

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, NOVEMBER 14, 2011 – 7:00 PM**

### **COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:35pm.

The Pledge of Allegiance was led by Alderman Mott.

**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 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 Council in regard to Ordinance 11-31, requesting that the Council does not eliminate the free, two-hour seasonal parking. Mr. Fleming said that at the last Parking Commission meeting, various options were discussed relating to how the new parking system could operate. He requested that the Commission be given the opportunity to work with the Council in discussing these issues.

#### **Acknowledgement of Correspondence**

City Clerk Hawes acknowledged receipt of a letter from Jesse Jacobs indicating that he will be resigning from the Police and Fire Commission at the end of the year. The City also received an e-mail from Robert and Mary Pesche, N2887 Wildwood Dr., Geneva, asking that the City maintain the two-year parking sticker program for non-residents.

#### **Approval of Minutes**

Kehoe/Kupsik motion to approve Regular City Council Meeting minutes of October 24, 2011, as published and distributed. Unanimously carried.

#### **Second Reading and Approval 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**

Alderman Kehoe motion to approve Ordinance 11-31 as drafted. No second. Motion fails.

Hartz/O’Neill motion to continue the Second Reading of Ordinance 11-31 to the regular meeting of November 28, 2011. Alderman Hartz suggested that the Council continue this item to allow time to review Chapter 74 of the Municipal Code in its entirety and determine any other provisions that should be updated to be consistent with the new parking system that will be implemented in 2012. Alderman Kehoe suggested that staff determine the cost that would be associated with reconfiguring the current meter heads from \$0.50 per hour to \$1.00 per hour. Administrator Jordan stated that he spoke with the manufacturer of the City’s current parking meters and was told that reconfiguring the meter heads for all 367 meters would not be possible because the mechanics are obsolete. Alderman O’Neill agreed that there are other parts of the Municipal Code should be rewritten in order to be consistent with the new parking system. Motion withdrawn.

Hartz/O’Neill motion to deny the Second Reading of Ordinance 11-31. Mayor Connors suggested that the Council hold a special workshop to discuss revising the parking ordinances. Unanimously carried.

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

#### **RESOLUTIONS**

#### **Resolution 11-63, establishing locations for signage prohibiting firearms and weapons in City-owned structures**

Krause/Kupsik motion to approve, with the modifications to include all three buildings of the Street Department located on Carey St., the addition of the fire stations located at 730 Marshall St. and 1003 Host Dr., and the clarification that it would apply to the second floor of the Riviera. Motion carried by vote of 6 to 2, with Aldermen Krohn and O'Neill opposed.

## **ORDINANCES**

### **First Reading of Ordinance 11-32, amending Chapter 2, Administration, Article II, City Council of the Lake Geneva Municipal Code regarding the responsibilities of the Personnel Committee**

Alderman Hartz stated that Ordinance 11-32 would address an inconsistency within the City's ordinances with respect to personnel appointments. This ordinance would add the term "and officials" to Sec. 2-49(3) where it discusses what positions the Personnel Committee will conduct interviews and make recommendations for. Alderman Hartz stated that this would make it consistent with the list of positions in Sec. 2-3, which are identified as "officials." He said that Alderman Krause suggested that the term be revised to "and appointed officials." Mayor Connors suggested that the term be "and appointed officials, as listed in Sec.2-3." First reading only; no action taken.

### **First Reading of Ordinance 11-33, a Charter Ordinance amending portions of Sec. 2-3 entitled "Appointed Officials" of Article I entitled "In General," Chapter 2 entitled "Administration" of the Municipal Code of the City of Lake Geneva**

Alderman Hartz stated that Ordinance 11-33 would make the Municipal Code more consistent with state statutes. The ordinance would remove the positions of Street Superintendent, Building Inspector, and Zoning Administrator from the listing of "officials" in Sec. 2-3 of the Municipal Code. The ordinance would also revise the "How Appointed" provision in Sec. 2-3, changing City Clerk, Director of Public Works, Assessor, Comptroller, and Administrator from "Mayor, subject to confirmation by the Council" to "Appointment by the City Council." First reading only; no action taken.

## **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 and 10/24/11)**

Krause/Marsala motion to approve, with the modification that the ambulance service be removed from the application. 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 10/5/11; continued 10/10/11 and 10/24/11)**

Krause/Kupsik motion to approve. Unanimously carried.

### **Park Permit application filed by Lake Geneva Hope Walk, for "Lake Geneva Hope Walk" using Library Park on September 29, 2012, from 6:00am to 2:00pm (recommended by Board of Park Commissioners 11/02/11)**

Krause/Kupsik motion to approve. Unanimously carried.

### **Original Class "B" Fermented Malt Beverage License Application for Lake Geneva Brewing Emporium, LLC, 640 West Main Street, Lake Geneva, Troy Anderson, Agent**

Krause/Hartz motion to approve. Alderman Krause stated that the applicant current holds a "Class A"/Class "A" combo license. The applicant would be relinquishing these licenses to obtain the Class "B" Fermented Malt Beverage License, allowing them to serve fermented malt beverages on their premises. Unanimously carried.

### **Original Operator License applications filed by Mary Meehan, Samantha Haimann, Andraya Sturm, and Marian Lindner.**

Krause/Hartz motion to approve. Unanimously carried.

### **Original Taxi Driver License application filed by Brian Swaney (approved by Police Chief; informational only)**

### **Discussion/Action on RFP for banking services (continued 10/10/11 and 10/24/11)**

Krause/Marsala motion to approve moving the City's general banking accounts to Walworth State Bank at the monthly fee of \$15.00 and retaining PNC Bank for coin counting services at the rate of 0.10%. Alderman Krause stated that the City is currently paying \$853.06 per month for banking services with PNC Bank. He said that a decrease of \$7,500 in banking fees is being budgeted for 2012. Walworth State Bank submitted a proposal for banking services at a fee of \$15.00 per month.

Alderman Krause said that even after considering the cost of driving to the branch in Williams Bay every day, the City could still expect at least \$7,500 in annual savings. Alderman Krause said that the Finance, License and Regulation Committee is recommending continuing to use PNC Bank for coin counting services because a branch is located close to City Hall. Mayor Connors stated that he is concerned about the extra time that will be required by a staff person to make daily trips to the Williams Bay branch. He said he is also curious about the safety rating of the banks being considered. Alderman Kehoe agreed that the travel time would be a concern and suggested including pick-up services as part of the banks' proposals.

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

**Discussion/Action on award of bid for Maple Park & Dunn Field tennis court replacements (continued 10/24/11)**

Krause/Hartz motion to reject the bid. Alderman Krause stated that after lengthy discussion, the Finance, License, and Regulation Committee decided it would be prudent to rebid the project in the Spring in hopes of receiving more than one bid. Alderman Mott expressed opposition in rejecting the bid, stating that there was a possibility that the City does not receive more than one bid in the Spring and that it could be at a higher cost. Alderman Kehoe agreed and expressed concern that waiting until the Spring could delay the project. Alderman Hartz stated that the bidding could take place in February or March, providing ample time to complete the project by May. He said that striving to obtain more than one bid is advantageous to the City. Alderman Kupsik asked whether additional contractors would be contacted if the project were rebid. DPW Winkler stated that the City posted the RFP publically and contacted a list of seven pre-qualified contractors for the initial bidding process. If it were rebid, DPW Winkler said he would contact the same list of contractors, and any other qualified firms that they become aware of to notify them that the project is being rebid. DPW Winkler stated that it is not uncommon for the City to receive only one or two bids for asphalt projects due to the limited number of contractors in the area that do asphalt work. Mayor Connors noted that the motion to reject the bid requires a two-thirds majority.

Roll Call: Hartz, Marsala, Kehoe, O'Neill, and Kupsik voted "yes". Krause, Mott, and Krohn voted "no". The required supermajority for passage having not been achieved, the motion failed by vote of 5 to 3.

Kehoe/Mott motion to approve the award of bid for Maple Park & Dunn Field tennis courts and fencing replacement in the amount of \$230,950. Alderman O'Neill said that he preferred continuing the item to allow time to research whether the bid amount is acceptable in comparison to costs for similar projects.

Roll Call: Hartz, Marsala, Kehoe, and Kupsik voted "yes". Krause, Mott, O'Neill and Krohn voted "no". Tiebreaker: Mayor Connors voted "yes". Motion carried by vote of 5 to 4.

**Discussion/Recommendation on CD and CDARS reinvestment and renewal.**

Krause/Kehoe to approve renewal of CD for a nine-month period at the rate of 0.50% and the CDARS be renewed for a 26-week period at the rate of 0.40%. Alderman Krause stated that short renewal periods are being recommended due to the current poor climate for investment rates.

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

**Discussion/Action on Agreement for Current Planning Services with Vandewalle & Associates (Administrator Jordan)**

Krause/Hartz motion to recommend approval of the agreement dated October 8, 2011 with Vandewalle & Associates subject to removal of Article 8, Paragraph D. Marsala 2<sup>nd</sup>. Alderman Krause said that the agreement includes the same reduced rates that were given to the City for 2011. City Attorney Draper stated that he recommended striking Article 8, Paragraph D because it is an indemnification clause and, by state statute, the City cannot extend its governmental immunity.

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

**Parking Commission Recommendations – Alderman Marsala**

**Discussion/Action on the addition of a second disabled reserved parking space in front of the Lake Geneva Public Library**

Marsala/Krause move to approve. Alderman Marsala stated that Library Director Andrea Peterson proposed to the Parking Commission that an additional disabled reserved parking space be added in front of the library. The Parking Commission decided to move the furthest south stall on Wrigley Drive to the front of the library. Administrator Jordan said that this would affect the parking stall numbering. He stated that staff would prefer to wait until the new parking system is installed

before changes are made to the stall numbers. Mayor Connors suggested that this topic be postponed and discussed as part of a special parking workshop. Motion withdrawn.

Marsala/Krause motion to continue to a parking workshop to be held in the near future. Unanimously carried.

### **Presentation of Accounts – Alderman Krause**

Purchase Orders. None.

Krause/Hartz motion to approve Prepaid Bills in the amount of \$14,476.26

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 \$710,170.94.

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

Marsala/Hartz motion to approve Monthly Report from the City Treasurer for September. 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, Krohn, and O’Neill voted “yes”. Unanimously carried.

The Council entered into Closed Session at 9:00pm. 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 9:17pm.

Krause/Kupisk motion to direct the City’s insurance company to proceed with a settlement with Mirbeau of Geneva Lake, LLC for the amount discussed in closed session which is within the City’s insurance policy.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Kupsik, Krohn, and O’Neill voted “yes”. Unanimously carried.

### **Adjournment**

Krause/Mott motion to adjourn at 9:19pm. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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