

REGULAR CITY COUNCIL MEETING

MONDAY, SEPTEMBER 10, 2012 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:10 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 announced Walworth County will be collecting hazardous waste items and pharmaceuticals from residents and businesses as part of its “Clean Sweep” program on October 5 and 6. He also announced that the Walk to End Alzheimer’s will be held on Saturday, September 15.

Mayor Connors presented a proclamation designating September 9-15 as National Assisted Living Week.

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.

Terry O’Neill, 954 George St., Lake Geneva, approached the Council to comment on the closed session item regarding Marina Bay Boat Rentals. He urged the Council to consider the time, labor and money that the City has expended on this issue. Mr. O’Neill also talked about the proposed change order and resolution for the Riviera Beach Dredging project. He expressed concern with how long it has taken for the change order to come forward.

Matt Kuehl, Kuehl Law Office, 503 Center St., Lake Geneva, explained the petition for direct annexation filed by Immanuel Lutheran Church. He said the church will be built on the vacant land next year.

Kevin Fleming, 1032 Wisconsin Street., Lake Geneva, asked the Council to approve the purchase of LED retrofit kits for the downtown street lights. He stated the LED lights would enhance the downtown area and improve on electricity costs.

Acknowledgement of Correspondence. None.

Approval of Minutes

Tolar/Kehoe motion to approve the regular meeting minutes of August 27, 2012, as published and distributed. Unanimously carried.

Consent Agenda

Park Permit Application filed by George Hennerley on behalf of the Geneva Lake Area Chamber of Commerce for “Scootoberfest” using Flat Iron Park on Saturday, October 6, 2012 from 1 p.m. to 9 p.m.

Park Permit Application filed by Ben Conley on behalf of the Lake Geneva Jaycees for “Punt, Pass and Kick Competition” using Veterans Park on Saturday, September 29, 2012 from 12:30 p.m. to 2:30 p.m.

Fireworks Permit Application filed by Badger High School and J & M Displays for the use of fireworks on the Badger High School soccer field, 220 South St., on October 5, 2012 from 9:00 p.m. to 9:30 p.m. (recommended for approval by the Fire Chief and Police Chief)

Original 2012-2013 Operator License applications filed by Sandra Stamenkovich and Jeremy C. Hanson

Hill/Wall motion to approve the items on the consent agenda. Unanimously carried.

Items Removed from the Consent Agenda. None.

Establish “Trick or Treat” hours for the City of Lake Geneva for Sunday, October 28, 2012, from 1:00 p.m. to 4:00 p.m.

Tolar/Krohn motion to approve. Alderman Hill asked why the Council takes action on this. Mayor Connors said the purpose is to establish a time so that people know when trick or treating will take place. Alderman Tolar said it is a safety issue so people know when kids will be out on the streets. Unanimously carried.

Accept and forward to Planning Commission a petition for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Lyons, Walworth County, Wisconsin to the City of Lake Geneva, Walworth County, Wisconsin, pursuant to Wis. Stats. § 66.0217 (2). (Hart)

City Administrator Jordan said the parcel is on the back portion of a lot in the Highlands subdivision. He said the applicant is interested in purchasing the Highlands property and would like to annex this parcel and include it with the property they would like to purchase.

Hougen/Kehoe motion to accept and forward to Planning Commission. Unanimously carried.

Second Reading and Approval 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)

Kupsik/Mott motion to approve, with adding the provision that the Petitioner will pay the City a fee equivalent to the five years of property tax reimbursement the City is required to make to the Town, if applicable. Alderman Kupsik asked whether the annexation is affected by the pending court cases involved with the Bloomfield annexation. City Attorney Draper said Bloomfield has indicated they would be willing to sign off on a stipulation to allow the property to annex to the City.

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

Second Reading and Approval 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)

Kehoe/Hill motion to approve, with adding the provision that the Petitioner will pay the City a fee equivalent to the five years of property tax reimbursement the City is required to make to the Town, if applicable.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Wall and Tolar abstained. Motion carried by vote of 6 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Hill

RESOLUTIONS

Resolution 12-R61, a budget transfer merging the 2012 Street Improvement Capital Projects Fund accounts

Hill/Kupsik motion to approve. Alderman Hill said Resolution 12-R61 would merge the accounts necessary to fund the 2012 Street Improvement program which was approved at the last meeting. Ms. Hill asked about engineering costs for the project. DPW Winkler said there was a \$3,700.00 cost for the initial engineering required to estimate costs and bid the projects. Alderman Kehoe asked what the balance of the manhole and curb and gutter accounts would be after the budget transfer. City Administrator Jordan said they would be down to zero.

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

Resolution 12-R62, a budget resolution transferring \$8,000.00 from Beach Revenue to the 2012 Beach Dredging budget

Hill/Kupsik motion to approve, contingent upon approval of Change Order #1. Alderman Hill said the budget resolution is necessary because the costs of the project exceeded the initial estimates. She said the funding source is the

Lakefront fund. City Administrator Jordan explained there were more loads of sand to haul than anticipated. Alderman Kehoe asked why it has taken this long for the change order to come forward. City Administrator Jordan said this was a rare case where the City did not have time to wait for the next Council meeting to consider the change order; the beach dredging needed to be completed before the opening of the beach. He said staff directed the contractor to proceed with completing the work. The change order document was submitted to the City just recently.

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

Discussion/Action on Change Order No. 1 for 2012 Riviera Beach Dredging in the amount of \$3,354.51

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

Discussion/Action on renewal of CD in the amount of \$142,189.21

Hill/Tolar motion to renew the CD along with interest in the total amount of \$142,510.11 with BMO Harris Bank for a period of 13 months at the rate of 0.45%.

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

Discussion/Action on award of contract with Hein Electric for 200 ornamental street lighting LED retrofit kits in the amount of \$81,410.00

Hill/Mott motion to approve the purchase of 200 ornamental street lighting LED retrofit kits from Hein Electric in the amount of \$81,410.00, to be funded from TID #4. Alderman Hill said she voted against this recommendation at the Finance, License and Regulation Committee meeting because she felt the lower bid should be awarded. Alderman Wall asked if staff asked the Police Department or downtown merchants on their opinion of the lighting options. DPW Winkler said these groups weren’t asked specifically, but the Business Improvement District did indicate their satisfaction with the holophane retrofit kits available from Hein Electric which are currently installed along Cook St. north of Main St.

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

Discussion/Action on award of contract with C&D Landscaping for 2012 Fall Tree Planting project in the amount of \$26,070.50

Hill/Kehoe motion to approve, funded partially from TID #4 and partially from the general fund. Alderman Hill explained not all of the proposed trees are located within the TID; those that aren’t will be funded by the general fund. Alderman Wall asked how many ash trees are being removed due to the emerald ash borer. DPW Winkler said the Council approved treating about 200 ash trees and removing the other 200.

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

Discussion/Action on award of contract with Fahrner Asphalt for 2012 Joint and Crack Cleaning and Sealing project in the amount of \$45,000.00

Hill/Kehoe motion to approve. Alderman Hill said the City only received one bid, but this project was bid differently than most projects. She explained that bidders were given a list of streets and they had to check off which streets they could complete within the project budget of \$45,000.00. Ms. Hill said Fahrner indicated they could complete all of the streets listed within the budgeted amount. She noted the contractor is also doing work in Twin Lakes around this time which may have helped on cost. Alderman Wall asked where the amount \$45,000.00 came from. DPW Winkler said this was the amount that was budgeted. Mr. Winkler further stated the City is fortunate the contractor is willing to do all the streets we asked for within this budget. He said Fahrner is a very good contractor.

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

Discussion/Action on installation of Wi-Fi at City Hall (recommended by the Communications Committee 8/29/2012)

Hill/Kupsik motion to approve the purchase of \$1,026.52 in hardware required to set up Wi-Fi at City Hall, funded from the Comptroller IT account. Alderman Hill said the one-time hardware purchase would provide Wi-Fi service in

the Council chambers, meeting room 2A and Senior Center. Alderman Hill said the service would allow vendors and other visitors to come to City Hall and use the Wi-Fi to conduct business and make presentations. Users would need to obtain a password from the front counter and agree to a terms of service. Alderman Mott felt this is an excellent idea and should have been done years ago. Mayor Connors said we might be limited by how many people could use it at one time because we have a limited amount of bandwidth. Alderman Kupsik noted that Wi-Fi would allow the Council to download the meeting packet as an alternative to having paper packets.

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 purchase of 2012 Dodge Ram 3500 with 8’ body from Ewald Automotive Group in the amount of \$49,357.00 for the Cemetery Commission

Hill/Kupsik motion to approve the purchase of the 2012 Dodge Ram 3500 with 8’ body from Ewald Automotive Group for \$49,357.00, subject to a budget resolution, with the Cemetery Commission contributing \$8,000.00 to the purchase and with the proceeds of the sale of the 1995 truck going back into the general fund. Alderman Wall asked how the City would be funding the purchase. City Administrator Jordan said there is an unassigned balance in the capital fund that could be appropriated. Mr. Wall asked why the truck wasn’t budgeted during the last budget process. Mr. Jordan said the Council didn’t prioritize it. Alderman Wall suggested the City could save money if the Street Department and Cemetery Commission would share equipment. Alderman Kehoe expressed concern with the purchase being made outside of the normal budget process. She suggested it isn’t fair to other departments who must purchase items through the normal process. Alderman Tolar said the purchase of this truck is a matter of safety; the cemetery was recently told by a mechanic that their 1995 truck is not safe to use on the street. He further commented that this is the only piece of equipment the cemetery has asked the City to purchase. Alderman Krohn noted that the Cemetery Commission is willing to put forward \$8,000.00 of its own fund which other departments do not typically do. Alderman Hougen agreed there may be opportunities to share equipment with the Street Department, but we are not in the position to do that yet.

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

Presentation of Accounts – Alderman Hill

Hill/Tolar motion to approve Prepaid Bills in the amount of \$2,038.47.

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 \$267,203.24.

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

Closed Session

Kupsik/Wall 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 Annexation (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: Marina Bay Boat Rentals, Inc. (City Attorney Draper)

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

The Council entered into Closed Session at 8:28 p.m.

Tolar/Hill 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 8:53 p.m.

Adjournment

Hill/Hougen motion to adjourn at 8:54 p.m. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

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