

REGULAR CITY COUNCIL MEETING

MONDAY, SEPTEMBER 24, 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 Krohn.

Roll Call. Present: Aldermen Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar. Also present: Administrator Jordan, City Attorney Draper 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 the “Clean Sweep” program on October 5 and 6.

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, spoke about the petition for direct legislation. He said the Council has the opportunity to either support the proposed ordinance or forward it to the electors for referendum.

James Strauss, N1517 Meadow Ridge Cir., Town of Linn, approached the Council about the petition for direct legislation. He said handicap parking spaces are important to people who rely on them. He asked the Council to approve the proposed ordinance rather than forwarding it to referendum.

Penny Jones, 1321 Dodge St., Lake Geneva, approached the Council about Ordinance 12-20. She thanked the Council, City Attorney and other individuals who have been working on the dog swimming issue.

Candy Kirchberg, 917 Marshall St., Lake Geneva, spoke about Ordinance 12-20. She suggested the Council consider how signage will be displayed on this issue.

Acknowledgement of Correspondence.

City Clerk Hawes announced the City received correspondence from the Lake Geneva Jaycees on September 19, 2012 thanking Mayor Connors and the City Council for their continued support for the Lake Geneva Jaycees and Venetian Festival.

The City also received a letter from Chuck and Shirley Buchweitz, 500 S. Edwards Blvd., Unit 22, Lake Geneva, requesting a parking pass for senior residents that would be good for at least four hours.

Copies of the correspondence are on file in the City Clerk’s office.

Approval of Minutes

Tolar/Mott motion to approve the regular meeting minutes of September 10, 2012, as published and distributed. Unanimously carried.

Consent Agenda

Amendment of “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License filed by Capitol Geneva LLC d/b/a Sprecher’s Restaurant and Pub, 111 Center Street, Lake Geneva, to include fenced outdoor yard area during “Sprechttoberfest 2012” on October 6, 2012 from 11 a.m. to Midnight

Original 2012-2013 Operator License applications filed by Nancy J. Lazansky, Katelyn J. Paulos, Jennifer A. Loibl, Brianna C. Gilmore, Walter R. Schultz, Jason T. Bedenbaugh, Sandra L. Boand, Roberta N. Connors and Jodelle S. Myrold

Original Taxi/Trolley Driver License application filed by Mary Herr

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

Items Removed from the Consent Agenda

Original Class “B” Fermented Malt Beverage License Application for Plum Crazy, 259 Broad St., Lake Geneva, James Steck, Agent

Hill/Kupsik motion to table this item until the applicant has completed the Conditional Use Permit process at Plan Commission. Alderman Hill said a Conditional Use Permit is required for the applicant’s proposed business. The Finance, License and Regulation Committee recommended tabling the alcohol license application until the Conditional Use Permit process is complete. Unanimously carried.

Public Hearing on Original Application for Taxi Cab Company filed by K & K Transportation, 473 E. Geneva St. Lot 32, Elkhorn, Mary Herr, Owner

Mary Herr, 473 E. Geneva St., Lot 32, Elkhorn, said she would like to have a taxi cab company license in order to provide a service to transport the elderly, disabled and general public. She said it would serve Lake Geneva, Delavan and Elkhorn.

Alderman Kehoe asked if Ms. Herr has been in contact with Walworth County about providing these services. Ms. Herr said she has and she would need to obtain a chauffeur’s permit through the County. Alderman Tolar asked what type of vehicle would be used. Ms Herr said she will use a 4-door Pontiac Vibe. The vehicle would be able to accommodate walkers but not wheelchairs.

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

Discussion/Action on a petition for direct legislation for an ordinance specifying individual street parking stalls as handicap parking stalls

Hougen/Hill motion to approve the proposed ordinance. Alderman Hougen said the ordinance should be approved simply on the basis of supporting those who signed the petition. Alderman Kehoe said it was the Parking Commission’s responsibility to make the decision on the handicapped parking spaces. Alderman Hill agreed it is an administrative matter determined by the Parking Commission. She referenced state statutes stating that petitions for direct legislation must be for issues that are legislative in nature. Mayor Connors read Sec. 2-238 of the Lake Geneva Municipal Code which outlines the duties of the Parking Commission.

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

Discussion/Action on disallowance of claim filed by American Family Ins. Co. on behalf of Sergio Plascencia for alleged vehicle damage caused by fallen tree limb on June 19, 2012, pursuant to Wis. Stat. 893.80(1g)

Kehoe/Wall motion to disallow the claim.

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

First Reading Ordinance 12-20, an ordinance amending Chapter 10, Animals, Article II, Dogs and Cats, Section 10-67, Running at Large

Kupsik/Kehoe motion to suspend the rules and proceed to a second reading. Unanimously carried.

Second Reading of Ordinance 12-20. Kupsik/Mott motion to approve.

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

First Reading of Ordinance 12-21, an ordinance amending Chapter 54, Parks and Recreation, Article II, Rules of Conduct and Behavior, Section 54-34, Enumeration

Kupsik/Hill motion to suspend the rules and go to a second reading. Unanimously carried.

Second Reading Ordinance 12-21. Kupsik/Mott motion to approve.

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

Finance, License and Regulation Committee Recommendations – Alderman Hill

LICENSES & PERMITS

Original Taxi Company License Application filed by K & K Transportation, 473 E. Geneva St. Lot 32, Elkhorn, Mary Herr, Owner

Alderman Hill said the Finance, License and Regulation Committee forwarded this item to Council without recommendation. Kupsik/Tolar motion to approve. Alderman Kupsik felt the applicant’s explanation and application materials were sufficient. Unanimously carried.

RESOLUTIONS

Resolution 12-R63, a budget resolution transferring \$49,357.00 for the purchase of Cemetery Truck with Plow
Hill/Mott motion to approve. Alderman Hill explained the bid for the truck was approved at the last Council meeting; Resolution 12-R63 would allocate the appropriate funding. Alderman Wall asked if this purchase was in the capital budget. Mayor Connors said it was not in the capital budget and Resolution 12-R63 provides an amendment to the capital budget. Alderman Kehoe said the truck was overlooked during the budget process.

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

Resolution 12-R64, a budget resolution transferring \$92,000.00 from the TIF #4 Discretionary Account for Downtown LED Lighting Retrofits

Hill/Mott motion to approve. Alderman Hill said Resolution 12-R64 includes \$2,500.00 for the initial unit samples and \$8,000.0 installation costs for the City Electrician.

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

Discussion/Action on renewal of CD investment at BMO Harris maturing on September 30, 2012 in the amount of \$458,737.48

Hill/Tolar motion to approve reinvesting the CD including interest in the amount of \$459,314.40 with BMO Harris Bank for a 13-month period at the rate of 0.45%.

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

Discussion/Action on purchase of Ford 550 truck with plow and chipper from Kunes Ford of Delavan, WI in the amount of \$63,071.84

Hill/Kupsik motion to approve. Mayor Connors noted this purchase would require an amendment to the 2012 capital budget because it combines the purchase of two different items. Alderman Wall asked why this item wasn’t first reviewed by the Public Works Committee. City Attorney Draper said the duties of the Public Works Committee, as described in the Municipal Code, does not include purchasing equipment.

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

Plan Commission Recommendations – Alderman Hougen

Discussion/Action on placement of a water feature near the sailboat entry plaza (formerly addressed 499 W. Main St.) in front of the Utility Commission at 361 W. Main St.

Hougen/Kupsik motion to approve. Alderman Hougen said the Beautification Committee is funding the water feature and maintenance. Unanimously carried.

Discussion/Action on designating Maytag Rd. as a public roadway

Hougen/Wall motion accept Maytag Road, tax key ZCE 00033 as a public roadway, on the conditions that no single resident can contest curb and gutter special assessment pending City Attorney review, that the gate be included in the right-of-way and would be the property of the City to maintain and would be kept permanently opened.

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

Presentation of Accounts – Alderman Hill

Hill/Wall motion to approve Prepaid Bills in the amount of \$1,505.96.

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 \$133,009.26.

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

Mayoral Appointments – Mayor Connors

Discussion/Action on reappointment of Birdell Brellenthin to the Utility Commission for the term expiring October 1, 2017

Mott/Wall motion to approve. Unanimously carried.

Closed Session

Kupsik/Hougen 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: vacation rental housing (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 8:02 p.m.

Tolar/Kupsik 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 8:14 p.m.

Hill/Kupsik motion to direct the City Attorney to act as discussed in closed session. Unanimously carried.

Adjournment

Mott/Hougen motion to adjourn at 8:15 pm. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL