

REGULAR CITY COUNCIL MEETING

MONDAY, AUGUST 27, 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 Kehoe.

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

Awards, Presentations, and Proclamations.

Mayor Connors presented a plaque to Sal Dimiceli in recognition of his service to the community through his organization, "The Time is Now to Help the Children and the Elderly." Mr. Dimiceli spoke about the efforts of the organization. He also recognized groups and individuals that have contributed to the cause.

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.

Richard Malmin, N1991 S. Lakeshore Dr., Town of Linn, talked about Item #15A. Mr. Malmin said he felt the joint committee was too one-sided in favor of the dog owners. He felt the aldermen and committee members were influenced by the mayor's recommendation. Mr. Malmin asked that the Council establish a dog swimming area on the east end of the lakefront.

Casey Schiche, 231 Ridge Rd., Lake Geneva, addressed the Council about Item #15A. He suggested that no ordinances be changed in regard to Library Park. He asked that the City Attorney, City Administrator, Police Chief and the City's insurance carrier review the potential liability issues with allowing dogs to swim near the boat area. Mr. Schiche asked Alderman Hill to recuse herself from voting on this item.

James Strauss, N1517 Meadow Ridge Cir., Town of Linn, talked about Item #15A. Mr. Strauss said he appreciated the research the City officials have put into this issue.

Terry O'Neill, 954 George St., Lake Geneva, approached the Council to discuss Item #14D. He suggested adding the traffic signals at the intersection on S. Edwards Blvd., between Walmart and Office Max, to the list of traffic signals under consideration for installing pre-emption devices.

Penny Jones, 1321 Dodge St., Lake Geneva, talked about Item #15A. She thanked the Council and committee members for their research and observations on this issue. Ms. Jones urged the Council to approve a designated dog swimming area.

Melanie Brady, 225 Ridge Rd., Lake Geneva, discussed Item #15A. She suggested that additional signage would help clarify the allowable activity around the West End Pier.

Candy Kirchberg, 917 Marshall St., Lake Geneva, approached the Council to talk about Item #15A. She said it is important for dogs to get exercise, such as swimming in the lake. Ms. Kirchberg asked the Council to establish a dog park area.

Bill Huntress, 1015 Pleasant St., Lake Geneva, addressed Item #15A. Mr. Huntress asked there be a compromise on both sides to find a resolution to this issue. He suggested the designated dog swimming area be established in the east area of the lakefront.

Beverly Leonard, 1504 Dodge St., Lake Geneva, talked about Item #15A. She said this is an issue that comes up every year. She expressed support with the solution recommended by the Piers, Harbors and Lakefront Committee and Board of Park Commissioners.

Therese Kienast, 707 S. Lakeshore Dr. Unit 3B, Lake Geneva, spoke in support of establishing a dog swimming area.

Acknowledgement of Correspondence.

City Clerk Hawes acknowledged the City received a letter from Ester Fus, 1150 Park Dr., Lake Geneva dated August 7, 2012 asking the City to consider removing six parking spaces on Main Street across from the Post Office in order to relieve traffic congestion.

The City received two e-mails from Candice Finnegan, 660 High St., Lake Geneva, on behalf of Geneva Lake Access Rights for Everyone dated August 16 and 21, 2012 asking the City Council to modify the existing ordinances to allow dogs to go into the lake without a leash. Ms. Finnegan also submitted a petition signed by 640 residents and non-residents of Lake Geneva in support of modifying the leash and swimming ordinances at West End Pier in Library Park.

The City received an e-mail from Nancy Lehman, N2846 Hidden Valley Ln., Town of Geneva on August 16, 2012 expressing support for a dog beach area where leashes aren't required.

The City received an e-mail from Gail Ranzulla, 469 Country Club Dr., Lake Geneva, on August 16, 2012 asking the City to establish a swimming area for dogs along the lake.

The City received an e-mail from Candy Kirchberg, 917 Marshall St., Lake Geneva, on August 20, 2012, stating that the West End Pier is a public area and it deserves to be accessible for a variety of public uses, such as providing a place for dogs to swim.

The City received a letter from Andy Kerwin, 1719 Miller Ct., Lake Geneva in August 23, 2012, expressing safety concerns with dogs and boats using the same area of the lake. He suggested establishing a "dogs only" swim platform east of the West End Pier.

City Clerk Hawes announced that copies of correspondence were distributed to the Mayor and Council and they are kept on file in the City Clerk's office.

Approval of Minutes

Kupsik/Tolar motion to approve the regular meeting minutes of August 13, 2012, as published and distributed. Unanimously carried.

Consent Agenda

Street Use Permit Application filed by Russ Tronsen on behalf of Badger High School Student Council for Annual Homecoming Parade using Wrigley Dr., Broad St. and Wisconsin St. on Friday, October 5, 2012 from 4:30 to 5:30 p.m.

Original 2012-2013 Operator License applications filed by Ravneet Kaur, Elaine L. Thompson, Cala M. Ludtke and Jaqui L. Knapp

Original Taxi/Trolley Driver License application filed by Jeremiah X. Montague (*approved by Police Chief; informational only*)

Kupsik/Hougen motion to approve the items on the consent agenda. Unanimously carried.

Items Removed from the Consent Agenda. None.

Public Hearing on Special Assessments related to the proposed Conant Street Curb and Gutter Project

Dan Snyder and Larry Perra, engineers from Crispell-Synder, gave a brief presentation on the proposed project. Mr. Perra said the project area is Conant St., between High St. and William Ave. He said the purpose of the project is to install curb and gutter to help alleviate drainage issues. The project will also include reconstruction of the roadway and installation of some storm sewer. Mr. Perra said the project was bid on August 23, 2012 and prices for curb and gutter work came in lower than originally estimated.

Mayor Connors asked about the deferred assessment being recommended for one of properties. Mr. Lerra said the deferment is recommended because the property is adjacent to an environmental corridor and the property owner won't benefit from the curb and gutter work unless the property is developed.

Pamela Lenon, 1650 Conant St., Lake Geneva, said she is concerned that the project will disrupt the landscaping work she did on her property along the road. She stated the current culvert is working effectively as a natural drainage barrier. She further commented that she believed City funds would be better used elsewhere than on this project.

Sandy Derrick, 1750 Conant St., Lake Geneva, said she has concerns with the project. Ms. Derrick said a culvert was already installed in this area to address drainage issues. She acknowledged that the roadway needs to be reconstructed, but she doesn't think that curb and gutter work is needed.

Hill/Kehoe motion to close the public hearing. Unanimously carried.

Public Hearing on Original Application for Taxi Cab Company filed by Kangaroo to the Rescue, 302 East Street, Lake Geneva, Jeremiah X. Montague, Owner

Jeremiah Montague, 302 East St., Lake Geneva, addressed the Council to explain his application. Mr. Montague said his business would use the taxi company license to primarily provide personal transportation and home delivery service. He said he would provide service to airports and shopping locations for elderly and disabled.

Alderman Hougen asked what his rates would be. Mr. Montague said he would have flat rates depending on the destination. He said that his business' niche would be providing service at rates that are comparably lower than other transportation providers.

Alderman Kehoe asked how many vehicles and employees the business would have. Mr. Montague said he is starting with just one vehicle and one employee. Ms. Kehoe asked what hours the business would operate. Mr. Montague said service would be available 24/7. He said service would be available to the night crowd downtown. He added that he is applying with the State of Wisconsin to participate in the Safe Ride program.

Mr. Montague said he received a grant from the State in 2009 to provide similar transportation services. The business operated for just under a year before shutting down due to increased insurance costs. He said he has since reorganized and is looking to start back up.

Kupsik/Krohn motion to close the public hearing. Unanimously carried.

Referral of Site Plan Review Application for Sailboat Entry Plaza Fountain & Landscaping Proposal to the Plan Commission

Hill/Hougen motion to refer to the Plan Commission at the meeting on September 17, 2012. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Hill

LICENSES & PERMITS

Original Taxi Company License Application filed by Kangaroo to the Rescue, 302 East Street, Lake Geneva, Jeremiah X. Montague, Owner

Hougen/Wall motion to approve. Alderman Hougen said he believed there is a lack of public transportation in the City. He stated that although this isn't exactly public transportation, it's a needed service. Unanimously carried.

RESOLUTIONS

Resolution 12-R57, a final resolution declaring intent to exercise special assessments powers for improvements related to the Conant Street Reconstruction project as part of the 2012 Street Improvement Program

Hougen/Kupsik motion to approve. Alderman Hougen asked if the engineers could take a closer look at 1650 Conant St. and see if the slope could be preserved so the plantings wouldn't be harmed due to the curb and gutter work. DPW Winkler said the engineer's recommendation is to keep the roadway narrow to maintain the natural space as much as possible. He added that the engineer recommended shifting the road to the north of 1650 Conant St. and to match the grades as close as humanly possible. He said that crews would not be digging into the slope directly but the work could affect the plants and root system.

DPW Winkler said it is a matter of personal preference whether property owners want curb and gutter or not. He said a survey was sent to the affected property owners and the response was overwhelmingly supportive of the project, with 11 in favor, two opposed and one didn't respond. Mr. Winkler noted that the bid for the project came in one-third less than anticipated.

Mayor Connors asked how the deferred assessment would work. City Attorney Draper said the deferred property will be charged the assessment but only when the property is developed.

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

Resolution 12-R59, a budget resolution transferring \$160,000.00 from TID #4 Discretionary Account for Maple Park and Dunn Field Tennis Courts and Fence Replacement

Hill/Kupsik motion to approve, contingent upon approval of the contracts. Alderman Hill said the City benefited from rebidding the projects and bidding the courts and fences separately. Alderman Wall asked why this resolution is being considered before the contracts. Mayor Connors said it is because our Municipal Code sets the order of business in this manner. Alderman Kehoe was pleased the City received four bids for each RFP.

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

Discussion/Action on award of contract with Reesman's Excavating for 2012 Street Improvement Program in the amount of \$244,708.00

Hill/Tolar motion to approve the contract in the amount of \$244,788.00, with the condition to not expend more than the budgeted amount of \$220,000.00. Alderman Hill said staff will monitor the project costs and crews will complete the Tomike portion of the project until the budget cap of \$220,000.00 is reached. Alderman Mott asked why there is a considerable difference in traffic control costs between the bids. DPW Winkler said it is how the contractors balance their bids; there is no rhyme or reason sometimes.

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

Discussion/Action on award of contract with Wolf Paving for Maple Park and Dunn Field Tennis Courts Replacement project in the amount of \$125,478.00

Hill/Kupsik motion to approve. Alderman Hill said there were four bid responses. She said Finance, License and Regulation Committee recommended awarding the contract with the lowest bidder, Wolf Paving, in the amount of \$125,478.00. Alderman Wall asked why the cost of the project is so much lower than when it was originally bid last Fall. DPW Winkler said the project isn't different; it appears to be a matter of contractors wanting to break into a new market segment where they don't usually work. Mr. Wall asked if the City will get a 25 year life out of the new courts. Mr. Winkler said this project will take care of the courts for the long foreseeable future.

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

Discussion/Action on award of contract with Century Fencing for Maple Park and Dunn Field Tennis Courts Fencing Replacement project in the amount of \$33,600.00

Hill/Kupsik motion to approve. Hill said the City will save about \$500.00 by awarding the contract for the fence separately.

Alderman Wall said the current fencing seemed to be in good condition. DPW Winkler said the fence at Dunn Field is rusted. He added that the preference is to match all fencing with black vinyl coating which lasts longer. Alderman Mott said he believes replacement of the fence is much needed, especially at Dunn Field.

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

Discussion/Action on sidewalk/streetscape improvements on Center Street from spillway north to alley between Main Street and Geneva Street funded by TID #4 (recommended by Public Works Committee 8/16/12)

Hill/Tolar motion to approve the all-concrete option of the project in the amount of \$7,220.00 funded by TID #4. Mayor Connors said the cost came in higher than originally discussed at the Public Works Committee because the exact size of the area was not known.

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

Discussion/Action on installing emergency vehicle pre-emption devices at existing traffic signals located at CHT H/Sheridan Springs Road, CTH H/Geneva Square, STH 50/US 12 and STH 50/Edwards Boulevard in the amount not to exceed \$50,000.00 funded by TID #4 (recommended by Public Works Committee 8/16/12)

Hill/Kupsik motion to approve, with the addition of the pre-emption devices at the traffic signals located at the intersection on S. Edwards Blvd., south of Highway 50.

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

Piers, Harbors and Lakefront Committee/Board of Park Commissioners Recommendations – Mayor Connors

Discussion/Action on instructing the City Attorney to draft an ordinance based on the recommendation made by the Piers, Harbors and Lakefront Committee and Board of Park Commissioners at the joint meeting on August 23, 2012 regarding dog swimming

Kehoe/Hougen motion to instruct the City Attorney to draft an ordinance based on the recommendation made by the Piers, Harbors and Lakefront Committee and Board of Park Commissioners at the joint meeting on August 23, 2012 regarding dog swimming. Alderman Krohn asked what the ordinance would read. Mayor Connors referenced the motion that carried from the joint meeting, which read: “motion to recommend establishing a designated, 72 foot dog swimming area near the West End Pier, where dogs can swim without a leash on the condition that they are leashed upon leaving the area, that dog owners be prohibited from allowing their dogs onto the docks unless they are loading or unloading their dogs to a boat and that there be signage stating that dog owners must yield to boats.” The City Attorney will need to draft an ordinance that incorporates these provisions into the Municipal Code.

Alderman Kupsik said there are multiple references to dogs and leashes in the ordinances. He said the intention here is to also help clean up and clarify the ordinances on what exactly is permissible. Alderman Mott said the success of the designated dog swimming area will depend on supervision and enforcement. He added that this was the result of some compromises made at the committee level. Mr. Mott suggested that at future time the City should consider an enclosed dog swimming area located east of the West End Pier area. Mr. Wall agreed the current proposal is a temporary fix. He suggested the addition of a “doggy dock” in a designated east of the proposed location.

Alderman Wall asked City Attorney Draper how the City’s liability changes with allowing dogs in the water near the West End Pier area. City Attorney Draper said there is increased liability on the dog owner; the City has certain immunities when it comes to these types of things.

Alderman Tolar said he doesn’t feel comfortable with allowing dogs to swim in the West End Pier area. Alderman Hougen said the proposal is not a perfect compromise, but the West End Pier is a highly desirable area because it is secluded from the beach and other lakefront area. He said dogs are an important part of residents’ lifestyles and the

dog swimming area is a positive thing for the City. Alderman Kehoe said the proposed dog swimming area is a good first step.

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

Plan Commission Recommendations – Alderman Hougen

First Reading of Ordinance 12-17, an ordinance providing for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Bloomfield, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin (Lake Geneva Joint School District #1)

First reading only; no action taken.

First Reading of Ordinance 12-18, an ordinance providing for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Bloomfield, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin (Immanuel Lutheran Church)

First reading only; no action taken.

Resolution 12-R58, authorizing the issuance of a Conditional Use Permit filed by Lowell Management LLC on behalf of Lyle and Lisa Fitterer, 1040 San Jose Drive, Elm Grove, WI 52122 for the construction of a new single-family residence in the ER-1 Zoning District using the lot area and setback requirements, and a Conditional Use to install an accessory structure (swimming pool) between the lake and the principal structure, in accordance with Sec. 98-409(2) Lake Shore lots, at 63 Hillside Drive, Tax Key Number ZYUP 00094I, including all staff recommendations

Hougen/Mott motion to approve. Unanimously carried.

Resolution 12-R60, authorizing the issuance of a Conditional Use Permit filed by Tom and Mary Myers, 670 Vernon Place, Elm Grove, WI 52122 for the construction of a new single-family residence in the ER-1 Zoning District using the lot area and setback requirements of the SR-4 Zoning District at 1600 Orchard Lane, Tax Key Number ZLM 00003, including all staff recommendations

Hougen/Tolar motion to approve. Unanimously carried.

Presentation of Accounts – Alderman Hill

Hill/Tolar motion to approve Prepaid Bills in the amount of \$5,300.77.

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

Hill/Toalr motion to approve Regular Bills in the amount of \$99,752.55.

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 June 2012. Unanimously carried.

Mayoral Appointments – Mayor Connors

Appointment of Maureen Winkler to the Avian Committee for the term expiring May 1, 2013

Hill/Wall motion to approve. Unanimously carried.

Adjournment

Hill/Mot t motion to adjourn at 8:57 p.m. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL