

CITY COUNCIL MEETING

MONDAY, AUGUST 26, 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 Mott.

Roll Call. Present: Mayor Connors, 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 presented a plaque and proclamation declaring the week of September 8-14, 2013 as “National Assisted Living Week – Homemade Happiness” in the City of Lake Geneva to Andy Kerwin of Arbor Village Assisted Living Community.

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.

Jim Strauss, 246 Ridge Rd., Lake Geneva, expressed support for increasing the salaries for the mayor and council. Mr. Strauss also expressed support for the proposed dance studio and the employment contracts for police chief, assistant chief and police lieutenant.

Acknowledgement of Correspondence.

City Clerk Hawes said the City received a letter from John Marra, Village President of the Village of Williams Bay, on August 23, 2013 asking the Common Council to consider resurrecting the Geneva Lake Use Committee. Mr. Hawes said copies of the letter were distributed to the City Council and the original will be maintained in the City Clerk’s office.

Approval of Minutes

Wall/Taggart motion to approve the regular meeting minutes of August 12, 2013 and Special City Council Meeting minutes of August 15, 2013, as distributed. Unanimously carried.

Consent Agenda

- A. “Class B”/Class “B” Temporary Wine and Fermented Malt Beverage License application filed by Knights of Columbus for “Fall Festival/Pig Roast” at St. Francis de Sales Church, 148 W. Main St., on September 14, 2013 from 5 p.m. to 11 p.m. and September 15, 2013 at 11 a.m. to 6 p.m.
- B. Original 2013-2014 Operator (Bartender) License applications filed by Jeremy C. Hanson and Tiffany L. Taylor

Hougen/Wall motion to approve. Unanimously carried.

Items Removed from the Consent Agenda

Mayoral Veto of action taken at the Regular City Council Meeting of August 12, 2013 approving mayor and council annual compensation of \$7,500.00 for mayor and \$4,000.00 for alderperson

City Clerk Hawes reported a mayoral veto was filed on August 14, 2013. He acknowledged the veto was certified to be in proper form per Wis. Stat. 62.09(8)(c). He read the contents of the veto, as follows: “On August 12, 2013, the Council voted 5-2 to increase the salaries for future Aldermen to \$4,000 per year, and the future Mayor’s salary to \$7,500 per year. As I expressed during discussion at Council, the approved increases are disproportional at a 14.3% increase for Aldermen, and a 25% increase for the Mayor. While I recognize and appreciate your dedication to the service of our citizens, I feel that the salary increase the Council approved for the Mayor is excessive. Therefore, per Wisconsin Statute 62.09(8)(c) I respectfully veto the Council’s action to increase salaries and the matter will be presented to you by the City Clerk at the next Council meeting.”

Taggart/Hill motion to override the mayoral veto. Mayor Connors reiterated his reasons for filing the veto, adding that this is a time where staff is being asked to contribute more to their retirement fund. Considerable discussion followed about the merits of the compensation level approved at the August 12 meeting.

Roll Call: Mott, Hill, Kehoe, Kupsik and Taggart voted “yes.” Hougen, Wall and Lyon voted “no.” The required supermajority having not been achieved, the motion failed by vote of 5 to 3.

Discussion/Action on mayor and council compensation

Kupsik/Kehoe motion to 14.3% increase for aldermen and mayor.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik, Taggart and Lyon voted “yes.” Motion carried 7 to 1.

Discussion/Action on approval of employment contracts for police chief and assistant police chief

Hill/Kupsik motion to refer to Police & Fire Commission to review the language of the contracts to clarify the use of the word “occurred” or “accrued,” and to clarify the maximum amount of vacation paid out upon retirement. Alderman Hill said these just appear to be small grammar changes, but she did not feel comfortable changing the contracts without input from the Police & Fire Commission. Alderman Kupsik asked why the contracts were signed in 2010 and have not been before the Council until this time. City Attorney Draper said the Council is required to approve the contracts because compensation levels for public safety staff is within the Council’s purview. Unanimously carried.

Resolution 13-R47, designating the City Hall second floor expansion area as a Police Department training room

Administrator Jordan said Police Chief Rasmussen approached him with the request to use the room for police training. He said the Police Department has been using the basement for training which has not been ideal. Mr. Jordan explained the senior center was originally designed for Police Department expansion and the senior center was a temporary use. He said he has been working with the senior citizen group to secure a new meeting space in the City.

Kupsik/Mott motion to approve.

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

Finance, License and Regulation Committee Recommendations – Alderman Hill

Resolution 13-R48, revising the salary/benefit schedule for non-represented police management employees and approving retroactive payments back to 2010 for school credit pay in the amount of \$4,232.80

Hill/Wall motion to approve. Alderman Kupsik said the police chief, assistant chief and lieutenant have not been receiving school credit pay as provided in their contracts due to an oversight.

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

Resolution 13-R49, transferring \$70,751.00 from the TID Discretionary Account to the TID Parking Lot Resurfacing Project Account

Hill/Mott motion to approve.

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

Resolution 13-R50, transferring \$165,016.00 from the TID Discretionary Account to the TID Street Improvement Project Account

Hill/Mott motion to approve.

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

Plan Commission Recommendations – Alderman Hougen

First reading of Ordinance 13-17, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, from Neighborhood Business (NB) to Planned Development (PD) for a certain property in the City (406 Wells St.)

Hougen/Lyon motion to suspend the rules and proceed to a second reading. Motion carried 7 to 1, with Hill opposed.

Second reading of Ordinance 13-17. Hougen/Lyon motion to approve, including all staff recommendations. Alderman Hougen said the ordinance was required to help facilitate the property owner's request to operate a commercial lodging establishment. Mr. Hougen said it is an appropriate use for the parcel and it is in harmony with nearby properties.

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

Discussion/Action on General Development Plan (GDP) and Precise Implementation Plan (PIP) application filed by Susan Ekizian, 406 Wells Street, Lake Geneva, WI 53147, to allow for Commercial Indoor Lodging at 406 Wells Street, Lake Geneva, WI 53147 Tax Key No. ZOP 00353

Hougen/Lyon motion to approve, including all staff recommendations with respect to the Precise Implementation Plan (PIP). Alderman Wall asked if any neighbors objected to the application. Alderman Hougen said neighbors expressed concerns with the number of cars that would be parked at the property. He said those concerns were made conditions for approval of the PIP. Alderman Hougen noted that the lodging operation would be limited to 50 days per year.

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

First reading of Ordinance 13-18, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, from Planned Development (PD) to Single Family Residential (SR-3 and SR-4) for a certain property in the City (Tax Key Numbers ZYUP 00137I, ZYUP 00137J, ZYUP 00192 and ZYUP 00193)

First reading only; no action taken.

First reading of Ordinance 13-19, amending the Zoning Text of the City of Lake Geneva, Walworth County, Wisconsin, to revise and further clarify Commercial Entertainment land uses and add a new category Physical Activity Studio

Hougen/Wall motion to suspend the rules and proceed to a second reading.

Second reading of Ordinance 13-19. Kehoe/Kupsik motion to approve. Mayor Connors said the zoning text change was necessary for the request to operate a dance studio in the business park. Alderman Hill expressed concern with the parking requirements of the proposed Physical Activity Studio category. City Attorney Draper said the City will have the flexibility to review parking with each conditional use application that is filed.

Taggart called to question. Unanimously carried.

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

Resolution 13-R51, authorizing the issuance of a Conditional Use Permit to Christina Wozniak, 1400 Hunters Ridge Drive Unit 57, Genoa City, WI 53128, to operate a Dance Studio (Commercial Indoor Entertainment) in the Planned Business Park (PBP) zoning district at 921 Park Drive Suite D, Lake Geneva, WI 53147 Tax Key No. ZLGBP2 00001, contingent upon approval of the zoning text amendment and that the conditional use be limited to this owner

Hougen/Wall motion to approve, contingent upon correction of the tax key in the proposed resolution and including all staff recommendations.

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

Resolution 13-R52, authorizing the issuance of a Conditional Use Permit to Doud Engineering Systems, 6613 West Matanuska Tr., McHenry, IL 60050, for a multi-tenant office/industrial group development complex at Tax Key No. ZLGBP2 00001, ZLGBP2 00002 and ZLGBP2 00003

Hougen/Taggart motion to approve. Alderman Hougen explained that the applicant had received approval but their conditional use expired before the project could be completed.

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

Presentation of Accounts – Alderman Hill

Hill/Wall motion to approve Prepaid Bills in the amount of \$7,403.29

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 \$94,926.67

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

Mayoral Appointments – Mayor Connors

Discussion/Action on designating Thomas Anthony as first alternate on Zoning Board of Appeals

Hill/Hougen motion to approve. Mayor Connors said he reviewed the State statutes and City zoning ordinances and found that the City should have two alternates. He also noted that the City Clerk served as secretary. Unanimously carried.

Discussion/Action on appointment of Frank Marsala as second alternate on Zoning Board of Appeals

Hill/Wall motion to approve. Unanimously carried.

Discussion/Action on appointment of Brian Olsen to Board of Park Commissioners to fill the balance of Rick Steinberg’s term, expiring on May 1, 2014

Wall/Hougen motion to approve. Unanimously carried.

Closed Session

Lyon/Kupsik motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Lisa M. Anderson 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)

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

The Council entered into Closed Session at 8:26 p.m.

Hill/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 8:38 p.m.

Taggart/Hill motion to deny. Alderman Kupsik said based on the applicant’s background check, he did not believe the applicant would perform the duties of the job in a responsible manner.

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

Adjournment

Mott/Kehoe motion to adjourn at 8:39 p.m. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

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