

REGULAR CITY COUNCIL MEETING

MONDAY, FEBRUARY 13, 2012 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:18 p.m.

The Pledge of Allegiance was led by Alderman O'Neill.

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

DPW Winkler, Marcie Hollmann and Jim Crothers, members of the Lake Geneva Beautification Committee, presented Mayor's Holiday Decoration Awards to recipients in the categories of residential-traditional, residential-whimsical, small business and large business.

Mayor Connors read a proclamation declaring the months of February, March, April and May as "The Big Read Months" in the City of Lake Geneva, in recognition of an initiative to promote reading.

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.

Robert Flemming, 315 Walworth Street, addressed the Council as Interim Secretary of the Cemetery Commission, urging the purchase of a new truck for the cemetery. Mr. Flemming indicated that one of the current trucks is in poor condition. He said that two trucks were necessary to complete the variety of work required at the cemetery.

Acknowledgement of Correspondence.

City Clerk Hawes acknowledged receipt of a letter from Ken Etten, President of the Friends of the Geneva Theater, Inc., 1109 Wisconsin St., dated February 8, 2012, urging the City to utilize TIF funds to purchase the Geneva Theater building. Mr. Etten indicated that once the building is purchased, the Friends of the Geneva Theater would raise the funds from private sources necessary to renovate the building and bring it into conformity with present building codes and standards.

City Clerk Hawes acknowledged receipt of an e-mail from George Dewey, 430 Country Club Dr., dated February 11, 2012 asking the City Council to review its policies concerning the use of salt to melt ice and snow in situations which impact the safety of the community and its visitors.

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

Approval of Minutes

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

Second reading of Ordinance 12-03, amending Chapter 50, Offenses and Miscellaneous Provisions, relating to advertising display utilizing vehicles

Marsala/Mott motion to remove from the table. The Council proceeded to vote on the motion by Alderman Marsala, seconded Alderman Kupsik, made at the January 23, 2012 meeting to approve Ordinance 12-03.

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

Finance, License and Regulation Committee Recommendations – Alderman Krause

RESOLUTIONS

Resolution 12-R05, a resolution amending the 2012 budget to transfer \$44,800 for the purchase of a one-ton dump truck for the cemetery

Krause/Marsala motion to deny. Alderman Krause said there has been considerable discussion about the request to purchase the truck for the cemetery. He said there were still questions about the need for the new truck. He also suggested that the cost seemed excessive. Alderman Krohn reiterated the City would be spending \$38,000 and the cemetery would be paying the rest. Alderman Kehoe said she needed more information about the current trucks. She wanted to know whether the cemetery could coordinate with the Street Department to share equipment. Alderman Krohn asserted it is difficult to know what work goes on at the cemetery unless you went and saw first-hand. Alderman O'Neill suggested the mileage on the cemetery trucks shouldn't be compared to other trucks. He said the 30,000 miles on the 1995 truck includes many short trips with a lot of starting and stopping. Alderman Marsala said he isn't convinced the cemetery trucks take more wear and tear than the Street Department trucks.

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

Resolution 12-R09, a resolution amending the 2012 budget to transfer \$13,689 for limited-term employment in the Police Department

Krause/Hartz motion to approve. Alderman Krause said the Council previously approved this request and the purpose of Resolution 12-R09 is to allocate the funding. He said \$50,000 was budgeted in the contingency fund and this will be the first expenditure from this account.

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

Resolution 12-R10, a resolution to amend the 2012 budget to transfer \$5,111.03 for water pipe repairs in the property previously known as the WE Energies

Krause/Hartz motion to approve. Alderman Krause said the City discovered the water pipes in the building needed significant repairs. He said the repairs would be funded by reserves and reimbursed once the sale of the property is complete. Alderman Kupsik asked if there are any remaining issues with the property. Administrator Jordan said the intention was to make sure the building would be habitable for the buyer at the time of purchase. He said water and heat are now in okay condition.

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

LICENSES AND PERMITS

Park Permit application filed by Midwest Action Cycle/Vespa Club of America for "Amerivespa Motor Scooter Rally" event at Flat Iron Park, from 11:00 a.m. to 10:00 p.m. on June 22, 2012 and from 9:00 a.m. to 10:00 p.m. on June 23, 2012 (recommended by Board of Park Commissioners 1/4/12; continued 1/23/12)

Krause/Kupsik motion to approve, subject to the Parade and Public Assembly Permit application being revised to reflect the updated event dates, road closure and police requirements. Alderman Krause said the proposed event appeared to be very positive for the community. He noted that the last three rallies were held in large U.S. cities, and as many as 800 visitors would be expected to visit Lake Geneva for this event. Alderman Kupsik said the applicant met with the Board of Park Commissioners, and the board members were very interested in the event. Alderman Krohn expressed concern with the event falling through, similar to a recent bicycling event. Alderman Krause said he was inclined to believe this event would be different. Mayor Connors said staff met with the applicant to iron out details for the event, including staff from the Street, Fire and Police Departments. Administrator Jordan indicated that Wrigley Drive will be closed from about 10 a.m. to 6 p.m. on the first day and 9 a.m. to 4 p.m. on the second day. Alderman O'Neill asked if the City will be charging a fee to the applicant in addition to the regular permit fees. Administrator Jordan said staff will be collecting a fee for the parking stalls that will be closed off during that time. Alderman Kupsik said the event will mostly be centered at Flat Iron Park. Mayor Connors said a map of the parade route is included in

the application packet. He noted they will be attempting to break a record for the longest Vespa parade. Alderman Kehoe asked if the downtown businesses are supportive of the event. Alderman Krause said the Chamber of Commerce is aware of the event and excited about it. Unanimously carried.

Park Permit application filed by the Alzheimer's Association of Southeast Wisconsin for "6th Annual Walk to End Alzheimer's" event at Library Park, from 7 a.m. to 1 p.m. on September 15, 2012 (recommended by Board of Park Commissioners 2/1/12)

Krause/Marsala motion to approve. Unanimously carried.

Original "Class A" Intoxicating Liquor License Application for Geneva Bay Market & Gifts, LLC, 252 Center Street, Lake Geneva, Patrick M. Kavanaugh, Agent

Krause/Marsala motion to approve. Unanimously carried.

Amendment of Class "B"/"Class C" Fermented Malt Beverage and Wine License for extension of premises filed by Bistro 220, 220 Cook Street, Lake Geneva, Ken Wenz, Agent

Krause/Marsala motion to continue to the February 27th meeting. City Attorney Draper said he is still researching issues relating to whether alcohol could be transferred throughout the premises as requested by the applicant. Unanimously carried.

Temporary Class "B" License application for the sale of fermented malt beverages at St. Francis De Sales Church, 148 W. Main Street, Lake Geneva, for Irish Night on March 3, 2012

Krause/Mott motion to approve. Unanimously carried.

Taxi Company License Application filed by Lakefront Shuttle & Services, W3746 Lake View Drive, Geneva (recommended for approval by Police Chief)

Krause/Marsala motion to continue to the February 27th meeting. City Clerk Hawes indicated that the applicant needs to submit a policy of liability insurance for the City Attorney's approval and a copy of certificate of inspection signed by a reputable automobile mechanic or public garage owner certifying that the vehicle sought to be licensed is mechanically sound. Unanimously carried.

Original Operator License applications filed by Lori A. Clayton and Matt J. Brill

Krause/Mott motion to approve. Unanimously carried.

Original Taxi Driver License application filed by Robert T. McAllister (approved by Police Chief; informational only)

Discussion/Action on funding the Maple Park and Dunn Field Tennis Courts Replacement from the TID budget in the amount of \$231,000

Krause/Marsala motion to deny. Alderman Krause said the Finance, License and Regulation recommended denial of funding the project. However, he said he hoped the Council would consider approving this item. Alderman Krause noted the Council approved the award of bid for the project in November. Alderman Kupsik said the tennis courts are over 20 years old and by not completing this project they will continue to deteriorate. He said \$231,000 is a fair cost if it means they will last another 20 years. Alderman Hartz said that by not repairing the tennis courts, it would send the message that the City is willing to live with park facilities that are crumbling and falling apart. Alderman O'Neill said if it were a \$5,000-\$10,000 repair job he would be in favor, but suggested \$231,000 is too much to be spending on recreation in the current economic environment. Alderman Marsala said he had a hard time justifying the expenditure when there are other tennis courts in town to play at. Alderman Kehoe said that she supported the equal opportunity for residents to access quality recreation facilities. Alderman Kupsik said the cost of the project would likely be higher if the City waited two years.

Roll Call: Marsala, Krohn and O'Neill voted "yes." Krause, Hartz, Mott, Kehoe and Kupsik voted "no." Motion to deny failed by vote of 3-5.

Hartz/Krause motion to approve. Roll Call: Krause, Hartz, Mott, Kehoe and Kupsik voted "yes." Marsala, Krohn and O'Neill voted "no." Motion carried by vote of 5-3.

After the vote, the City Attorney said he needed to research whether the item required a super-majority to pass. He said he would report back at the next meeting on February 27th.

Discussion/Action on contract with Crispell-Snyder for Main Street traffic signal design services (recommended by Public Works Committee 1/19/12)

Krause/Kupsik motion to approve the contract for design services in the amount not to exceed \$37,000. Alderman Krause said the City initially approved \$40,000 for a study to determine the possible improvements that could be realized if the traffic signal equipment were updated downtown. He said City Engineer Barker summarized the results of the study at the Finance, License and Regulation Committee meeting, including the potential for a 17% reduction in traffic backups on Main Street from Wells Street to Broad Street. Alderman Krause said the cost for proceeding with the design and construction management services phase of the project is \$60,000. Mayor Connors suggested that only the design services cost of \$37,000 would need to be considered at this time. Alderman O’Neill did not agree with funding the design services, stating that the City will have spent \$77,000 before the construction phase will be approved. Alderman Marsala asked about the condition of the current traffic signal equipment. DPW Winkler said the current traffic signal equipment is requiring repairs on almost a yearly basis. Alderman O’Neill suggested that the Edwards Boulevard extension is helping to alleviate downtown traffic congestion. Alderman Krause said there has still been considerable congestion downtown. Alderman O’Neill expressed concern with crossing the street on foot when timed traffic signals are used. Mayor Connors spoke about the flexibility of the proposed traffic equipment to have settings for different times of the day.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe and Kupsik voted “yes.” Krohn and O’Neill voted “no.” Motion carried by vote of 6-2.

Discussion/Action on award of bid to Safe Step for sidewalk saw-cutting in the amount not to exceed \$10,000 (recommended by Public Works Committee 1/19/12)

Krause/Hartz motion to approve. Alderman Krause said \$10,000 per year was budgeted for three years toward sidewalk saw-cutting. Alderman Kupsik asked if the contractor will bear any responsibility if any concrete or wires get damaged. DPW Winkler said that type of damage was very rare for a project like this. Alderman Mott asked in what areas this work will take place. DPW Winkler said the work will be done in some areas downtown, Library Park and Wells Street near the high school. Alderman Krause said residents should contact City Hall or the Utility Commission if they have concerns about the condition of a particular sidewalk. Unanimously carried.

Discussion/Action on CD and CDARS reinvestment and renewal

Krause/Hartz motion to approve the renewal of the CD in the amount of \$310,240.39 with the Community Bank of Delavan for a nine-month term at 0.20%, and renewal of the CDARS in the amount of \$600,000 with the Community Bank of Delavan for a 26-week term at 0.15%. Alderman Hartz suggested the City consider evaluating banks’ community reinvestment/redevelopment act ratings as part of the CD/CDARS renewal process. He said this rating is based on how much of the banks’ deposits are reinvested in the local community. He suggested this be a factor the Council considers in the future, since interest rates are very low. Unanimously carried.

Discussion/Action on disallowance of claim filed by James Roth for expenses relating to a slip and fall incident near the 800 block of Williams Street, pursuant to Wis. Stats. 893.80 (1g)

Krause/Marsala motion to approve disallowance of the claim. City Clerk Hawes said the City’s insurance carrier is recommending disallowance of the claim because it is the responsibility of the adjacent property owner to clear the sidewalk of snow and ice. Unanimously carried.

Presentation of Accounts – Alderman Krause

Krause/Marsala motion to approve Prepaid Bills in the amount of \$117,553.38

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

Krause/Hartz motion to approve Regular Bills in the amount of \$235,578.15

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

Mayoral Appointments

Hartz/Krause motion to accept with regret the resignation of Marcie Douglass from the Historic Preservation Commission. Unanimously carried.

Marsala/Kehoe motion to approve the appointment of Patrick Quinn to the Historic Preservation Commission for the balance of the term expiring April 1, 2013. Unanimously carried.

Closed Session

Krause/Mott 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: Village of Bloomfield Incorporation (City Attorney Draper); and pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for the union negotiations update (Administrator Jordan); and pursuant to Wis. Stat. 19.85 (1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to discuss the possible purchase of property (Administrator Jordan), with Police Chief Rasmussen present.

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

The Council entered into Closed Session at 8:49 p.m. Also present: Administrator Jordan, City Attorney Draper, City Clerk Hawes and Police Chief Rasmussen.

Kupsik/Marsala 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: Mott, Marsala, Kehoe, Kupsik, Krohn, O'Neill, Krause, and Hartz voted "yes." Unanimously carried. The Council reconvened in open session at 10:36 p.m.

Hartz/Krause motion to direct the City Administrator to proceed with negotiations as discussed in closed session. Unanimously carried.

Kehoe/Marsala motion to direct the City Administrator and City Attorney to proceed with gathering information relating to the purchase of property as discussed in closed session. Unanimously carried.

Adjournment

Krause/Kehoe motion to adjourn at 10:38 p.m. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

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