

REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 10, 2012 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:06 p.m.

The Pledge of Allegiance was led by Alderman Hill.

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

Awards, Presentations, and Proclamations. None.

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. None.

Acknowledgement of Correspondence.

City Clerk Hawes said the City received an e-mail on December 10, 2012 from Tammy Carstensen, on behalf of Harbor Shores Hotel Management, Inc., asking the City Council to continue their application for the “Class B”/Class “B” (Hotel Exemption) Intoxicating Liquor & Fermented Malt Beverage License to the next Council meeting.

Approval of Minutes

Tolar/Kupsik motion to approve the regular meeting minutes of November 26, 2012, as prepared and distributed. Unanimously carried.

Consent Agenda

Temporary “Class B”/Class “B” License application for the sale of fermented malt beverages and wine at St. Francis De Sales Church, 148 W. Main Street, Lake Geneva, for Italian Festival on January 19, 2013

Original 2012-2013 Operator License applications filed by Dorinda K. McCarthy

Original Taxi Driver License application filed by Natalia V. Ushkova and Bruce A. Spooner (approved by Police Chief; informational only)

Kupsik/Kehoe motion to approve. Unanimously carried.

Items Removed from the Consent Agenda

Original “Class B”/Class “B” (Hotel Exemption) Intoxicating Liquor & Fermented Malt Beverage License application filed by Harbor Shores Hotel Management, Inc. d/b/a Harbor Shores, 300 Wrigley Dr., Lake Geneva, William Strangeway, Agent

Hill/Kupsik motion to continue to the January 14, 2013 meeting. Unanimously carried.

First reading of Ordinance 12-23, amending Chapter 2, Administration, Article V, Boards and Commissions, Division 1.1, Avian (Bird) Committee

Kehoe/Hill motion to suspend the rules to proceed to the second reading of Ordinance 12-23. Unanimously carried.

Kupsik/Hill motion to approve.

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

First reading of Ordinance 12-24, amending Chapter 2, Administration, Article V, Boards and Commissions, Division 7, Parking Commission

Kehoe/Kupsik motion to suspend the rules to proceed to the second reading of Ordinance 12-24. Unanimously carried.

Hill/Kupsik motion to approve. Mayor Connors said the purpose of the ordinance is to make the language of the ordinances consistent for all committees.

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

First reading of Ordinance 12-25, amending Chapter 34, Historic Preservation

Kehoe/Kupsik motion to suspend the rules to proceed to the second reading of Ordinance 12-25. Unanimously carried.

Kupsik/Tolar motion to approve.

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

First reading of Ordinance 12-26, amending Chapter 54, Parks and Recreation, Article II, Board of Park Commissioners

Kehoe/Kupsik motion to suspend the rules to proceed to the second reading of Ordinance 12-26. Unanimously carried.

Kupsik/Krohn motion to approve. Alderman Mott expressed concern that the ordinance wouldn't allow an alderman to be elected as chairperson of the board. Mayor Connors said the problem with allowing an alderman to be chairperson is that it would affect the composition of the Plan Commission. He noted that the chairperson of the Board of Park Commissioners serves as a Plan Commission member. Alderman Tolar expressed support for the ordinance as drafted, stating it's a healthier situation having more citizens involved. Alderman Kupsik said the Board of Park Commissioners has worked well having a non-alderman chairperson.

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

First reading of Ordinance 12-27, amending Chapter 2, Administration, Article V, Board and Commissions, Division 1, Generally regarding the Communications Committee

Kehoe/Kupsik motion to suspend the rules to proceed to the second reading of Ordinance 12-27. Unanimously carried.

Kupsik/Hill motion to approve. Administrator Jordan said he had concerns about the provision that the committee would advise the Council and Administrator on all matters relating to technology. Alderman Hill agreed that advising on all technology matters was a stretch. She suggested it be changed to “general matters.” Mayor Connors suggested the ordinance be voted down and discussed further at committee level.

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

Kupsik/Kehoe motion to continue Ordinance 12-27 to January 14, 2013 meeting. Mayor Connors asked that it be on the Committee of the Whole agenda as well.

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

Resolution 12-R80, a resolution in support of protecting Geneva Lake's level and the historic management of the dam by the Geneva Lake Level Corporation

Hill/Mott motion to suspend the rules to allow Larry Larkin to address the Council. Mr. Larkin approached the Council to speak on behalf of the Geneva Lake Level Corporation. Mr. Larkin asked for the Council's support in adopting Resolution 12-R80, urging the Wisconsin Department of Natural Resources (DNR) to stop the lowering of the Geneva Lake level.

Hill/Mott motion to approve. Alderman Hill said she is troubled by the lowered lake level she has seen recently. She said this issue is incredibly important and she gave her full support.

Hougen/Kehoe motion to add an addendum to Resolution 12-R80, stating “be it further resolved that the Council urges the above elected officials to take appropriate measures to alleviate droughts and their underlying causes of climate change and global warming.” Alderman Hill said she isn’t sure how the elected representatives can affect droughts. Alderman Hougen said greenhouse gas policy changes could have a direct bearing on droughts. Mayor Connors said he respected Mr. Hougen’s intent, but suggested the addendum might cloud up the original intent of the resolution.

Roll Call: Hougen and Kehoe voted “yes.” Wall, Mott, Hill, Kupsik, Krohn and Tolar voted “no.” Motion failed 2 to 6.

Roll Call on original motion: Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted “yes.” Hougen voted “no.” Motion carried 7 to 1.

Finance, License and Regulation Committee Recommendations – Alderman Hill

Discussion/Action on Change Order No. 1 for the 2012 Street Improvement Program reducing the contract in the amount of \$25,486.94

Hill/Kupsik motion to approve. Alderman Hill said the reason for the contract reduction is there are not enough funds remaining in the 2012 Street Improvement Program to complete a significant portion of Tomike St. She said it would appear to be more efficient to do Tomike St. as part of the 2013 Street Improvement program.

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

Discussion/Action on renewal of emergency services agreement with the Town of Geneva for the term of January 1, 2013 to December 31, 2013 (recommended by Police & Fire Commission 12/6/12)

Hill/Tolar motion to approve. Alderman Hill said there are a couple changes from the current agreement. She said there will be a meeting in the middle of the year for both sides to review the effectiveness of the agreement. Mayor Connors said fire alarm fees will now be built into the total agreement cost. He said the agreement is also different in that emergency response equipment is itemized. Mr. Connors said the response area will remain the same.

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

Discussion/Action on request to prepay bills before December 31, 2012

Hill/Kupsik motion to approve the staff request to prepay bills prior to December 31, 2012 on the condition that the Comptroller submits them to the Council members for review prior to payment, and if Council members felt there were any unresolved questions or concerns about any bills a special meeting could be held or bill could be pulled to be discussed at future regular meeting.

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

Resolution 12-R81, a budget amendment transferring \$26,500.00 for a comprehensive parking study funded by the Parking Fund

Hill/Kupsik motion to approve. Alderman Hill said the resolution transfers the necessary funding for the comprehensive parking study approved last meeting.

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

Resolution 12-R82, authorizing a write-off of Delinquent Personal Property Taxes in the amount of \$1,689.76 and authorizing a budget transfer from the Contingency Account

Hill/Tolar motion to approve. Alderman Hill said the City has a contingency account for writing delinquent personal property taxes off the books. She said the collection agency will still collect on them.

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

Resolution 12-R83, amending the City’s Fee Schedule to add a provision on overpayment of fees

Hill/Kupsik motion to approve. Alderman Hill said a provision on overpayment of fees is added to the top of the fee schedule. The provision states, “The City of Lake Geneva may retain overpayments of taxes, fees, licenses, and similar

charges when the overpayment is \$2 or less, unless such refund is specifically requested by the remitter.” Alderman Hill said it isn’t cost effective for the City to be writing and issuing refunds for such small amounts.

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

Presentation of Accounts – Alderman Hill

Hill/Mott motion to approve Prepaid Bills in the amount of \$3,692.03.

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

Hill/Kupsik motion to approve Regular Bills in the amount of \$388,366.77. Alderman Hill said the motion includes adding a bill from Pieper Electric for downtown street lights in the amount of \$72,387.63 and a bill to Stafford Rosenbaum for legal fees relating to the Peller court case in the amount of \$6,933.10.

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

Mayoral Appointments – Mayor Connors

Discussion/Action on appointment of Candice Kirchberg to the Tree Board for the term expiring May 1, 2014

Mayor Connors said this appointment is withdrawn because the Municipal Code states that Tree Board members are appointed by the Board of Park Commissioners.

Adjournment

Hill/Mott motion to adjourn at 8:16 pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL