of the application. Mayor Connors said the Plan Commission recommended allowing acoustic music only from the hours of 5 to 9 p.m. Mayor Connors read the staff report relating to the application.

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

**Resolution 13-R10, authorizing the issuance of a Conditional Use Permit to Marina Bay Boat Rentals, 300 Wrigley Drive, PO Box 51, Lake Geneva, WI 53147, to reduce the size of the current pier to 100 feet located in Baker Park in front of 300 Wrigley Drive including all staff recommendations and final approval by the DNR and Army Core of Engineers.**

Hougen/Hill motion approve. Alderman Hougen said this application has a long history. Based on a court settlement, the applicant has agreed to reduce the size of its pier to 100 feet.

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

**Resolution 13-R11, authorizing the issuance of a Conditional Use Permit to Kehoe-Henry & Associates Inc. on behalf of Lake Geneva Joint 1 School District 208 South Street, Lake Geneva, WI 53147, for a gymnasium addition to the North end of the existing school building (Indoor Institutional) located at 535 Sage Street, TAX KEY NO. ZOP 00003A including all staff recommendations and, specifically, that it be subject to a general maintenance easement for any utility repairs that the City may make, that final engineering be approved by the City Engineer, that the door to the northwest corner of the building (between the new and old portion) be restricted to emergency access or staff use only and that the School District work with staff to relocate the proposed trees to break up the wall on the north side.**

Hougen/Kupsik motion to approve. Alderman Hougen said there was considerable discussion at the Plan Commission meeting regarding the large brick wall obstructing the neighbors' view of the former Hillmoor Golf Course property. He said the architects involved with the project said this was the most suitable location for the proposed gymnasium. Alderman Hill asked if the project was reviewed by the school board. Administrator Jordan said it was presumably reviewed and approved by the school board.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe and Kupsik voted "yes." Krohn and Tolar voted "no." Motion carried by a vote of 6 to 2.

**Discussion/Action on a Certified Survey Map filed by Attorney Dennis Lynch on behalf of George and Jacqueline Leedle located in the Town of Linn within the City's extra territorial jurisdiction review area, including a 50' reservation of right-of-way for whichever jurisdiction it may come into and subject to all corrections suggested by the Department of Administration in a letter dated February 4, 2013 and Crispell Snyder in a letter dated February 12, 2013 for Tax Key No. IL24 00006.**

Hougen/Kupsik motion to approve, including authorization for mayor and staff to sign off on the Certified Survey Map.

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

#### **Public Works Committee Recommendations – Alderman Mott**

**Discussion/Action on dedication of land owned by Trostel, Ltd. Located near 901 Maxwell Street (*recommended by Public Works Committee 2/21/13*)**

Mott/Hill motion to approve. Alderman Hill asked if the City would be responsible for maintaining the small greenspace area that would be dedicated. City Attorney Draper said he will have to look at the deed documentation to determine if the City would incur any new responsibilities or expenses.

Mott/Hill motion an amendment that the dedicated be contingent upon the City Attorney's approval of the dedication documentation. Unanimously carried.

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

**Discussion/Action on striping and parking space changes on the westbound side of Main Street, east of Center Street (*recommended by Public Works Committee 2/21/13*)**

Alderman Mott said the Public Works Committee reviewed two options for restriping the westbound side of Main Street, east of Center Street. He said the Committee recommended Option #2 as depicted in the agenda packet. Mr. Mott explained this would result in a dedicated left turn lane and it would remove the current curved lane configuration.

Mott/Hill motion to approve Option #2 for re-striping the lanes on the westbound of Main Street, east of Center Street. Alderman Hougen said the change seemed logical. Alderman Wall asked if any parking stalls would be eliminated as the result of this. Mayor Connors said no parking stalls would be eliminated but staff would be monitoring how the re-striped lanes will work with the existing parking stalls.

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

#### **Presentation of Accounts – Alderman Hill**

Hill/Hougen motion to approve Prepaid Bills in the amount of \$20,926.50.

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

Hill/Hougen motion to approve Regular Bills in the amount of \$151,668.16.

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

Hill/Tolar motion to accept the Monthly Treasurer's Reports for November 2012, December 2012 and January 2013. Unanimously carried.

#### **Closed Session**

Hougen/Kupsik motion to go into Closed Session 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 8:38 p.m.

Hill/Mott 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 9:33 p.m.

Hill/Kupsik motion to instruct staff to make the offer to the police union as discussed in closed session. Unanimously carried.

**Adjournment**

Mott/Hill motion to adjourn at 9:35 pm. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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