

CITY COUNCIL MEETING

MONDAY, MAY 13, 2013 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was led by Alderman Hill.

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

Awards, Presentations, and Proclamations.

Mayor Connors announced a Parking Study Open House will be held on Wednesday, May 15 at 6:30 p.m. in the City Hall senior center room.

Re-consider business from previous meeting.

Hill/Hougen motion to reconsider Item 17-B from the previous meeting regarding north Broad St. lighting replacements. Alderman Hill said she would like to have some more discussion on the topic.

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

Hill/Hougen motion to refer the item of north Broad St. Lighting replacements to the Public Works Committee. Motion carried by a vote of 7 to 1, with Alderman Mott opposed.

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.

Ed Yaeger, 421 Water St., Lake Geneva, asked the Council to close TID #4 and to reject the proposed 2013 TID #4 budget. Mr. Yaeger spoke about the history of the TID and suggested it has been a burden for taxpayers.

Tom Hartz, 1051 Lake Geneva Blvd., Lake Geneva, spoke on behalf of Geneva Lake Area Chamber of Commerce. He read a letter expressing support for the annexation of the property owned by Lake Geneva Economic Development Corporation. Mr. Hartz also read a letter from the Geneva Lake Area Chamber of Commerce asking the City to keep TID #4 open.

Joe Cardiff, 725 Pine Tree Ln., spoke as executive director of the Lake Geneva Economic Development Corporation, asking support for their annexation request. Mr. Cardiff said the annexed property would help grow the City’s tax base and promote new jobs.

Bill Huntress, 1015 Pleasant St., Lake Geneva, expressed opposition for keeping TID #4 open. He suggested the City has abused the purpose of tax incremental financing. He said the residents of outlying townships do not support TID.

Vern Magee, 1120 Mobile St., Lake Geneva, urged the Council to approve the proposed chronic nuisance ordinance. She said the ordinance is important for keeping the City safe and beautiful.

Spyro Condos, 1760 Hillcrest Dr., Lake Geneva, said he supported keeping TID #4 open. He said he stands behind tax incremental financing because it has been a primary mechanism for making improvements to the City.

Acknowledgement of Correspondence.

City Clerk Hawes reported the City received a letter dated April 30, 2013 from Terry O’Neill, 954 George St., Lake Geneva, suggesting procedures for reviewing the annual audit.

The City received a letter from Robert Heling on behalf of VFW Post 5811, N3362 Cherry Rd., Town of Geneva, requesting permission to sell Buddy-Poppies at Piggly Wiggly and Wal-Mart on June 1, 2013. Mayor Connors noted that no permit was required for this activity.

The City received a letter from Pat Friend, 721 S. Curtis St. #332, Lake Geneva, on May 2, 2013 requesting increased speed limit enforcement on Curtis St. Ms. Friend also submitted a petition signed by 25 residents on Curtis St. requesting “any and all efforts by the City Council to have the 25 MPH posted speed limit on Curtis St. strictly enforced.”

The City received a letter from John Stensland, President of the Geneva Lake Area Chamber of Commerce, dated May 10, 2013 expressing support for the Lake Geneva Economic Development Corporation annexation request.

The City received an additional letter from John Stensland, President of the Geneva Lake Area Chamber of Commerce, dated May 13, 2013 asking the City Council to keep TID #4 open.

Mr. Hawes said copies of correspondence were distributed to the Mayor and City Council and the originals will be maintained on file in the City Clerk’s office.

Approval of Minutes

Wall/Hougen motion to approve the regular meeting minutes of April 22, 2013, as distributed. Unanimously carried.

Consent Agenda

Original Class “B” Fermented Malt Beverage & “Class C” Wine License Application for Beachside Hospitality, Inc. d/b/a Barriquer Wine Bar & Beachside Cafe, 835 Wrigley Dr., Lake Geneva, Nancy Trilla, Agent

Change of Agent Application filed by H&P Enterprises LLC d/b/a Geneva Liquors, 797 Wells St., Lake Geneva, to Navninder Toor, 9707 70th St., Kenosha, WI

Alcohol License Premises Extension Application filed by Lake Aire Restaurant, 804 Main Street, Lake Geneva, George Argiropoulos, Agent for sidewalk café area

Renewal “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- Chubby Kitty LLC d/b/a Fat Cats, 104 Broad Street, Lake Geneva, Mark Basil, Agent
- Geneva Bay Club LLC d/b/a Maxwell Mansion, 421 Baker Street, Lake Geneva, Charles Andrew Fritz, Agent
- LG Hospitality Group LLC d/b/a Tuscan Tavern & Grill, 430 N. Broad Street, Lake Geneva, Anne Gram Sayers, Agent
- Pop More Corks Inc., 615-617 Main Street, Lake Geneva, David Biegemann, Agent
- Samson Enterprises, LLC d/b/a Carvetti’s, 642 W. Main Street, Lake Geneva, Colleen Larimer, Agent
- Hogs & Kisses, Inc. d/b/a Hogs & Kisses, 149 Broad Street, Lake Geneva, Linda Chironis, Agent
- Sandal Inc. d/b/a Lake Geneva Lanes, 192 E. Main Street, Lake Geneva, Franklin D. Guske, Sr., Agent
- Stone Soup LLC d/b/a Baker House, 327 Wrigley Drive, Lake Geneva, Charles Andrew Fritz, Agent
- DCR Restaurant Group LLC d/b/a The Next Door Pub, 411 Interchange North, Lake Geneva, Chad Bittner, Agent
- L & B Mainstreet Inc. d/b/a Champs Sports Bar & Grill, 747 West Main Street, Lake Geneva, Gregory Bush, Agent

Renewal Reserve “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- Lake Aire Restaurant, 804 Main Street, Lake Geneva, George Argiropoulos, Agent
- Harborside Pub & Grill, 100 Broad Street, Lake Geneva, Spyro G. Condos, Agent
- Su Wings Corporation d/b/a Su Wings Restaurant, 743 North Street, Lake Geneva, Siu Wing Leung, Agent

Renewal Class “B” Fermented Malt Beverage & “Class C” Wine License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

Bistro 220, 220 Cook Street, Lake Geneva, Ken Wenz, Agent

PH Hospitality Group LLC d/b/a Pizza Hut, 801 Williams Street, Lake Geneva, Mark Dillon, Agent

Renewal “Class A”/Class “A” Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

Brutap LLC d/b/a Bruno’s Liquors 524 Broad Street, Lake Geneva, James E. Sharkus, Agent

Lake Geneva Grassroots, Inc. d/b/a The Backyard, 252 Center Street, Lake Geneva, Robert Schmaling, Agent

Stinebrink’s Lake Geneva Foods LLC d/b/a Stinebrink’s Piggly Wiggly, 100 East Geneva Square, Lake Geneva, Mark E. Stinebrink, Agent

Stop-N-Go of Madison, Inc. d/b/a Stop-N-Go #265, 896 Wells Street, Lake Geneva, Crystal Dent, Agent

Wal-Mart Stores East, LP d/b/a Wal-Mart Supercenter #910, 201 S. Edwards Boulevard, Lake Geneva, Cliff Floerke, Agent

Prairie State Enterprises of Darien LLC d/b/a Lake Geneva Mobil, 350 N. Edwards Boulevard, Lake Geneva, Kenneth B. Kearns, Agent

Original Operator (Bartender) License Applications filed by Barbara J. Algiers, Jill M. Wieners, Robert T. Morava III

Renewal Operator (Bartender) License Applications filed by Edith B. Aguillon, Alyssa A. Hastings, Elizabeth L. Recob, Stacey N. Rhyner, Brian J. Schmidt, Justin R. Kindgren, Vanessa J. Knautz, Thomas W. Trilla, Christopher M. Castillo, Judith A Tapson and Tavis S. Mitchell

Kupsik/Taggart motion to approve. Unanimously carried.

Items Removed from the Consent Agenda

Original Park Permit Application filed by Kevin Austin on behalf of Delavan-Darien Optimist Club for Optimist Skateboard Competition Series using the Dunn Field Skate Park on June 29, 2013 from 11 a.m. to 6 p.m. (recommended by Board of Park Commissioners 5/1/13)

Kupsik/Taggart motion to approve, subject to submittal of a certificate of liability insurance naming the City as additional insured. Alderman Kupsik said the applicant spoke at the Board of Park Commissioners meeting and demonstrated experience in organizing skateboard competitions. Unanimously carried.

Second Reading and Approval 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)

Taggart/Wall motion to approve.

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

Second Reading and Approval 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)

Kupsik/Taggart motion to approve.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted “yes.” Wall abstained. Motion carried 7 to 0.

Second Reading and Approval 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)

Hougen/Hill motion to approve. Alderman Hougen said the proposed permanent zoning of Rural Holding (RH) is in concert with the comprehensive zoning map.

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

Second Reading and Approval 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)

Taggart/Wall motion to approve.

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

Second Reading and Approval 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

City Attorney Draper recommended the Council take no action on Ordinance 13-15 at this time. He said there is legislation pending in the state assembly that would conflict with the ordinance. Mr. Draper said he would follow the progress of the legislation and recommend how to proceed at the appropriate time.

No action taken.

Second Reading and Approval of Ordinance 13-16, amending Chapter 46, Nuisances, of the Municipal Code of the City of Lake Geneva, Wisconsin regarding chronic nuisances

Kehoe/Hill motion to approve. Alderman Kehoe expressed support for the ordinance, stating it provides a course of action for addressing chronic nuisance issues. City Attorney Draper noted the ordinance will apply to all property owners, not just landlords.

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

Referral of dedication of land owned by Trostel, Ltd. located near 901 Maxwell St. to the Plan Commission

Hougen/Wall motion to refer dedication of land owned by Trostel, Ltd. located near 901 Maxwell St. to the Plan Commission. Unanimously carried.

Discussion/Action regarding settlement of litigation with Peller Investments, LLC

City Attorney Draper explained the terms of the proposed settlement. He said the City would pay Peller Investments, LLC \$41,000.00. The City would also provide credit against the special assessment in the amount of \$80,693.00. Mr. Draper recommended approval of the settlement, adding that it would resolve the litigation. Alderman Hill asked how the City would fund the \$41,000.00 payment. Mr. Draper said it would be funded from the TID #4 Edwards Blvd. construction account.

Kupsik/Mott motion to accept the settlement and authorize the attorneys to enter into a stipulation agreement as discussed.

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

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/Kupsik motion to approve. Alderman Hill said the City received four bids for the truck and the bid from Ewald Ford was the lowest. Alderman Taggart expressed concern with purchasing the truck from an out-of-town business. Alderman Mott noted the purchase would be under the budgeted amount of \$35,000.00. Alderman Wall asked what will happen with the unspent amount of \$1,779.00. Administrator Jordan said unspent capital funds do not go back into the general fund; the funds would go toward paying off the debt.

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

Discussion/Action on parking station maintenance agreement with Automated Parking Technologies for the period of May 1, 2013 to December 31, 2013 in the amount of \$45,140.00

Hill/Kupsik motion to approve. Alderman Taggart noted \$45,140.00 is a pro-rated amount for the balance of the year. Alderman Wall said \$1,000.00 per machine seems too expensive. Alderman Mott asked how much it would cost to

replace a pay station. Administrator Jordan said at least \$11,000; Mr. Jordan noted the City has one back-up unit. Alderman Hougen said he agreed that the maintenance agreement cost seemed high, however the City does not have qualified staff to maintain the equipment internally. He suggested the City approve the agreement for this year and see how much we have to use it. Alderman Taggart asked how much the City grossed on parking last year. Mayor Connors said the City took in \$767,000.00 for a partial season in 2012 and that an estimated \$900,000.00 in revenue is budgeted for 2013. Alderman Lyon said the maintenance agreement shouldn't be a surprise because it was discussed when the equipment was originally purchased. Alderman Kupsik said the Personnel Committee discussed hiring more staff as an alternative to the maintenance agreement, but the Committee ultimately decided that more staff should not be hired.

City Attorney stated he had concerns with provisions of the agreement relating to cancellation of the agreement, alterations to the agreement and attorney fees.

Kupsik/Lyon motion an amendment that execution of the agreement be contingent on the city attorney resolving the issues with the provisions relating to cancellation of the agreement, alterations to the agreement and attorney fees. Motion carried 7 to 1, with Alderman Wall opposed.

Roll Call: Hougen, Mott, Kehoe, Kupsik, Taggart and Lyon voted "yes." Wall and Hill voted "no." Motion carried 6 to 0.

Discussion/Action on reinvestment of TID CD in the amount of \$58,500.00 with Talmer Bank

Hill/Kupsik motion to reinvest the CD for a 12 month period with Talmer Bank at the rate of 0.2%.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted "yes." Wall abstained. Motion carried 7 to 0.

Discussion/Action on annual certification of TID #4

Hougen/Wall motion to close TID #4. Alderman Hougen said the TID has served the City well but the time is right for the City to close it. Alderman Kehoe disagreed, stating the City has TID projects that still need to be completed. Alderman Wall said TID #4 was created in 1995 with the purpose of eliminating blight and improving traffic; he felt the City has accomplished this and it would be appropriate to close it at this time.

Alderman Hill said she did not favor closing the TID, noting there are TID projects that have not yet been completed. Ms. Hill added that if it weren't for the TIF, the City would need to issue debt or raise taxes in order to do these projects. Alderman Lyon said he favored keeping TID #4 open because TIF motivates the City to maintain a long-term financial planning approach. Alderman Kupsik agreed with keeping TID #4 open in order to finish the pending projects. Alderman Mott said he was impressed with the fact that the Chamber of Commerce, on behalf of its 400 members, favored keeping TID #4 open. Mayor Connors expressed support for keeping TID #4 open, noting the City is in the process of completing a parking study that may call for parking infrastructure that could be funded by the TID.

Roll Call: Hougen and Wall voted "yes." Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted "no." Motion failed 2 to 6.

Hill/Kehoe motion to instruct staff to file the annual certification of TID #4.

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

RESOLUTIONS

Resolution 13-R33, adopting the 2013 Tax Increment District #4 Fund Budget for the City of Lake Geneva

Hill/Kupsik motion to approve. Mayor Connors noted that each project would come back to the Council for approval prior to funds being spent.

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

Presentation of Accounts – Alderman Hill

Hill/Kupsik motion to approve Prepaid Bills in the amount of \$5,798.08
Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted “yes.” Unanimously carried.

Hill/Hougen motion to approve Regular Bills in the amount of \$248,026.92
Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted “yes.” Unanimously carried.

Mayoral Appointments – Mayor Connors

Discussion/Action on appointment of Louise Rayppy to the Historic Preservation Commission for a term expiring May 1, 2016

Kehoe/Kupsik motion to approve. Unanimously carried.

Discussion/Action on appointment of Arleen Krohn to the Cemetery Commission for a term expiring May 1, 2016

Hougen/Kehoe motion to approve. Unanimously carried.

Discussion/Action on appointment of Michael Kocourek to the Utility Commission for the term expiring October 1, 2013

Wall/Hill motion to approve. Unanimously carried.

Closed Session

Hougen/Kupsik 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: Abra Prentice Wilkin Trust (City Attorney Draper), with Attorney Amie Trupke present.

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

The Council entered into Closed Session at 8:47 p.m.

Hougen/Kupisk 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 9:06 p.m.

Hill/Kupsik motion to approve the proposed settlement with Abra Prentice Wilkin Trust for 2011, contemplating a decreased assessment of \$1,347,900.00 and a refund of \$29,250.72, and for 2012, contemplating a decreased assessment of \$499,900.00 and a refund \$12,115.73 as discussed in closed session. Unanimously carried.

Adjournment

Mott/Taggart motion to adjourn at 9:10 pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL