

REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 27, 2010 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:00pm.

The Pledge of Allegiance was led by Alderman Kehoe.

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

Awards, Presentations, and Proclamations

Mayor Connors announced that the proclamation honoring Bertil and Ulla Brunk and Brunk Industries would be deferred until the October 11, 2010 regular meeting, as Mrs. Brunk was ill and unable to attend.

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.

Spyro Condos, 1760 Hillcrest Drive, addressed the Council and first complimented the reduction in size of prepaid bills submitted to Council for approval. Mr. Condos then addressed Item #14 regarding the upcoming Wrigley Bridge construction. He noted that the City had no contract for the construction of the bridge and no visual concept of what the reconstructed bridge would look like. He further stated that there had been a lack of any public hearing to afford citizens an opportunity to comment on the proposed project or ask questions. He was concerned about the lack of any plan for public accessibility to Flat Iron Park, the resorts and businesses in the affected area during the construction period as well as the possibility of utilizing alleys as a means of directing traffic to and from the Riviera. Mr. Condos stressed that a copy of the contract should be made available to the public before the project proceeds any further.

Terry O'Neill, 954 George Street, also addressed the Council regarding Item #14. He reiterated the points raised by Mr. Condos about the lack of discussion on the tear-down and construction of Wrigley Bridge and the absence of any drawings or construction schedules. He emphasized that the public should have been given proper notice and an opportunity to speak at a public hearing on the matter. Mr. O'Neill offered several questions regarding the scope of the project, including the various design features, construction timelines and road closures, and the manner in which quotes were solicited. He thanked Aldermen Fesenmaier and Krohn for having this item placed on the agenda.

Acknowledgement of Correspondence. None.

Approval of Minutes

Krause/Tolar motion to approve Regular City Council Meeting minutes of September 13, 2010 as published and distributed. Unanimously Carried.

Establishment of Trick-or-Treat Hours

Krause/Mott motion to establish Trick-or-Treat hours for the City of Lake Geneva on Sunday, October 31, 2010 from 1:00pm to 4:00pm. Unanimously carried.

Resolution 10-R54, a resolution proclaiming the second Saturday in the month of May as “International Migratory Bird Day” in the City of Lake Geneva

Kehoe/Tolar motion to approve Resolution 10-R54. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Krause

RESOLUTIONS

Resolution 10-R55, a final resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for improvements in the City of Lake Geneva related to the proposed Shore Acres water main and sanitary sewer project

Krause/Marsala motion to approve Resolution 10-R55. Alderman Krause stated that the project was now complete. Affected property owners would be given 45 days to contact the City Clerk to establish a payment plan using one of four options. The options available would include payment in full, payment in installments with interest over five or ten years, or deferred connection for up to ten years. Unanimously carried.

Resolution 10-R56, a preliminary resolution declaring intent to exercise special assessments powers under Section 66.0703, Wisconsin Statutes, for improvements in the City of Lake Geneva related to the Edwards Boulevard frontage road connection project

Krause/Tolar motion to approve Resolution 10-R56. Attorney Draper noted that this preliminary resolution was the first step in the process to establish special assessments for the project. A public hearing would be required to be conducted at the next regular Council meeting before a final resolution could be approved upon completion of the project. As the project was expected to be completed before that time, Attorney Draper stated that the final resolution could also be acted upon at the October 11, 2010 meeting. Unanimously carried.

ORDINANCES

First Reading of Ordinance 10-11, amending Chapter 74 Traffic and Vehicles of the Lake Geneva Municipal Code, Restricted Parking for Compact Cars Only

Alderman Krause stated that this ordinance was being referred to the Parking Commission and Public Works Committee for recommendation.

Krause/Marsala motion to continue this item to the October 25, 2010 regular meeting. Unanimously carried.

First Reading of Ordinance 10-12, amending Chapter 50 Offenses and Miscellaneous Provisions of the Lake Geneva Municipal Code, Prohibited Acts (Smoking Ordinance)

LICENSES & PERMITS

Original “Class A” Retail Liquor License application for TNT LLC, d/b/a Geneva Street Antiques, 821 Geneva Street, Terri Harig, Agent

Alderman Krause noted that this application had been withdrawn at the request of the applicant.

Original “Class A” Retail Liquor License and Class “A” Fermented Malt Beverage License application for Brutap LLC, d/b/a Bruno’s Liquors, 524 Broad Street, James E. Sharkus, Agent

Krause/Marsala motion to approve, contingent upon full payment of outstanding personal property tax balance of \$21.86 before issuance. Unanimously carried.

Original Operator Licenses for Marcy Eifert, Eloy Alvarez, Mary Chamberlain, Ryan Fritz, and Terry Krunig

Krause/Marsala motion to approve. Unanimously carried.

Discussion/Action on renewal of Liability, Property and Workman’s Compensation policy

Alderman Krause reported that the League of Wisconsin Municipalities Mutual Insurance had provided the City with a proposal for renewal of coverage in the amount of \$235,314.00, an increase in premium of \$1,695.00 over the previous year. The LWMMI had also provided the City with options to extend \$100,000.00 in additional crime coverage to the City Treasurer for \$227.00, as well as no-fault sewer backup coverage for \$100,000.00 per incident at an annual cost of \$9,591.00. Alderman Krause reported that the committee had recommended renewal of the policy, including the additional crime coverage for the Treasurer. Alderman Hartz asked if it would be possible to revisit the no-fault sewer coverage option at a later date. Administrator Jordan responded that the Council could approve the addition of that coverage at any time. He also noted that the no-fault sewer coverage would be discussed by the Utility Commission at its October meeting.

Krause/Marsala motion to approve renewal of League of Wisconsin Municipalities Mutual Insurance policy at an annual premium of \$235,314.00, with additional \$100,000.00 crime coverage for the City Treasurer at a cost of \$227.00.

Roll Call: Kehoe, Fesenmaier, Tolar, Krause, Hartz, Mott, and Marsala voted “yes”. Krohn voted “no”. Motion carried by vote of 7 to 1.

Discussion/Action on grading proposal for WE Energies site

Alderman Krause reported that Reesman’s, the contractor building the Edwards Boulevard extension, had submitted a proposal to grade and shape the WE Energies property for an amount not to exceed \$14,000.00. He noted that funding was available for this work, as only approximately \$98,000.00 had been spent of the \$140,000.00 originally allocated to the WE Energies project. Administrator Jordan explained that the proposal would include grading and leveling the area with fill, covering the graded area with topsoil, and fertilizing and seeding the property. It was noted that this work would make the property more attractive for future sale or development.

Krause/Marsala motion to approve proposal from Reesman’s Excavating and Grading, Inc., for grading, topsoil, fertilizing and seeding of the WE Energies site in an amount not to exceed \$14,000.00.

Roll Call: Kehoe, Krohn, Tolar, Krause, Hartz, Mott, and Marsala voted “yes”. Fesenmaier voted “no”. Motion carried by vote of 7 to 1.

Discussion/Action on bids for Riviera renovation project

Alderman Krause reported that the committee had recommended rejection of all bids and rebidding of the project. The apparent low bidder for the project had discovered errors made in the initial bid, which had resulted in that bid being significantly lower than the other four received. The corrected bid amount was still lower than the others; however, staff had recommended rejecting all bids because of the initial discrepancy.

Krause/Marsala motion to reject all bids and rebid the project.

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

Discussion/Action on CD and CDARS investments

Alderman Krause reported that the committee had recommended leaving the City investments in the current arrangement and continuing this item to the October 25, 2010 regular meeting. Comptroller Pollitt had reported to the committee that CD and CDARS rates had not improved significantly since the initial review and had thus recommended reviewing the status again at the end of October. Of the previous First Banking Center CD, \$140,000.00 had been invested in a CD through M& I Bank and the balance had been temporarily transferred to the Local Government Investment Pool (LGIP).

Krause/Marsala motion to leave the balance from the former First Banking Center CD in LGIP and continue this item to the October 25, 2010 regular meeting. Unanimously carried.

Discussion of Internal Controls update

Alderman Krause reported that Comptroller Pollitt had reviewed the updated report with the committee, including a discussion of the City’s responses to the various auditor recommendations. This information would also be made available to the public on the City website. As this was an informational item, no Council action was required.

Planning Commissions Recommendations – Alderman Hartz

Conditional Use Resolution 10-R57, a resolution filed by Robert and Delphine Grala for landscaping and paving for lake access and passive recreation (lawn care), located in the Lakeshore Overlay District at 1120 S. Lake Shore Drive Unit 17, Tax Key Number ZCNS 00017, including staff recommendations

Hartz/Krause motion to approve Conditional Use Resolution 10-R57. Alderman Hartz reported that the property owners intended to increase the area of the existing patio and change their access from the patio to the lawn area. Mr. and Mrs. Grala had requested and obtained approval of the Association, as required. Alderman Hartz noted that the Gralas anticipated a five-day construction period. Unanimously carried.

Conditional Use Resolution 10-R58, a resolution filed by Michael Keefe for a Group Development (multi-tenant commercial building) at 120 Broad Street, Tax Key Number ZOP 00346, including staff recommendations

Hartz/Tolar motion to approve Conditional Use Resolution 10-R58. Alderman Hartz noted that this involved the former Gameland Building. The plan was to remove the existing storefront and include three new, separate store fronts for retail space. It was noted that Mr. Keefe planned to keep the existing apartment unit on the second floor of the building. Unanimously carried.

Conditional Use Resolution 10-R59, a resolution filed by Pizza Hut Estate Holdings on behalf of Pizza Hut to modify an existing non-conforming pole sign by replacing the faces with new signage at 801 Williams Street, Tax Key Number ZF 00027, including staff recommendations

Hartz/Marsala motion to approve Conditional Use Resolution 10-R59. Alderman Hartz stated that the City Zoning Ordinance required a conditional use resolution for any changes made to existing, non-conforming signs. This action would follow precedent established by previous requests. Unanimously carried.

First Reading of Ordinance 10-13, a Zoning Map Amendment to designate Neighborhood Office (NO) on the following parcel located at N2260 County Trunk Highway H, recently annexed to the City of Lake Geneva, more specifically identified as Certified Survey Map No. 1995, Recorded in Volume 9, Page 268 in the Walworth County Register of Deeds Office as document no. 205255 being part of the southwest 1/2 section of Section 6, T. 1N, R. 18E., Town of Bloomfield, Walworth County, Wisconsin, Tax Key Number MA1995 00001

Hartz/Krause motion to suspend the rules and proceed to second reading. Unanimously carried.

Hartz/Krause motion to approve Ordinance 10-13. Alderman Hartz stated that the zoning classification of Neighborhood Office (NO) would conform with the City Comprehensive Plan. This property had been annexed to the City and it was planned to be used for an orthodontics office by owner Dr. Andy Kokodynski. Unanimously carried.

Public Works Committee Recommendation – Alderman Tolar

Discussion/Action on parking along Townline Road adjacent to Veterans Park

Tolar/Mott motion to take action on the parking. The present proposal would include changing the section of Townline west of the walkway from no parking to parallel parking, with parallel parking being prohibited east of the walkway. Administrator Jordan reported that the proposal previously before the Council had been forwarded to the Parking Commission for recommendation. The commission had discussed the proposal but had not taken any action on the item. He stated that DPW Winkler, Street Superintendent Carstensen and he all believed that the proposed change would address safety issues in the area. Alderman Hartz agreed that the portion of the road where people were currently parking should be designated as a no parking area. He noted that there was presently 217 existing spaces, plus additional parking on Veterans Boulevard and Park Drive. Alderman Fesenmaier noted that the Board of Park Commissioners had passed a motion in July to eliminate all parking along Townline Road. Aldermen Mott and Tolar both suggested that parking should be permitted in the indented area currently marked as a no parking area and that doing so would alleviate much of the problem. Alderman Krause expressed concern about the potential for children to dash out between parallel-parked cars on busy days, with the reduced visibility for drivers creating a serious safety issue.

Kehoe/Fesenmaier motion to refer this item to the Parking Commission for recommendation. Motion failed by vote of 3 to 5, with Tolar, Krause, Hartz, Mott, and Marsala opposed.

Hartz/Fesenmaier motion to approve the elimination of existing parallel parking along the north side of Townline Road from Veterans Park past the entrance to the Prairie Wind complex, and to direct the City Attorney to draft an ordinance accordingly. Alderman Mott suggested that eliminating these parking areas without permitting parking in the indented area on the north side of Townline would upset residents because there would be no additional parking to offset the lost space. He stated that Townline Road was sufficiently wide to safely accommodate parallel parking in the indented section. He also noted that Mayor Connors had cast a dissenting vote on the Park Board recommendation in July and asked for his opinion on the issue. Mayor Connors responded that he favored eliminating parallel parking on the north side of Townline.

Roll Call: Fesenmaier, Krohn, Krause, Hartz, and Marsala voted “yes”. Tolar and Mott voted “no”. Kehoe abstained. Motion carried by vote of 5 to 2, with 1 abstention.

Discussion/Recommendation regarding Wrigley Bridge construction – Aldermen Fesenmaier & Krohn

Alderman Fesenmaier stated that she had received several calls from residents with questions and concerns about the Wrigley Bridge project. She noted that she had been unable to locate copies of the construction contract with either

Crispell-Snyder or Administrator Jordan, adding that the City Attorney should have been given an opportunity to review the contract. She echoed many of the points raised by Mr. Condos and Mr. O'Neill during the public comment period regarding the lack of public input and information about the project. Administrator Jordan responded that he had received a copy of the contract from the State of Wisconsin. As a State contract, the State had been responsible for arranging the bidding process and making all decisions regarding the ultimate award of the bid for the project. He added that a copy of the contract could be made available to the public, if that was the desire of the Council. Administrator Jordan added that there had been a public informational meeting on the project. Alderman Fesenmaier suggested that the City should have input on the contract if City funds were paying for any portion of the project. Attorney Draper responded that the contract was negotiated by the State; therefore, the City would have no place at the table during negotiations. Alderman Fesenmaier reiterated that no public hearing had been conducted and that informational sessions were different than formal hearing processes. Administrator Jordan stated that the item had gone to the Committee of the Whole for discussion in 2009; however, shortly after that, the City was temporarily without a Council and the City had deadlines to meet for the project. Alderman Krohn suggested that a representative from the City should have been present at the Chamber of Commerce to explain this to the BID members. Alderman Fesenmaier requested that the Wrigley Bridge contract and other supporting documents be made available on the City website.

Presentation of Accounts – Alderman Krause.

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$23,357.70. Roll Call: Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz, Mott, and Marsala voted “yes”. Unanimously carried.

Krause/Hartz motion to approve Regular Bills in the amount of \$238,756.04. Roll Call: Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz, Mott, and Marsala voted “yes”. Unanimously carried.

Adjournment

Krause/Marsala motion to adjourn at 8:13pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL