

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, AUGUST 13, 2012 – 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 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.**

City Clerk Hawes announced the Partisan Primary will be held on Tuesday, August 14<sup>th</sup>.

**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.**

Mary Jo Fessenmaier, 415 Haskins St., Lake Geneva, addressed the Council to express support for a solution for allowing dogs to swim near the West End Pier. She suggested a joint meeting of the Board of Park Commissioners and Piers, Harbors and Lakefront Committee to address this issue.

Candy Kirchberg, 917 Marshall St., Lake Geneva, addressed the Council in regard to Item #12, razing the residence at 943 Marshall St. She talked about the unsafe conditions of the house and urged the Council to proceed with razing the house in a timely manner.

Bill Huntress, 1015 Pleasant St., Lake Geneva, talked about Item #16A. He said that boaters are customers of the City and they deserve to have the ordinances on dog leashes enforced. He suggested a designated area be established for dogs in the east area of the beach.

Justin Maese, 1076 Lake Geneva Blvd., Lake Geneva, addressed the Council in regard to the dog leash ordinance. He said it isn't practical for dogs to swim with a leash on. Mr. Maese also asked the Council what bank it was considering for renewing the CDARS in the amount of \$600,000.00.

Penny Jones, 1321 Dodge St., Lake Geneva, talked about Item #16A on the agenda. She said the dogs do not pose an obstruction to the boats in the water. She said it doesn't seem reasonable to assign a police officer to enforce a dog swimming/leash ordinance.

Jim Strauss, N1517 Meadow Ridge Circle, Town of Linn, addressed the Council about Item #16A. He suggested the City change the ordinance regarding dog leashes and swimming.

Diane Ragalie, End of the Line Condominiums, Lake Geneva, urged the Council to change the ordinance regarding dog leash requirements and dogs swimming activity.

Jeff Leonard, 1504 Dodge Street, Lake Geneva, addressed the Council to ask that dogs be allowed in the lake.

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

City Clerk Hawes acknowledged the City received a letter dated July 30, 2012 from Ed Yaeger, 421 Water Street, Lake Geneva, asking Council members to review certain aspects of TID #4. The City also received a letter dated July 30, 2012 from Rosalind Rouse, Water Marketing Specialist from Milwaukee Water Works, thanking the City for its hospitality and generosity toward the Wisconsin Water Association during their Customer Service Seminar on June 6, 2012 in Lake Geneva.

Copies of the correspondence were distributed to the Mayor and Council and copies are on file in the City Clerk's office.

### **Approval of Minutes**

Kehoe/Kupsik motion to approve the Special City Council Meeting minutes of July 23, 2012, Regular City Council Meeting minutes of July 23, 2012 and Special City Council Meeting minutes of July 30, 2012, as published and distributed. Unanimously carried.

### **Consent Agenda**

Original "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Application for Walgreens Store #05600, 351 N. Edwards Boulevard, Lake Geneva, Suzanne M. Tiedke, Agent

Street Use Permit Application filed by Don Heise, 549 Franklin Ave., Lake Geneva, to use the 500 block of Franklin Ave. for a block party on September 8, 2012 from 11 a.m. to 7 p.m.

Original 2012-2013 Operator License applications filed by Adam G. King, Michael J. Carstensen, Hannah L. Gibbs, Steven W. Nelson, Kayla M. Redel and Cindy Lio

Original Taxi/Trolley Driver License application filed by Debra L. Skipper (*approved by Police Chief; informational only*)

Kupsik/Hougen motion to approve the items on the consent agenda, pending all outstanding liabilities to the City being paid prior to issuance of any licenses. Unanimously carried.

**Items Removed from the Consent Agenda.** None.

**Discussion/Action on request filed by William Chesen, 800 Platt Ave., Lake Geneva, on behalf of the Lake Geneva Fire Bells to waive the parking meter fees for seven parking stalls on the east side of Broad St., from the northeast corner of Broad St. and Main St. to the alley, just to the south of Hogs & Kisses for the annual Lake Geneva Fire Bells fundraiser on September 16, 2012**

Tolar/Kupsik motion to approve. Alderman Tolar commented that the event is for a worthy cause. Unanimously carried.

**Discussion/Action on razing residence at 943 Marshall Street (City Attorney Draper)**

City Attorney Draper said the Council now has the option to have the house razed and to charge the costs to the property owner as a special assessment. Alderman Kupsik asked if the property owner has made any attempt to raze the property. City Attorney Draper said the property owner has made no attempt and did not show up in court. Mayor Connors asked if it would need to go out for bid. Administrator Jordan said if it is over \$10,000.00 the City would need to issue an RFP. City Attorney Draper suggested issue an RFP for the project either way because the exact cost is unknown at this point. Alderman Kehoe asked if there is a deadline for the Council to have the residence razed. City Attorney Draper said there is no deadline.

Hill/Wall motion to direct staff to issue an RFP for razing the residence at 943 Marshall St. Alderman Hill said this residence has been a serious concern for the neighborhood for some time. Alderman Krohn asked if it would be done before the end of the year. Mayor Connors said we should expect it to be done before the end of the year. Unanimously carried.

**Discussion/Action on disallowance of claim filed by James Tuschall for alleged windshield damage caused by fallen tree limb on June 9, 2012, pursuant to Wis. Stat. 893.80(lg)**

Kupsik/Tolar motion to disallow the claim. Alderman Kupsik referenced the letter from the City's insurance carrier and suggested the Council follow their recommendation in disallowing the claim. Unanimously carried.

**Second reading of Ordinance 12-16, amending Chapter 58, Solid Waste, Article II, Collection, Section 58-46, Special Collections**

Kupsik/Wall motion to approve. Alderman Kupsik said the option of using a contractor for special brush collection would work in the City's advantage. Unanimously carried.

## **Finance, License and Regulation Committee Recommendations – Alderman Hill**

### **RESOLUTIONS**

#### **Resolution 12-R55, declaring intent to exercise special assessments powers for improvements related to the Conant Street Reconstruction project as part of the 2012 Street Improvement Program**

Hill/Tolar motion to approve. Alderman Hill said a survey was issued to the 14 affected property owners. She indicated 11 property owners were in favor, two were not and one did not respond. She said this is the first step in the process and the project would come before the Council again for consideration.

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

#### **Resolution 12-R56, amending the Fee Schedule to itemize ambulance transport supplies fees (recommended by the Police and Fire Commission 8/9/12)**

Hill/Tolar motion to approve. Alderman Hill said the City currently has a flat rate for ambulance transport supplies. Resolution 12-R56 would itemize the fees for the individual supplies in order to meet Medicare law requirements.

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

#### **Discussion/Action on purchase of Main Street traffic signal equipment in the amount of \$112,170.00 funded by TID #4 (inclusion of pre-emptive devices recommended by Police and Fire Commission 8/9/12)**

Hill/Mott motion to approve purchasing traffic signal equipment in the amount not to exceed \$115,170.00 funded by TID #4, including installation of the pre-emptive devices. Alderman Hill explained that \$112,170.00 would fund the equipment for the signals and \$3,000.00 would fund the labor involved with installing the pre-emptive devices. Unanimously carried.

#### **Discussion/Action on 2013 Budget timeline**

Hill/Tolar motion to approve the 2013 budget timeline, with the addition of any departments or agencies that may have been overlooked. Unanimously carried.

#### **Discussion/Action on renewal of \$600,000.00 TID CDARS investment maturing on August 23, 2012**

Hill/Tolar motion to approve the renewal of TID CDARS in the amount of \$600,000.00 with Community Bank of Delavan for a 52 week period at the rate of 0.3%. Administrator Jordan explained the City's investment policy.

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

## **Piers, Harbors and Lakefront Committee – Alderman Wall**

#### **Discussion/Action on swimming and dog leash signage at Library Park (Committee of the Whole recommended on 8/6/12 referring this item back to the Piers, Harbors and Lakefront Committee)**

Wall/Kehoe motion to approve erecting additional swimming and dog leash signage at Library Park. Alderman Wall said the ordinances on dog leashes and swimming near the West End Pier have not been properly upheld. Alderman Kupsik said he had no objection to the signage at Library Park, but asked that the item be sent to the Piers, Harbors and Lakefront Committee as well as the Board of Park Commissioners for their input. Alderman Kehoe agreed that the two committees should discuss this topic together. Mayor Connors said it wouldn't be prudent for staff to install signage if the City is going to discuss changing the ordinance. Alderman Hougen asked if the lake is under the control of the City. City Attorney Draper said the City has control out to the 100 foot line. Administrator Jordan suggested the Committees review the ordinances and get the law right.

Alderman Wall said the issue was brought up by a couple of citizens who were concerned that the current ordinances were being broken. He said the City could change the ordinance, but until that time, let's follow the ordinances that are in place.

Alderman Kehoe said it is a safety issue. There are boats and fisherman in the same area where dogs are swimming.

Alderman Hill agreed that the Committees need to get together and discuss the ordinances.

Roll Call: Wall voted “yes.” Hougen, Hill, Kupsik, Krohn and Tolar voted “no.” Mott and Kehoe abstained. Motion failed by vote of 1 to 5.

Hill/Mott motion to refer the item to a joint meeting of the Piers, Harbors and Lakefront Committee and Board of Park Commissioners. Mayor Connors said the chairpersons of these committees would work with the City Clerk to schedule the meeting. Unanimously carried.

### **Presentation of Accounts**

Hill/Kupsik motion to approve Prepaid Bills in the amount of \$6,791.51.

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

Hill/Tolar motion to approve Regular Bills in the amount of \$384,006.10.

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

Hill/Tolar motion to accept the Monthly Report from the City Treasurer for May 2012. Unanimously carried.

### **Closed Session**

Hill/Wall motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Sophia Sakallariadis 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); and pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Nicholas Fischer 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); and 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: Village of Bloomfield Annexation (City Attorney Draper), with Sophia Sakallariadis and Nicholas Fischer present.

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

The Council entered into Closed Session at 8:19 p.m. Also present: Administrator Jordan, City Attorney Draper, City Clerk Hawes, Sophia Sakallariadis and Nicholas Fischer.

Kehoe 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, Krohn and Tolar voted “yes.” Unanimously carried. The Council reconvened in open session at 9:21 p.m.

Kupsik/Hill motion to approve the Operator License application filed by Sophia Sakallariadis. Alderman Kupsik said he believed the Council would be doing the right thing by approving Ms. Sakallariadis’ license.

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

Kupsik/Hougen motion to approve the Operator License application filed by Nicholas Fischer. Alderman Kupsik said Mr. Fischer has already held the license and he does not see a reason to not grant another one.

Roll Call: Hougen, Kupsik, Krohn and Tolar voted “yes.” Wall, Mott and Kehoe voted “no.” Hill abstained. Motion carried by vote of 4 to 3.

Hill/Mott motion to direct City Attorney Draper to enter into mediation in regard to Bloomfield Annexation

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

**Adjournment**

Hill/Mott motion to adjourn at 9:27 p.m. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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