

REGULAR CITY COUNCIL MEETING

MONDAY, NOVEMBER 8, 2010 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:14pm.

The Pledge of Allegiance was led by Alderman Krause.

Roll Call. Present: Aldermen Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar. Also present: Administrator Jordan, City Attorney Draper, and Clerk Reale.

Awards, Presentations, and Proclamations.

Presentation of Mayor's Landscape Awards by Beautification Committee

Grace Eckland, Beautification Committee President, introduced the members of the committee in attendance. The committee members then presented awards to recognize businesses and individuals for landscaping and property enhancements in the City. Among the recipients honored by the committee in the business categories were: the BID District, Sign of the Unicorn, Delaney Street Mercantile, McDonald's, and Grand Geneva. The committee also honored residential award recipients Jeremy and Kelly Kinsey, Cheryl Ryan and George Rakidzich, and Lynn Finnegan.

Re-consider business from previous meeting.

Mott/Marsala motion to reconsider action taken at the regular meeting of October 25, 2010 with respect to the removal of the City Assessor at pleasure pursuant to Wis. Stats. 17.12 (1) (c). Motion carried by vote of 6 to 2, with Aldermen Fesenmaier and Krohn opposed. This item would be reconsidered at the regular meeting of November 22, 2010.

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 Street, addressed the Council to comment on the item regarding parking along Townline Road adjacent to Veterans Park. Mr. O'Neill stated that he believed diagonal parking would be appropriate for the area in question, adding that he hoped the measure would be approved by Council.

Thomas Spellman, 270 Country Club Drive #22, addressed the Council with respect to its consideration of the Traver Hotel property located at 323 Broad Street. He expressed concern over the prospect of razing the building, given the character and historical value of the property. While acknowledging that the building had fallen into some disrepair, Mr. Spellman offered that it still might be able to be rehabilitated for future use. He suggested that the Council defer taking any immediate action on the site and form a committee to investigate the possible options for the property.

Acknowledgement of Correspondence.

Clerk Reale noted that the City had received an item of electronic correspondence from Ken Johnson expressing his support for reinstating diagonal parking on the north side of Townline Road.

Approval of Minutes

Krause/Kehoe motion to approve Regular City Council Meeting minutes of October 25, 2010 and Special City Council Meeting minutes of November 1, 2010, as published and distributed. Unanimously carried.

Acceptance of Petition for Direct Annexation by Unanimous Consent

Marsala/Hartz motion to accept and forward to the Plan Commission a petition for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Linn, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin, pursuant to Wis. Stats. § 66.0217 (2) – (Palicka). Unanimously carried.

Discussion/Action on Parking on Townline Road adjacent to Veterans Park *(tabled 10/25/10)*

Item remained on the table, as no motion to remove was made.

Finance, License and Regulation Committee Recommendations – Alderman Krause

RESOLUTIONS

Resolution 10-R62, a resolution adopting a revised schedule of fees, effective January 1, 2011 *(tabled 10/25/10)*

Alderman Krause reported that the Committee had not yet concluded its review of the proposed fee schedule and would be continuing discussions at the next regular meeting.

Item remained on the table, as no motion to remove was made.

LICENSES & PERMITS

Original Massage Establishment application for Alternative Health Associates, Ltd., 105 Townline Road, Lake Geneva

Krause/Marsala motion to approve. Unanimously carried.

Original Operator Licenses for Nicole Ostrander and Timothy Mueller

Krause/Marsala motion to approve. Unanimously carried.

Discussion/Action on CD and CDARS reinvestment and renewal

Alderman Krause reported that the committee had recommended renewing the CD and CDARS investments through Community Bank that were set to mature in November. He noted that the City would be trying to keep any such investments at relatively short terms until improved interest rates were available.

Krause/Marsala motion to approve renewal of Community Bank regular CD in the amount of \$304,923.23 for a term of three months at 0.30 percent and Community Bank CDARS in the amount of \$600,000.00 for a term of six months at 0.40 percent.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Unanimously carried.

Discussion/Action on proposals for Refuse and Recycling Collection

Alderman Krause reported that the committee had recommended approval of a five-year contract with John’s Disposal Service for refuse and recycling collection. Three bids had been received, with John’s having provided the most favorable rate of \$11.90 per unit. An additional reduction in unit cost had been offered to the City, contingent upon approval of a five-year contract. Alderman Hartz noted that the contractor had asked to be able to renegotiate the contract for rate increases tied to the Consumer Price Index (CPI) for the second through fifth years of the agreement.

Krause/Kehoe motion to approve five-year contract with John’s Disposal Service at a collection rate of \$11.65 per unit, subject to CPI adjustments for the second through fifth years of the contract.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Unanimously carried.

Discussion/Action on proposal for Long-Term Parking Study Survey *(continued 10/11/10)*

Alderman Krause reported that this item had been forwarded without recommendation by the Committee. Alderman Hartz noted that the members of the Council had only recently received copies of the 1995 SEWRPC parking study and asked that they be given more time to review that report before acting on the pending request.

Hartz/Krause motion to continue this item to the Regular Council Meeting of November 22, 2010. Unanimously carried. Mayor Connors noted that the 1995 SEWRPC report would also be made available on the City website.

Discussion/Action on renewal of Snow Removal Contract

Alderman Krause reported that this item had also been forwarded without recommendation by the Committee. He noted that Bob Carlson, Lookin’ Good Turf and Snow Services, was in attendance and available to answer any questions from the Council regarding the contract.

Krause/Marsala motion to suspend the rules to permit Mr. Carlson to address the Council. Unanimously carried.

Mr. Carlson made himself available to address any questions from the Council. He stated that the only concern he had for the upcoming season was related to the enforcement of properties in violation of snow removal regulations. He suggested that the City, rather than the contractor, should make the determination as to which properties were in violation. With respect to this procedure, Administrator Jordan stated that City crews observed properties for potential violations and that the City also had a complaint form available for the reporting of violations. Alderman Krause agreed with Mr. Carlson that the City should rightfully assume the responsibility for determining which properties were to be cleared. Alderman Hartz expressed concern about residents who were unable to clear walkways due to disability. Administrator Jordan responded that the City maintains a listing of individuals who will assist residents with clearing sidewalks. Upon request, this information would be given to residents, who can then make arrangements to have their walkways cleared as needed. During subsequent discussion, the subject of clearing sidewalks in The Manor area was addressed by the Council. Alderman Krohn stated that she didn't feel it was fair to assess charges to property owners who had cleared their walkways, only to have them covered again when the plows cleared the adjacent roadways. Alderman Krause asked if it would be possible to make certain areas exempt from the regulations. Attorney Draper responded that the law must be applied equally to all citizens. He further cautioned that the City owned those sidewalks and would have liability for any injury that might be claimed if the City failed to enforce the ordinance.

Krause/Tolar motion to approve contract for snow removal services with Lookin' Good Turf and Snow Services for the 2010-2011 season.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted "yes". Unanimously carried.

Discussion/Action on removal of Fire Barrel from Library Park (*referred from Committee of the Whole 11/1/10*)

Alderman Krause stated that this item had been forwarded to Council to provide final direction as to where the fire barrel should be located. Following discussion, the consensus was that the barrel should be returned to the Fire Department. It was noted that Street Department personnel would assist with the removal and transfer of the barrel from the park.

Krause/Marsala motion to authorize the removal of the fire barrel from Library Park to be returned to the Fire Department. Unanimously carried.

Discussion/Action relating to the building located at 323 Broad Street (Traver Hotel) (*referred from Committee of the Whole 11/1/10*)

Attorney Draper stated that he had reviewed the photographs of the property and discussed the situation with Administrator Jordan and Building & Zoning Administrator Brugger. He noted that there were several options available to the City with respect to this issue; however, he advised that he would prefer to prepare an opinion on these options and the respective guidelines before the Council further discusses the matter. This opinion would be made available to the Council before its next regular meeting.

Krause/Kehoe motion to continue this item to the Regular Council Meeting of November 22, 2010.

Alderman Hartz suggested that Chief Connelly also be included in any discussions about the property. Alderman Tolar noted that the Fire Department had indicated that its personnel would not enter the building in the event of a fire because of the safety issues. Alderman Fesenmaier asked if fines could be assessed to a property in such a state of disrepair. Attorney Draper reiterated that he first wanted an opportunity to lay out all of the available options for the property within the framework of statutes before continuing the discussion.

Hartz called the question. Unanimously carried.

Motion to continue carried unanimously.

Presentation of Accounts – Alderman Krause.

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$5,474.50. Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted "yes". Unanimously carried.

Krause/Marsala motion to approve Regular Bills in the amount of \$179,489.71. Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Unanimously carried.

Closed Session

Marsala/Krause 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 with Peller Investments, LLC

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Unanimously carried.

The Council entered into Closed Session at 8:05pm.

Krause/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: Krause, Hartz, Mott, Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Unanimously carried.

The Council reconvened in open session at 8:28pm.

Adjournment

Hartz/Mott motion to adjourn at 8:28pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

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