

REGULAR CITY COUNCIL MEETING

MONDAY, OCTOBER 24, 2011 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:13pm.

The Pledge of Allegiance was led by Alderman Hartz.

Roll Call. Present: Aldermen Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill. Also present: Administrator Jordan, City Attorney Draper, DPW Winkler, and City Clerk Hawes.

Awards, Presentations, and Proclamations

Mayor Connors presented a plaque to Jeremy Reale for his service to the City of Lake Geneva as City Clerk.

The Beautification Committee presented the 8th Annual Mayor's Summer Landscape Awards.

Mayor Connors announced that the Emergency Alert System would be conducting a nationwide test using all television and radio broadcast media on November 9, 2011 at 1:00pm.

Mayor Connors announced that Winter Parking Restrictions will be in effect from November 15, 2011 through March 31, 2012.

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.

Kevin Fleming, 1032 Wisconsin St., addressed the committee to express opposition for increasing parking fees and eliminating two-hour free parking in the winter. He stated that he understands the challenges of balancing the budget but that revenues from the lakefront and downtown area already account for approximately 30% of the City's total revenue. He said that maintaining the free two-hour parking in winter is crucial for the business community and attracting customers around the winter holidays. With respect to the proposed parking rate increase, Mr. Fleming stated that the Parking Commission has discussed the possibility of having a graduated rate increase where certain zones would have higher parking rates based on location within the downtown area. He suggested that the City needs to remain competitive with comparable communities like Cedarburg, WI; Oconomowoc, WI; Naperville, IL; Galena, IL or Long Grove, IL. These communities do not have parking meters and they offer free two- or three-hour parking. He stated that downtown Chicago is not a fair comparison to Lake Geneva.

David Tarlow, 415 Cass St., commented on [Ordinance 11-31](#) suggesting that increases to the parking fees may not deter people from visiting Lake Geneva for the first time but may affect people from wanting to return.

Acknowledgement of Correspondence

City Clerk Hawes acknowledged receipt of an e-mail from Peter Wolf, president of the Bootery at 771 West Main Street dated October 22, 2011 expressing support for increasing parking fees from \$0.50 to \$1.00 but opposition for eliminating free two hour seasonal parking. The City also received two e-mails from Richard and Gail Jachimek of Medical Weight Loss located at 1109 Geneva Street expressing concern for parking changes. City Clerk Hawes acknowledged receipt of an e-mail from Sheree Carlson of Carlson and Halpern CPA's located at 924 Williams Street dated October 24, 2011 expressing opposition for eliminating two-hour free parking in the winter.

Approval of Minutes

Krause/Mott motion to approve Regular City Council Meeting minutes of October 10, 2011, as published and distributed. Unanimously carried.

Second Reading and Approval of Ordinance 11-30, amending Chapter 50, Offenses and Miscellaneous Provisions, of the Lake Geneva Municipal Code, prohibiting firearms and weapons in City-owned structures

Alderman Hartz asked whether the City's insurance company would have a problem with the City not posting signage restricting firearms and weapons. City Attorney Draper said that the insurer will still cover the City if signs were not posted. Alderman Hartz asked if Ordinance 11-30 could be enforced without posting the signs. City Attorney Draper stated that there is uncertainty whether Ordinance 11-30 could be enforced without signage. However, he said that firearms and weapons are already prohibited in the police station, which may include the front foyer area of City Hall.

Alderman Kupsik asked whether the locations of posting would need to be specified prior to passage of Ordinance 11-30. City Attorney Draper stated that Ordinance 11-30 had been revised to allow the Council to determine which buildings would have the signage at a future time. Mayor Connors stated that the Council could specify the locations in the form of a resolution. Alderman O'Neill stated that he disagreed with the signage because it would communicate to visitors that everyone in the building is defenseless against someone who has a weapon.

Krause/Kupsik motion to suspend the rules to permit Police Chief Rasmussen to address the Committee. Unanimously carried. Alderman Krause asked what enforcement issues would be presented by approving Ordinance 11-30. Police Chief Rasmussen stated that enforcement would be complaint-driven. He said that the Police Department does not have the resources to pat people down or use metal detectors.

Marsala/Kupsik motion to approve Ordinance 11-30.

Alderman Marsala suggested that this ordinance would provide a starting point for enforcing the new concealed carry law. Alderman Hartz felt that the passage of this ordinance would not change the status quo. He suggested that enforcing the ordinance would be difficult and signage would not be successful in deterring someone who desired to carry a weapon into a public building. Alderman O'Neill stated that firearms are already prohibited from municipal court and asked if that has any bearing on Council meetings. City Attorney Draper stated that firearms are currently only prohibited at municipal court while court is in session.

Roll Call: Krause, Mott, Marsala, Kehoe, Kupsik, and Krohn voted "yes". Hartz and O'Neill voted "no". Motion carried by vote of 6 to 2.

Finance, License and Regulation Committee Recommendations – Alderman Krause

ORDINANCES

First Reading of Ordinance 11-31, amending Chapter 74, Traffic and Vehicles, of the Lake Geneva Municipal Code regarding parking meter fees and seasonal free parking provisions (*recommended from Budget Workshop 10/18/2011*)

Alderman Krause stated that this ordinance derived from discussion at the October 18 budget workshop. He stated that there was general support among the Finance, License and Regulation Committee about increasing the parking meter fee from \$0.50 to \$1.00 per hour. However, he said that there was concern about eliminating the free two-hour seasonal parking. He stated that the Committee favored revising the ordinance so that the changes would not take effect until the new parking kiosks were installed because there would be costs associated with increasing the rates on the current parking meter heads. Alderman Krause said that the City had received e-mails from residents who were concerned about losing the free two-hour parking. He reiterated that this ordinance would only remove the free two-hour parking for non-residents.

Alderman Marsala suggested that the new parking kiosks will be versatile enough that free two-hour parking could easily be programmed or removed. Alderman Hartz stated that he would like the Council to also consider other issues related to parking, such as setting grace periods and evaluating enforcement practices.

LICENSES & PERMITS

Park Permit application filed by Lake Geneva Sports, LLC, for “Lake Geneva Marathon” using Library Park on May 12, 2012, from 7:00am to 3:00pm (*recommended by Board of Park Commissioners 10/5/11; continued 10/10/11*)

Krause/Marsala motion to continue to the next regular meeting of November 14, 2011. Alderman Krause stated that the reason for the continuation is that the applicant wanted to be present. Unanimously carried.

Park Permit application filed by Lake Geneva Sports, LLC, for “Winterfest Road Races” using Library Park on February 4, 2012, from 9:30am to 11:00am (*recommended by Board of Park Commissioners on 10/5/11*)

Krause/Marsala motion to continue to the next regular meeting of November 14, 2011. Alderman Krause stated that the reason for the continuation is that the applicant wanted to be present. Unanimously carried.

Renewal Taxi Company License application filed by All Star Cab (formerly licensed as Skipper’s Cab), W1044 Evergreen, Pell Lake, WI 53157, Richard C. Skipper, Sr., Agent

Krause/Kupsik motion to approve. Unanimously carried.

Original Operator License applications filed by Jimalee Binn, Douglas Rockwell, Sarah Volbrecht, and Andrea Stricker

Krause/Hartz motion to approve. Unanimously carried.

Discussion/Action on RFP for banking services (*continued 10/10/11*)

Krause/Marsala motion to continue to the next regular meeting of November 14, 2011. Alderman Krause stated that staff is still in the process of investigating details of the banks’ proposals. Unanimously carried.

Discussion/Action on publication of 2012 Annual Budget summary and setting public hearing date of November 21, 2011

Krause/Hartz motion to approve. Alderman Krause stated that the only change in the budget from the October 18 budget workshop was adjusting parking meter revenues from \$500,000 to \$900,000 based on the pending parking fees increase and eliminating free two-hour parking provisions in the winter. He also stated that the Finance, License and Regulation Committee had discussed funding the purchase of a new cemetery truck in the Spring should extra funds or savings come available. Unanimously carried.

Discussion/Action on award of bid for Maple Park & Dunn Field tennis court replacements

Krause/Marsala motion to rebid in the project in the spring. City Attorney Draper stated that the motion would need to be to reject all bids and would require a two-thirds majority. Motion withdrawn.

Krause/Marsala motion to reject all bids. Alderman Krause stated that there was concern from the Finance, License and Regulation Committee about only receiving one bid for the project. He said that the Committee felt it would be in the best interest to rebid the project in the spring in hopes of receiving more than one bid. Alderman Kehoe asked DPW Winkler whether he believed there would be more bids if it were rebid in the spring. DPW Winkler stated that he does not foresee receiving more than one or two bids if it were rebid in the spring because of the limited number of contractors that do asphalt work in the area. He stated that if construction took place in the spring, the tennis courts may not be available to the public until late May.

Alderman Krohn asked DPW Winkler if he believed bids would come in with higher costs in the spring. DPW Winkler stated it wouldn’t surprise him if costs were higher in the spring because new prevailing wages are set in January and could be higher than they are now. Alderman Kehoe expressed concern about the City losing credibility if the bids are rejected. Alderman Hartz suggested that it did not make sense to pave the courts in the fall and letting them sit over the winter. Mayor Connors suggested that the item be continued to the next meeting so that staff could review the original bid packet to determine if there was a specific timeline for the project. Motion withdrawn.

Krause/Kehoe motion to continue to the next regular meeting of November 14, 2011. Unanimously carried.

Discussion/Action on two-year extension of contract with Ro-Della, Inc., for operating concessions at Veterans Park *(recommended by Board of Park Commissioners 10/5/11)*

Krause/Kupsik motion to approve. Alderman Krause stated that the applicant requested an extension through 2013 because they would like to invest in some new equipment for their operations.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried.

Discussion/Action on 2012 Business Improvement District operating plan and budget *(continued from 9/26/11)*

Krause/Hartz motion to approve. Chairman Krause noted a correction in the operating plan document submitted to the committee. He said that the statutes on Business Improvement Districts that is referenced should be Wis. Stats. 66.1109, not Wis. Stats. 66.608.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried.

Public Works Committee Recommendations – Alderman Mott

Discussion/Action on relocation of centerline on Townline Road to two feet south of its present location *(recommended 10/13/11)*

Alderman Mott stated that the original plan for parking at Veterans Park called for relocating the centerline. He said that vehicles sometimes have to cross over the yellow centerline to drive around vehicles that are parked in the diagonal parking spots. Moving the centerline two feet south from its present location would increase safety.

Krause/Mott motion to approve. Alderman Kupsik asked whether the lanes would still be large enough if the centerline was moved. DPW Winkler stated that the lane would be reduced from 19 feet to 17 feet which would still be large enough for one lane. Alderman Hartz stated that he is concerned if vehicles traveling from the west are pulling u-turns in order to park in the diagonal parking stalls. Alderman Mott suggested that this is a law enforcement issue that needs to be addressed. Alderman Krohn expressed concern with the safety of the diagonal parking on Center St. Mayor Connors suggested that be a separate item on the Public Works Committee agenda.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, and O'Neill voted "yes". Krohn voted "no". Motion carried by vote of 7 to 1.

Plan Commission Recommendations – Alderman Hartz

Resolution 11-R61, authorizing the issuance of a Conditional Use Permit filed by Fairwyn Ltd., 875 Townline Road Suite 103, Lake Geneva, WI 53147 for Frank Sottrel 2955 N. Manneheim Road, Franklin Park, IL 60131, to modify an existing passive recreation area for a screened in porch with second story deck and a patio as well as lawn care located in the Lakeshore Overlay District at 1084 La Grange Drive, Lake Geneva, WI 53147 Tax Key No. ZLE 00003 including all staff recommendations and, specifically, the change from arbor vitas to native prairie grass as mentioned by the agent for the applicant

Hartz/Krause motion to approve Resolution 11-R61. Unanimously carried.

Resolution 11-R62, authorizing the issuance of a Conditional Use Permit filed by Venture Investment Partners, LLP, 751 Geneva Parkway, Lake Geneva, WI 53147, to reestablish a second floor commercial apartment at 743 W. Main Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00272 including all staff recommendations

Hartz/Krause motion to approve Resolution 11-R62. Unanimously carried.

Presentation of Accounts – Alderman Krause

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$1,493.84

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried.

Krause/Marsala motion to approve Regular Bills in the amount of \$142,784.50.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried.

Closed Session

Krause/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: Mirbeau of Geneva Lake, LLC (City Attorney Draper).

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, and Krohn voted "yes". O'Neill voted "no". Motion carried by vote of 7 to 1.

The Council entered into Closed Session at 8:40pm. Also present: Administrator Jordan, City Attorney Draper, and City Clerk Hawes.

Krause/Krohn 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: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried. The Council reconvened in open session at 8:55pm.

Hartz/Krause motion to direct the City Attorney to participate in mediation with Mirbeau of Geneva Lake, LLC

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Unanimously carried.

Adjournment

Krause/Kehoe motion to adjourn at 8:56pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

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