

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, NOVEMBER 28, 2011 – 7:00 PM**

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

Mayor Connors called the meeting to order at 7:00pm.

The Pledge of Allegiance was led by Alderman Marsala.

**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 Lake Geneva resident Sal Dimiceli is a finalist for CNN’s Top 10 “Heroes” of 2011 for his charity work. He encouraged residents to vote for Mr. Dimiceli on the CNN website, [cnn.com](http://cnn.com). Individuals can vote up to 10 times per day until Wednesday, December 7<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.** None.

**Acknowledgement of Correspondence** None.

#### **Approval of Minutes**

Krause/Mott motion to approve Regular City Council Meeting minutes of November 14, 2011, with the correction that Alderman O’Neill be listed as one of the “No” votes on award of bid for Maple Park and Dunn Field tennis court replacements. Unanimously carried.

#### **Second 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**

Hartz/Krause motion to approve Ordinance 11-32, with the modification that “officials” be changed to “appointed officials as designated in Sec. 2-3.” Alderman Hartz stated that the idea behind the Ordinance was to address an inconsistency within the City’s ordinances with respect to personnel appointments. Alderman O’Neill asked who would be responsible for the initial review of job applications. Alderman Hartz indicated that the Personnel Committee would still be responsible for sorting through resumes. He stated that this has been a thorough process that usually results in selecting five or six applicants for interview, depending on the number of quality applicants the City receives. After the initial interview, he stated that the Committee selects one to three finalists for a second interview. Unanimously carried.

#### **Second 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**

Hartz/Kupsik motion to approve Ordinance 11-33. Alderman Hartz stated that Ordinance 11-33 would make the Municipal Code more consistent with state statutes pertaining to appointments. 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.” Alderman Hartz said that the purpose of the ordinance would be to avoid the unintended consequences of a Mayor single-handedly not allowing a recommendation of the Personnel Committee. Motion carried by vote of 7 to 1, with Alderman O’Neill opposed.

#### **Referral to Planning Commission of request by Windstream Wireless for location of underground conduit through the City of Lake Geneva (DPW Winkler)**

DPW Winkler stated that the City has been contacted by Windstream Wireless with the proposal of installing a conduit

in the ground across the City to provide switching services to its telecommunications towers. Windstream and AT&T are the two main companies that bid on projects for telecommunications infrastructure.

Hartz/Mott motion to refer to the Plan Commission meeting of December 19, 2011. Alderman Kehoe asked how many towers currently exist in the City. DPW Winkler indicated that there are multiple towers located within the City, some for things other than communications. Mayor Connors stated that communications related infrastructure is mostly regulated by the FCC. Motion carried by vote of 7 to 1, with Alderman Kehoe opposed.

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

### **LICENSES & PERMITS**

#### **Original “Class B” Intoxicating Liquor (winery) and Class “B” Fermented Malt Beverage License Application for Studio Winery, 401 Sheridan Springs Road, Lake Geneva, Kathleen Jackson, Agent**

Krause/Kupsik motion to approve. Alderman Krause stated that the map of the premises would be on file in the City Clerk’s office if any aldermen were interested in viewing it. He stated that it wasn’t clear if the applicant intended to circle “yes” on question #5 of the auxiliary questionnaire and asked the City Clerk to verify this with the applicant. City Attorney Draper stated that it appeared that the applicant intended to circle yes on this question to indicate that they held a winery permit. He referenced the copy of the winery permit that was included with the application. Unanimously carried.

#### **Original Taxi Cab Driver License application filed by Nina Thompson (approved by Police Chief; informational only)**

#### **Discussion/Action on revisions to the Schedule of Fees**

Alderman Krause stated that the Finance, License and Regulation Committee discussed carriage fees, parking fines, and rental property registration fees. He said that no changes to the current fee schedule were being recommended at this time, but suggested that these items be discussed separately at a future time. No action taken.

#### **Discussion/Action on disallowance of claim filed by Geneva Hospitality of Lake Geneva (The Cove) pursuant to Wis. Stats. 893.80 (1g)**

Krause/Marsala motion to disallow the claim filed by Geneva Hospitality of Lake Geneva (The Cove) pursuant to Wis. Stats. 893.80 (1g). City Attorney Draper stated that a claim was filed on behalf of The Cove for the overpayment of room taxes. He stated that the claimant was seeking reimbursement for room taxes that were paid to the City over a 10 year period for non-taxable rooms in the amount of approximately \$70,000. City Attorney Draper indicated that State statutes only allow claims on this type of overpayment to be filed within a 120 day period. Therefore, the City’s insurer is recommending disallowance on the claim. Unanimously carried.

## **Public Works Committee Recommendations – Alderman Mott**

#### **First Reading of Ordinance 11-34, establishing minimum standards for private drives**

Alderman Mott stated that Ordinance 11-34 would establish minimum requirements that must be met for private drives in order to be eligible to receive City services. He said that the minimum standards include: minimum street width of 16 feet, 30 inch mountable curb and gutter on both sides, 8 inch compact stone base, 4 inch asphalt surface applied in two lifts, and 40 foot minimum right of way dedication. Alderman O’Neill asked about the 30 inch curb and gutter requirement. DPW Winkler stated that this means the gutters on both sides of the roadway would be required to be 30 inch wide. First reading only; no action taken.

#### **Discussion/Action on a hold harmless agreement for private drives**

City Attorney Draper said that he was given direction to draft an agreement for the City and owners of property located on private roads. The agreement would protect the City from any damages caused while providing City services. He stated that the agreement is primarily for refuse collection services. Other services like leaf and brush collection, snow plowing, street maintenance, and street sweeping would not be provided unless the private road were improved to meet the minimum requirements outlined in the proposed Ordinance 11-34.

Mott/Marsala motion to approve the hold harmless agreement for private drives and direct staff to issue a copy of the agreement to affected property owners by certified mail, requiring that the signed agreements be returned to the City by January 1, 2012 to avoid any disruption to refuse collection services.

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

#### **Discussion/Action on maintenance of CTH "H" in the City from Walworth County**

Mott/Kehoe motion to not accept transfer of CTH "H" maintenance from Walworth County to the City of Lake Geneva. DPW Winkler stated that the County requested that the City begin to provide maintenance on the portion of CTH "H" located within the City. He said that this would be a 10% increase in the City's road mileage that it maintains. Due to the uncertainty of reimbursements for the work, the Public Works Committee is recommending that this transfer not be accepted. Alderman O'Neill stated that he agreed with the decision, but indicated that the section of CTH H located on George Street was in need of repair. DPW indicated that the County intends to repair this road but has not committed to a date. Unanimously carried.

#### **Plan Commission Recommendations – Alderman Hartz**

**Resolution 11-R67, authorizing the issuance of a Conditional Use Application filed by Raymond and Debra Mann, 900 Platt Avenue, Lake Geneva, WI 53147, for commercial animal boarding in a General Industrial zoning district located at 846 Madison Street, Lake Geneva, WI 53147 Tax Key Numbers ZYUP 00033 and ZYUP 00033A with a condition of a six month review of this Conditional Use in relation to any noise issues with barking dogs, any change of owner shall require approval of a new conditional use, and to also include all staff recommendations.**

Hartz/Kupsik motion to approve. Alderman Hartz said that a Conditional Use Permit was granted to the previous owner to operate a pet grooming business. The permit included the provision that any change of owner would require a new Conditional Use Permit application. The property has changed owners and the new owners are now applying for the permit to continue the pet grooming business on the property. The Plan Commission is recommending approval of the application, with the condition of a six month review in relation to noise issues. Alderman Hartz stated that the Plan Commission wanted to be certain that the noise of barking dogs wouldn't be an issue to the neighbors. Alderman O'Neill stated that he has walked by the business and didn't think the barking dogs would be a noise problem. Unanimously carried.

**First Reading of Ordinance 11-35, amending the Zoning Ordinance of the City of Lake Geneva, Walworth County, Wisconsin, to add to the list of allowed billboard signs in the city. The following section of the Zoning Ordinance is proposed to be modified as listed: Section 98-804 (1)(j) (8) Large two faced billboard sign near the southwest corner of Edwards Boulevard and Townline Road. Tax Parcel No. ZA4362 00003.**

Alderman Hartz stated that the ordinance includes a sunset date of March 14, 2041. Hartz/Kupsik motion to suspend the rules and proceed to a second reading of Ordinance 11-35. Unanimously carried.

Second reading of Ordinance 11-35. Alderman Hartz stated that as part of the pre-annexation agreement with this property, the City agreed to allow the billboard sign located near the southwest corner of Edwards Boulevard and Townline Road. Alderman Krause asked whether this was a lit sign. Alderman Hartz confirmed that it is a lit sign. Hartz/Kehoe motion to approve. Unanimously carried.

**Discussion/Action on an application for Certified Survey Map submitted by Attorney Richard Torhorst on behalf of Kevin Weiss and Marianne Feitl, 2030 N. Sedgwick Street, Unit 1, Chicago, IL 60614 for land located in the Town of Bloomfield that is within the City's extra-territorial plat review jurisdiction, subject to the Bloomfield Road right of way dedication and reservation as depicted in the letter received by Attorney Richard Torhorst dated November 21, 2011 and any recommendations by the City engineer as mentioned in their letter dated November 8, 2011.**

Hartz/Kupsik motion to approve. Mayor Connors stated that the City Clerk received a copy of the Certified Survey Map that was revised to include the City Engineer's recommendations. Alderman Hartz stated that the Certified Survey Map would divide the current lot into two. He stated that a condition of the map was to allow enough right-of-way space for the Bloomfield Road expansion. Motion carries 7-0, Alderman Krause abstained.

**Presentation of Accounts – Alderman Krause**

Krause/Hartz motion to approve a purchase order in the amount of \$22,514.70 for turnout gear for the Fire Department.

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

Krause/Marsala motion to approve Prepaid Bills in the amount of \$304.12

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

Krause/Kupsik motion to approve Regular Bills in the amount of \$52,491.15

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

Krause/Mott motion to approve Monthly Report from the City Treasurer for October. Unanimously carried.

**Mayoral Appointments – Mayor Connors**

Krause/Kehoe motion to appoint Julie Drolshagen to the Communications Committee. Unanimously carried.

**Discussion/Action on temporary appointment of Bob Flemming as treasurer to the Board of Cemetery Commissioners (Aldermen Krohn & Marsala)**

Alderman Krohn stated that the current treasurer of the Board of Cemetery Commissioners is unable to carry out his duties due to illness. She said that the Board recommended appointing Bob Flemming as a temporary replacement.

Krause/Kehoe motion to declare a temporary vacancy of the position currently held by Sturge Taggart of the Board of Cemetery Commissioners. Unanimously carried.

Krause/Kupsik motion to appoint Bob Flemming to the temporary position of treasurer on the Board of Cemetery Commissioners until Mr. Taggart returns to health or his term expires. Unanimously carried.

**Adjournment**

Krause/Mott motion to adjourn at 8:08pm. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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