

# **CITY COUNCIL MEETING**

## **TUESDAY, MAY 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 Kehoe.

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

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

Mayor Connors presented an Arbor Day Proclamation, announcing the months of April and May 2013 as “Arbor Day Months” in the City of Lake Geneva.

**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.**

Tom Romano, 3851 N. Southport, Chicago, spoke on behalf of Tuscan Tavern and Grill located at 430 Broad St. Mr. Romano asked the Council to approve the conditional use permit for their proposed outdoor dining area. He also expressed support for updating the street lighting fixtures on Broad St.

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

City Clerk Hawes reported the City received a letter dated May 27, 2013 from Scott Lowell, Lowell Management Services, Inc., indicating the property owners at 63 Hillside Dr. agreed to change the proposed fence from the 6’ wood fence to a tubular black aluminum fence (approximately 4’).

The City also received a letter on May 28, 2013 from Rob Gurske, General Manager of Tuscan Tavern and Grill, expressing support for the addition of ornamental light fixtures along the north area of Broad St.

Mr. Hawes said copies of the letters were distributed to the Mayor and Council and the original copies will be kept on file in the City Clerk’s office.

#### **Approval of Minutes**

Kehoe/Hougen motion to approve the regular meeting minutes of May 13, 2013, as distributed. Unanimously carried.

#### **Consent Agenda**

Street Use Permit Application filed by Tara Trent on behalf of Maple Park Homeowners Association for a block party using Geneva St., from Warren St. to Maxwell St., on June 22, 2013 from 5 to 9 p.m.

Park Permit Application filed by Geneva Lake Area Chamber of Commerce for Concerts in the Park using Flat Iron Park on July 3, 11, 18, 25 and August 1, 8, 22, 29, 2013 from 6 to 8 p.m. (recommended by Board of Park Commissioners 5/1/13)

Park Permit Application filed by Geneva Lake Area Chamber of Commerce for Winterfest using Riviera Park on January 26 – February 2, 2014 (recommended by Board of Park Commissioners 5/1/13)

Renewal Alcohol 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:

“Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License application filed by GE Geneva, LLC d/b/a Gino’s East, 300 Wrigley Drive, Lake Geneva, Jeff Whiteman, Agent

“Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License application filed by Capitol Geneva, LLC d/b/a Sprecher’s Restaurant & Pub, 111 Center Street, Lake Geneva, Stephen J. Schroeder, Agent

“Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License application filed by Two Thumbs Up, LLC d/b/a Thumbs Up, 260 Broad St., Lake Geneva, Benjamin Barels, Agent

Reserve “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License application filed by The Tempura House, LLC d/b/a The Tempura House, 306 Center Street, Lake Geneva, Pai Tsung Wang, Agent

Class “B” Fermented Malt Beverage & “Class C” Wine License applications filed by Simple Café, LLC, 525 Broad Street, Lake Geneva, Thomas A. Hartz, Agent

Original 2013-2014 Operator License applications filed by Richard D. Carls, Casey A. Coulter, Keena M. Graziano, Alejandro D. Garcia, Wendi S. Gustafson, Terra L. Malom, April M. Steele, Kristen N. Mihelich and Pamela A. Quiller

Kupsik/Taggart motion to approve. Unanimously carried.

#### **Items Removed from the Consent Agenda**

**Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage (Hotel Exemption) License application filed by Cove Condominium Association d/b/a The Cove of Lake Geneva, 111 Center Street, Lake Geneva, Patrick J. McCarthy, Agent**

**“Class A” Liquor License application filed by Cove Condominium Association d/b/a The Cove of Lake Geneva, 111 Center Street, Lake Geneva, Patrick J. McCarthy, Agent**

Kupsik/Hill motion to continue to the June 10, 2013 meeting to allow the applicant time to correct the premises descriptions on the applications. Motion carried 7 to 1, with Alderman Kehoe opposed.

**Resolution 13-R34, a resolution establishing Ward #13 boundaries for territory recently annexed to the City of Lake Geneva (Lake Geneva Economic Development Corporation)**

Kupsik/Taggart motion to approve. City Clerk Hawes explained the City needs to create two new wards for the recently annexed land that does not share the same county supervisory district as the City.

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

**Resolution 13-R35, a resolution establishing Ward #14 boundaries for territory recently annexed to the City of Lake Geneva (Lake Geneva Economic Development Corporation)**

Wall/Hougen motion to approve.

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

**Discussion/Action on notice of claim filed by Care for Lake Geneva, Inc.**

City Attorney Draper said the City’s insurer assigned Attorney Joseph Wirth to review the claim. Mr. Draper said that Attorney Wirth has recommended denial of the claim. After denial of the claim, the claimant has 120 days to file an appeal in court.

Hill/Wall motion to deny the claim.

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 directing staff to solicit bids for north Broad St. lighting replacements funded by TID #4 (recommended by Public Works Committee 5/16/13)**

DPW Winkler said he obtained additional information on LED light fixtures and poles. Mr. Winkler presented the option of the Granville ornamental fixture that would match the other fixtures in the downtown area. He presented a second option for the Post Top fixture, which is similar to the Granville style and costs 15% less. DPW Winkler also presented alternatives for steel or concrete poles. He commented the concrete poles cost less and would require less maintenance than the steel poles. Mayor Connors noted there would be additional costs for installing the new poles and fixtures. Mr. Connors asked if the poles included brackets for mounting planters or banners. DPW Winkler indicated they did not but the brackets could be purchased at a future time at little cost.

Hill/Kupsik motion to direct staff to solicit bids for the Post Top LED light fixtures on concrete poles with bases. Alderman Hill said she liked the Post Top fixtures because she couldn't tell them apart from the Granville fixtures and they cost less. Alderman Lyon disagreed, stating he felt the two fixtures look different; he suggested the difference in price wasn't enough to warrant purchasing a fixture that would be different than the rest of downtown. Alderman Mott stated the original idea was to purchase lighting that would match the rest of downtown.

Roll Call: Hougen, Wall, Hill, Kehoe and Kupsik voted "yes." Mott, Taggart and Lyon voted "no." Motion carried 5 to 3.

**RESOLUTIONS**

**Resolution 13-R36, a budget amendment to increase to fund increase in fireworks contributions to the Lake Geneva Jaycees**

Hill/Hougen motion to approve. Alderman Hill said the 2013 budget included a contribution of \$5,500.00 toward the Venetian Festival fireworks display. She said the Council later approved a total contribution of \$10,000.00. The resolution reflects the increase of \$4,500.00. Alderman Taggart commented that the increased contribution is appropriate considering the cost of fireworks and the good work the Jaycees do for the community.

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

**Resolution 13-R37, establishing wages for certain part-time and seasonal employees (recommended by Personnel Committee 5/23/13)**

Hill/Mott motion to approve. Alderman Hill said wages for seasonal employees was not discussed during the budget sessions last fall. She noted most of the seasonal staff had not been given wage increases since 2009. Ms. Hill said the resolution outlines proposed rate increases and sets wage rates for the new positions of Beach Attendant – Year 4, Beach Kiosk Attendant, Parking Enforcement – Year 4 and Street Seasonal – Year 4. Alderman Hill asked what accounts the seasonal wages are funded out of. Administrator Jordan said they are funded mostly by the lakefront and parking funds; he noted the Street Department seasonal staff are funded from the general fund.

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

**Plan Commission Recommendations – Alderman Hougen**

**Resolution 13-R38, authorizing the issuance of a Conditional Use Application filed by Lake Geneva Food Services, Inc. d/b/a Rosati's Pizza, 595 Birch Hollow Dr., Antioch, IL, 60002, for indoor and outdoor commercial entertainment (dining) in the Planned Business (PB) zoning district at 240 N Edwards Blvd., Tax Key No. ZA21840002, including all staff recommendations**

Hougen/Wall motion to approve. Alderman Hougen said the Plan Commission found the proposed use to be in harmony with the comprehensive plan and the zoning for that property.

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

**Resolution 13-R39, authorizing the issuance of a Conditional Use Application filed by John Consolino on behalf of MWFLGS Inc., 501 Interchange N, Lake Geneva, WI 53147, to modify an existing non-conforming sign in**

**the Planned Business (PB) zoning district at 501 Interchange N., Tax Key No. ZYUP 00140B, including all staff recommendations**

Hougen/Kupsik motion to approve. Alderman Hougen said the business is rebranding from a Shell station to a Mobil station. He said the conditional use permit is for a new sign that is closer to conforming with the City's sign code.

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

**Resolution 13-R40, authorizing the issuance of a Conditional Use Application filed by Dave Hills on behalf of Hawk's View Golf Club, W7377 Krueger Rd., Geneva, WI, 53147, for Indoor Commercial Entertainment – golf simulator and beer sales for on-premises consumption in the Central Business (CB) zoning district at 728 W. Main St., Tax Key No. ZOP 00314, including all staff recommendations**

Hougen/Wall motion to approve. Alderman Hougen said the proposed use is consistent with the downtown zoning standards. Alderman Hill asked if the applicant will still need to acquire an alcohol license to serve beer. City Attorney Draper confirmed they would still need to obtain a Class B beer license.

Hill/Kupsik motion an amendment that beer sales is subject to approval of the (Class B) beer license. Unanimously carried.

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

**Resolution 13-R41, authorizing the issuance of a Conditional Use Application filed by Lowell Management Services, Inc., P.O. Box 926, Lake Geneva, WI, 53147, for fence and landscaping (lawn care) in the lake shore overlay district and modification to a previously approved accessory structure (swimming pool) located between the house and the lake shore in the Estate Residential (ER-1) zoning district at 63 Hillside Dr., Tax Key No. ZYUP 000941, including all staff recommendations, and specifically, with the aluminum fence as presented in the amended application**

Hougen/Lyon motion to approve. Alderman Hougen said some neighbors objected to the proposal for the wood fence so the applicant agreed to amend the plans to have a black aluminum fence.

Kupsik/Taggart motion an amendment that the black aluminum fence be 4' in height, as stated in the letter from Lowell Management Services dated May 27, 2013. Unanimously carried.

Roll call on amended motion: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted "yes." Unanimously carried.

**Discussion/Action on Precise Implementation Plan Amendment filed by Tom Romano on behalf of Tuscan Tavern and Grille, 430 Broad St., Lake Geneva, WI 53147, for seasonal outdoor dining (commercial outdoor entertainment) in the Planned Development (PD) zoning district at 430 Broad St., Tax Key No. ZOP 00093, including all staff recommendations**

Hougen/Wall motion to approve.

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

**Discussion/Action on acceptance of dedication of land owned by Tostel, Ltd. located near 901 Maxwell St., with the recommendation to explore the potential for landscaping**

Hougen/Hill motion to approve. Alderman Hougen said the Board of Park Commissioners would have a chance to review the property if there are opportunities for green space.

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

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

Hill/Kupsik motion to approve Prepaid Bills in the amount of \$5,402.16

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 \$122,271.33

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

**Closed Session**

Kupsik/Taggart motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Scott Hardwick by a board or commission or the investigation of charges against such person and the taking of formal action on any such matter (City Attorney Draper), with Scott Hardwick present.

*\*Clerk’s Note: The individual’s last name, “Hardwick,” was incorrectly listed as “Chadwick” on the agenda.*

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

The Council entered into Closed Session at 8:09 p.m.

Kupsik/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 8:25 p.m.

Hougen/Wall motion to approve the renewal Operator (Bartender) License application filed by Scott Hardwick. Unanimously carried.

**Adjournment**

Mott/Hougen motion to adjourn at 8:27 pm. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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