

CITY COUNCIL MEETING

MONDAY, APRIL 22, 2013 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:04 p.m.

The Pledge of Allegiance was led by Alderman Mott.

Roll Call. Present: Aldermen Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon. Also present: Administrator Jordan, City Attorney Draper, DPW Winkler and City Clerk Hawes.

Awards, Presentations, and Proclamations.

The Council observed a moment of silence for former alderman, Larry Magee who passed away April 9, 2013.

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.

David Frost, 1556 Orchard Ln., Lake Geneva, expressed support for the landlord registration ordinance.

Vern Magee, 1120 Mobile St., Lake Geneva, spoke in favor of the proposed landlord registration and chronic nuisance ordinances.

Marcie Hollmann, 1566 Orchard Ln., Lake Geneva, expressed concern with chronic nuisance properties in the City. She asked the Council to approve the proposed ordinance on this matter.

Mark McClellan and Donna Karavidas, 944 Henry St., Lake Geneva, read a statement from Mary Wheeden on behalf of the Pleasant Street neighborhood group expressing support for approval of the landlord registration and nuisance ordinances.

Catherine Green, 1615 Lakeshore Dr., Lake Geneva, spoke in support of the proposed chronic nuisance property ordinance.

Terry O'Neill, 954 George Street, Lake Geneva, expressed opposition to Ordinance 13-14 and Ordinance 13-15. He also spoke about the closed session item.

Penny Roehrer, 951 S. Lakeshore Dr., Lake Geneva, asked the Council to slow down with regard to the Lake Geneva Development Corporation annexation request and the Peller case.

Jim Strauss, 246 Ridge Rd., Lake Geneva, said he was concerned that a dump site was located adjacent to the proposed annexation parcels.

Acknowledgement of Correspondence. None.

Approval of Minutes

Wall/Kupsik motion to approve the regular meeting minutes of April 8, 2013 and City Council Organizational meeting minutes of April 16, 2013, as distributed. Unanimously carried.

Consent Agenda

Street Use Permit Application filed by George Hennerley on behalf of Geneva Lake Area Chamber of Commerce for Oktoberfest using the downtown area sidewalks, streets and alleys and closing the 200 block of Broad St. on October 12 and October 13, 2013 from 10 a.m. to 6 p.m.

Street Use Permit Application filed by George Hennerley on behalf of Geneva Lake Area Chamber of Commerce for Children's Christmas Parade using Broad St. and Main St. on December 7, 2013 from 4 p.m. to 6:30 p.m.

Original Operator (Bartender) License Applications filed by Amanda R. Koke, Amanda J. Hanline, Staci L. Hallett, Krystal N. Blum, Justin L. Hintz and Susan O'Sullivan

Original Taxi Driver License Application filed by John Schiefelbein (*approved by Police Chief; informational only*)

Kupsik/Taggart motion to approve. Unanimously carried.

Items Removed from the Consent Agenda

Original "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License Application for Two Thumbs Up, LLC d/b/a Thumbs Up, 260 Broad St., Lake Geneva, Benjamin Barels, Agent

Hill/Hougen motion to approve, contingent on surrendering the current license before the new one is issued and that any outstanding obligations to the City are satisfied prior to issuance of license. Unanimously carried.

Original "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Application for Lake Geneva Grassroots, Inc. d/b/a The Backyard, 252 Center St., Lake Geneva, Robert Schmalling, Agent

Kupsik/Lyon motion to approve, contingent on surrendering the current license before the new one is issued and that any outstanding obligations to the City are satisfied prior to issuance of license. Unanimously carried.

Street Use Permit Application filed by Sean Payne on behalf of Geneva Area Foundation (Horticultural Hall) for Lake Geneva Farmer's Market using the alley to the south of Horticultural Hall on Thursdays from May 9, 2013 through October 24, 2013 from 7 a.m. to 1:30 p.m.

Mott/Wall motion to approve without waiving the parking stall fees. Alderman Mott said the Council has gone back and forth on requests to waive parking fees. He suggested the Council adopt a consistent approach.

Roll Call: Hougen, Wall, Mott, Kupsik, Taggart and Lyon voted "yes." Kehoe voted "no." Hill abstained. Motion carried 6 to 1.

First Reading of Ordinance 13-11, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to rezone certain property recently annexed to the City (Lake Geneva Joint School District #1)

First reading only; no action taken.

First Reading of Ordinance 13-12, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to rezone certain property recently annexed to the City (Immanuel Lutheran Church)

First reading only; no action taken.

First Reading of Ordinance 13-13, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to rezone certain property recently annexed to the City (Hart)

First reading only; no action taken.

First Reading of Ordinance 13-14, an ordinance providing for direct annexation by unanimous consent of electors and property owners of territory located in the Towns of Linn and Bloomfield, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin (Lake Geneva Economic Development Corporation)

City Attorney Draper said the applicant should fix the legal description on the petition, as recommended in a letter from the Wisconsin Department of Administration.

First reading only; no action taken.

First reading of Ordinance 13-15, amending Chapter 14, Building and Building Regulations, of the Municipal Code of the City of Lake Geneva, Wisconsin regarding landlord registration

First reading only; no action taken.

First reading of Ordinance 13-16, amending Chapter 46, Nuisances, of the Municipal Code of the City of Lake Geneva, Wisconsin regarding chronic nuisances

First reading only; no action taken.

Finance, License and Regulation Committee Recommendations – Alderman Hill

Discussion/Action on award of bid to Ewald Ford in the amount of \$33,221.00 for Street Department 3/4 Ton Truck funded by the capital fund

Hill/Hougen motion to continue to the Finance, License and Regulation Committee and City Council meetings on May 13, 2013. Unanimously carried.

Discussion/Action on directing staff to solicit bids for north Broad St. lighting replacements funded by TID #4 (recommended by Public Works Committee 4/17/13)

Hill/Mott motion to direct staff to solicit bids for north Broad St. lighting replacements funded by TID #4. There was considerable discussion about whether to solicit bids for ornamental or non-ornamental light fixtures. Alderman Lyon suggested the City solicit alternate bids for each type of fixture. Mayor Connors suggested the City solicit bids for concrete light poles.

Kupsik/Hougen motion an amendment to seek alternate bids for standard boxed light fixtures and ornamental fixtures. Motion carried 7 to 1, with Mott opposed.

Roll Call: Hougen, Hill, Kehoe, Kupsik and Lyon voted “yes.” Wall and Mott voted “no.” Taggart abstained. Motion carried 5 to 2.

Discussion/Action on directing staff to solicit bids for Dunn Field Restroom/Concessions building construction funded by TID #4 (recommended by Public Works Committee 4/17/13)

Hill/Kupsik motion to direct staff to solicit bids for Dunn Field Restroom/Concessions building construction funded by TID #4, with alternate bids for seasonal heating, metal seam roof and handicap ramp.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik and Lyon voted “yes.” Wall and Taggart voted “no.” Unanimously carried.

Discussion/Action on engineering agreement with Crispell-Snyder for Phase II of Main Street Tunnel Rehabilitation in the amount not to exceed \$35,000.00 funded by TID #4 (recommended by Public Works Committee 4/17/13)

Hill/Kupsik motion to approve. Alderman Hill said the first phase of the project was recently completed; Crispell-Snyder determined that full computer modeling would not be required by DNR for the project.

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

Discussion/Action on award of contract with Watch it Bend for Disc Golf Course design in the amount of \$3,600.00 and the purchase of amenities in the amount of \$22,133.00 funded by park impact fees (recommended by Public Works Committee 4/17/13)

Hill/Wall motion to approve award of contract with Watch it Bend for Disc Golf Course design in the amount of \$3,600.00 and the purchase of amenities in the amount of \$22,133.00 funded by park impact fees. Alderman Hill said she hoped some of the amenities will be donated or not cost as much. Alderman Taggart expressed opposition for the project. Considerable discussion followed, with Aldermen Mott, Kupsik and Hill expressing support.

Hill/Mott motion an amendment to make the agreement contingent upon city attorney review. Unanimously carried.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Lyon voted “yes.” Taggart voted “no.” Motion carried 7 to 1.

Discussion/Action on Equipment Replacement Fund schedule

Administrator Jordan presented a proposed schedule for the equipment replacement fund. He noted the Council made an initial transfer of \$715,000.00 into the fund. The proposed schedule included the Council setting \$400,000-\$450,000 per year into the account. Alderman Hill expressed concern whether the Council could continue this level of funding. Alderman Hougen spoke favorably of the proposed schedule.

Kupsik/Hill motion to approve the equipment replacement fund schedule as presented. Mayor Connors said it is a living document that would be reviewed and adjusted annually. DPW Winkler commented that the equipment replacement fund is a forward-thinking concept and it will help the City plan for big-ticket expenditures.

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

Plan Commission Recommendations – Alderman Hougen

Resolution 13-R31, authorizing the issuance of a Conditional Use Permit to Nicholas E Petros and Angele Petros, PO Box 505, Lake Geneva, WI 53147, for amending their existing Group Development to add an additional unit in the Central Business zoning district at 704 Main St., Tax Key No. ZOP 00307, including all staff recommendations.

Hougen/Wall motion to approve. Unanimously carried.

Resolution 13-R32, authorizing the issuance of a Conditional Use Permit to Dorothy Fiske, 324 Sage Street, Lake Geneva, WI 53147, for operating a bed and breakfast establishment in the Neighborhood Office (NO) zoning district at 324 Sage St., Tax Key No. ZOP 00134, including all staff recommendations.

Hougen/Kehoe motion to approve. Unanimously carried.

Discussion/Action on an amendment to Section 98-913(9)(c) of the City of Lake Geneva Zoning Code to resolve a conflict in the Downtown Design Overlay regulations

Hougen/Kehoe motion to approve. Alderman Hougen said the intent is to make the residential construction district consistent with the downtown design review boundaries. Unanimously carried.

Presentation of Accounts – Alderman Hill

Hill/Kupsik motion to approve Prepaid Bills in the amount of \$2,063.62

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

Hill/Kupsik motion to approve Regular Bills in the amount of \$163,378.14

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

Mayoral Appointments – Mayor Connors

Parking Commission:

Reappointment of Martin Smith to May 1, 2015

Reappointment of John Button to May 1, 2015

Plan Commission:

Reappointment of Cindy Flower to May 1, 2016

Historic Preservation Commission:

Reappointment of Patrick Quinn to May 1, 2016

Library Board:

Reappointment of Christine Brookes to May 1, 2016

Reappointment of Diane Jones to May 1, 2016

Reappointment of Larry Kundert to May 1, 2016

Board of Park Commissioners:

Reappointment of Doug Skates to May 1, 2016

Reappointment of John Swanson to May 1, 2016

Reappointment of Lynn Hassler to May 1, 2016

Police & Fire Commission

Reappointment of Tom Hartz to May 1, 2018
Zoning Board of Appeals:
Reappointment of Robert McCormick to May 1, 2016
Reappointment of Thomas Anthony, Alternate to May 1, 2016
Communications Committee:
Reappointment of Gary Milliette to May 1, 2015
Reappointment of Ron Berndt to May 1, 2015
Avian Committee
Reappointment of Maureen Winkler to May 1, 2015

Mayor Connors noted the appointments to Tree Board will be made by the Board of Park Commissioners, per ordinance.

Kupsik/Hougen motion to approve. Unanimously carried.

Closed Session

Kupsik/Kehoe 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: Peller Investments, LLC (City Attorney Draper)

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

The Council entered into Closed Session at 9:05 p.m.

Hougen/Taggart 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, Taggart and Lyon voted “yes.” Unanimously carried. The Council reconvened in open session at 9:26 p.m.

Hill/Hougen motion to instruct City Attorney to continue settlement negotiations as discussed in closed session. Unanimously carried.

Adjournment

Mott/Kehoe motion to adjourn at 9:26 pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL