

REGULAR CITY COUNCIL MEETING

MONDAY, JANUARY 11, 2010 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Chesen calls the meeting to order at 7:00pm.

Pledge of Allegiance was lead by Alderman Roehrer.

Roll Call: Alderman Roehrer, Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Clerk Dykstra, Mayor Chesen, Attorney Draper, and Administrator Jordan.

Statement of public notice by Mayor Chesen.

Swearing in of newly elected Third District Alderman, William Mott by Clerk Dykstra.

Krause/Marsala motion to approve Regular City Council Meeting minutes of December 14, 2009, Special City Council Meeting minutes of December 21, 2009 as published and distributed. Alderman Fesenmaier noted on page five a correction needs to be made to the Fesenmaier/Marsala “motion” and on page eight the last paragraph “Invictus” is the title of the show and it is spelled incorrectly. On page four she asked for clarification to the City Administrator regarding TIF 4 discussion by Administrator which says that he is asking for the burial of the wires at Seminary Park and the total cost is less than \$100,000. She wanted to clarify that is what the Administrator did say. He confirmed he did say this. Unanimously carried.

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.

Ellyn Kehoe, 222 Warren Street, District 1, she commented there is a couple items on the agenda beginning with #12 for the smart growth grant and is volunteering to help with that. Item #13 from the comments, she has heard Council can write their own ordinances. She wondered if for the first 30 minutes of the meeting people could think and discuss the issues. She noted you don’t want to get into a bash session, just a period for people to bring solutions to the problems.

Spyro Condos, 1760 Hillcrest Drive, commented regarding the item to limit comments from the public. Limiting comments at the committee level is going the wrong way. It is in contradiction to the reason everyone is here. You should find every opportunity to hear public comment. Committees are the places people can go and discuss their concerns. Under Prepaid bills for the Finance Committee, there was a prepaid bill for WE Energies and this was not approved. The question was how they are going to finance it which is not talked about.

Jim Connors, 320 Oakwood Lane, commented he wanted to discuss the public comment on the council meeting. He passed out the UW Extension reference to public comment. He further discussed options or solutions to this issue.

Bill Chesen, 800 Platt Ave., commenting on public comment and noted that people are walking up to the podium and saying things that are untrue. He noted that one instance is that Mr. Condos stated WE Energies property was not approved. He noted that at a special council meeting of December 21, 2009 that dealt with the issue of the purchase and how it would be purchased and was approved. There are people who are sick of hearing things that are simply not true. Let’s limit comments to the city business.

Tom Spellman, 270 Country Club Drive, #22, commented it is interesting you and then felt he needed to gather his thoughts.

Spryo Condos requested to speak. Mayor Chesen noted he already had his opportunity. Tom Spellman took his seat.

Bill Cousino, noted this is a brand new year and we need to move on and realizes this is a right to speak but not a reason to attack anyone.

Mayor Chesen asked if anyone else would like to speak. He noted that no one else wanted to speak that hasn't spoken already.

Re-consider business from previous meeting. None.

Acknowledgement of Correspondence.

City Clerk noted that there is a letter that has been submitted by Spyro Condos and Ed Yaeger. Clerk Dykstra noted the normal procedure is to let the public know what the content of the letter is and have it on file with the City Clerk's office unless otherwise advised. Alderman Krohn asked for the letter to be read. Mayor Chesen noted it is the practice not to read them. City Attorney noted it is the Council choice to read or not. Mayor Chesen asked for a suspension of the rules to read it officially because it isn't a normal practice.

Krohn/Fesenmaier motion to read the letter into the record.

Alderman Fesenmaier also questioned the receipt of a letter from Ed Yaeger and would like that letter to be read.

Mayor Chesen noted that just because a letter is written doesn't mean it is fact.

It was clarified to read both letters into the record.

Roll Call: "Yes" Alderman Roehrer, Fesenmaier, Krohn. "No" Alderman Mott, Marsala, Tolar, Krause. Motion fails.

Mayor Chesen announced the letters will not be read but the City Clerk will state the subject matter of the letters.

She noted the letter from Mr. Condos is regarding the 11/30/09 agreement and that he feels it has been broken and he feels his letter for his first district resignation is null and void and he should be returned to the City Council as first district alderman. The letter from Mr. Yaeger is regarding his concern for the notice regarding the TIF joint review board meeting that was scheduled. Both are on file with the City Clerk's office.

Resolution 10-R03 a resolution to amend Resolution 09-R28 which amends Tax Increment District #4 Project Plan. (Administrator Jordan)

Mayor Chesen gave his apologies regarding the death of Administrator Jordan's mother.

Administrator Jordan noted that was the reason for his absence. He understands there are several recommendations asked to be made. The changes were that if significant cost changes are 15% over the amount projected, then a plan amendment will be required, the closing of the TID will be conducted as statutorily required, and the difference in slip rental slips and revenue adjustments to be returned for repayment of the debt.

He noted these items are being added to the document.

Alderman Roehrer noted the revenue into the Lakefront for the slips and the buoys given up would require a resolution change. She confirmed this with the City Comptroller.

Alderman Marsala clarified the revenue would be the difference between the preexisting revenue and the extra. The money would be the difference of those funds. Mayor Chesen noted it would be less than \$5,000.

Krause/Marsala motion to approve.

Alderman Fesenmaier noted on Page 14 the added language would be the third paragraph. She questioned the line item that it is only needed for \$100,000 for Seminary Park burial of lines. She would like to remove \$100,000 from the Seminary Park Utilities and put in the Skate Board Park line item.

Fesenmaier/Krause motion to approve to amend moving \$100,000 from Seminary Park burial of lines and put it in the Skate Park line item.

Roll Call on Amendment: "Yes" Alderman Roehrer, Mott, Marsala, Fesenmaier, Krohn, Tolar, and Krause.

Unanimously carried.

Roll Call on Original Motion as amended: "Yes" Alderman Roehrer, Mott, Marsala, Fesenmaier, Krohn, Tolar, and Krause. Unanimously carried.

Park Donation Policy as recommended by the Park Board. (Alderman Fesenmaier) (Continued 12/14/09)

Krause/Marsala motion to continue this on to January 25, 2010 for the policy to be brought into proper format including policy number, and footer with date.

Alderman Mott questioned the statute policy and how a \$2,500 figure and why they came to that threshold.

Unanimously carried to continue to January 25, 2010.

Resolution 10-R01 a Resolution to authorize the Municipal Clerk to determine the number of poll workers at each election to be either three (3), five (5), or seven (7) depending on number of ballots and anticipated turnout and authorizing split poll worker shifts when necessary.

Krause/Roehrer motion to table until January 25, 2010. Unanimously carried.

Operator License Applications for Angela Tucker, Virginia Nemath, Gina Demarco, Michael Solus, and Stephanie Prato.

Krause/Roehrer motion to approve. Unanimously carried.

Temporary Beer and Wine License for St. Francis De Sales, 148 W. Main Street, for a Chili Cook Off on February 6, 2010

Krause/Marsala motion to approve. Alderman Krause would like to have on record the hours of operation. Unanimously carried.

Request from the Lake Geneva Public Library for \$21,500 from Library Impact Fees to purchase additional shelving units for the library collection, as recommended by the Library Board.

Krause/Marsala motion to table until January 25, 2010. It was noted a budget resolution is required. Unanimously carried.

Conditional Use Resolution 10-R02 a conditional use resolution to approve an addition to an existing Institutional Residential facility (Nursing Home) at 211 S. Curtis Street, Lake Geneva, Tax Key ZYUP 00112. (Geneva Lake Manor)

Tolar/Roehrer motion to approve. Unanimously carried.

First Reading of Ordinance 10-1 a Zoning Map Amendment to rezone certain real property, located at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004 from General Business (GB) and General Industrial (GI) to Planned Development (PD).

General Development Plan and a portion of the Precise Implementation Plan regarding roof repair or replacement filed by Chris Migut, to allow for the conversion of the existing commercial building to multi-tenant commercial, office and light industrial use at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004, including staff recommendations.

Tolar/Krause motion to approve.

Alderman Roehrer questioned how this second part can be approved if the ordinance hasn't passed. This should be technically reconsidered first.

Attorney Draper noted that the best way to do this is the reconsider and suspend the rules and revote on the issue.

Tolar/Krause withdrew their motion.

Krause/Tolar motion to reconsider item 12B.

Alderman Krause noted he understands this is time sensitive and he is looking to reconsider so this can be voted on.

Alderman Fesenmaier stated she thought a motion to reconsider placed the item on the next agenda.

Attorney Draper stated if it is at the same meeting it is acceptable. Mayor Chesen noted this is a building that has been vacant for some time and in need of repairs. It is an issue to be addressed dealing with the roof to prevent further damage.

Unanimously carried.

Krause/Tolar motion to suspend the rules and approve First and Second Reading of **Ordinance 10-1** a Zoning Map Amendment to rezone certain real property, located at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004 from General Business (GB) and General Industrial (GI) to Planned Development (PD).

Alderman Krause noted this is a practice they have done before to pass an item that is time sensitive.

Alderman Krohn asked what the big rush is on approving this now.

Alderman Krause noted they are trying to get the roof replaced to preserve the building.

Roll Call: "Yes" Alderman Mott, Tolar, Krause. "No" Alderman Roehrer, Marsala, Fesenmaier, and Krohn. Motion fails.

Attorney Draper noted that five votes are required to overturn the plan commission recommendation, which was to approve, and this would come up for the second reading at the next meeting.

It was noted this is back to first reading. They will go back to this item following item #13.

Smart growth and grants. (Administrator Jordan)

Administrator Jordan noted that there aren't as many smart growth grants available. He noted the smart growth legislation began about 11 years ago. He noted that there were small grants established, but it became legislation to complete this project. He noted that the only grants that have been available for those who are the preparing for the study. He did go to the site that was quoted. It was an EPA site and it wasn't very detailed. There are probably only about 60% of the state has the smart growth completed. He noted that grants come to the state and Wisconsin has each division set up their own parameters and every City is notified immediately when they are available. There are other grants out there right now, but the levy limit prevents them from applying because it has slowed down cities applying for these things.

Going back to item #12

Attorney Draper noted that based on the fact there was no approval and this was a first reading this will come up at the next meeting. He doesn't believe item #C can be voted on at this time.

Mott/Marsala motion to continue the General Development Plan and a portion of the Precise Implementation Plan regarding roof repair or replacement filed by Chris Migut, to allow for the conversion of the existing commercial building to multi-tenant commercial, office and light industrial use at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004, including staff recommendations.

Unanimously carried.

Discussion/recommendation on public comments. (Aldermen Fesenmaier and Krohn.)

Fesenmaier/Roehrer motion to direct the City Attorney to draft an ordinance change to allow public comments at all committee meetings of the City.

Attorney Draper asked for any restrictions. Alderman Fesenmaier noted it shall be open to any discussion and does not want a time limit unless already listed in an ordinance.

Alderman Fesenmaier noted that the State Statute shall be set forth the time date and place and subject matter at any meeting she further explained the public notice of a meeting of a governmental body may provide for a period of public comment for which the body may receive information from members of the public. She believes they need to trust the public they will be addressing the business of that committee. They are adults and they may want to talk about issues relevant. We have to assume they are going to discuss issues that arise.

Alderman Krause noted his intent for what he did was, they had a meeting and the first 20 minutes was taken up for political gain. If this is to discuss issues relative to finance he would be okay with that, but the reason he did this was the exhaustion after the political gain.

Alderman Marsala noted he addressed this at the Committee of the Whole if there is a pending issue that can't wait or be accommodated with other avenues. There has been all kinds of unnecessary discussion that has nothing to do with the business. Some of the Comments are not even beneficiary to the public.

Alderman Fesenmaier commented she is not in favor of limiting public comments based on fear. You can disagree with whether a statement is true or not. You need to allow them to express themselves. She is not afraid of that.

Alderman Tolar noted he is not objecting to this, but he gets calls from people who want to know how someone who is not a resident can speak. He is in favor of letting anyone who is a resident of this city be allowed to speak. When others outside come in and tell us how to run our City it isn't right.

Alderman Marsala noted the issues if they need to be addressed that is what they are here for. They can be contacted but it isn't a forum for half truths or misinformation. They spend enough time taking care of business.

Alderman Fesenmaier noted that at Committee of the Whole Mr. Schroeder should have been able to come and speak before the Finance and Regulation Committee meeting in person if he couldn't make the Committee of the Whole meeting. We shouldn't limit people to the Committee of the Whole.

Mayor Chesen commented Mr. Schroeder sent a message to each Alderman about the salt. Not one Alderman felt compelled to place this item on the agenda for discussion openly. Anyone in this community who wishes to have an item discussed may do so by contacting any Alderman, not just their Alderman. It is their obligation as an Alderman to serve the public and put that item on the agenda. That isn't what is happening. He further noted the statutes say the body "may" allow public discussion.

Alderman Roehrer noted it is important for the public to be able to speak. She agrees with Alderman Fesenmaier. It is out of fear that others don't want this to happen. She likes the idea from the UW Extension allowing a written statement.

Alderman Marsala noted no one is afraid. This could be handled other ways. Once something has been said whether it is correct or incorrect can be misleading to the public and it makes their job more difficult. If he as a citizen had an issue he would contact his Alderman. It is up to the Alderman to take it further.

Mayor Chesen noted that they sit there and take abuse, the misstatements of facts or the lies to the point of printed documents being handed out. They have the opportunity to abuse us through the public comment without the opportunity to answer the questions because this item isn't on the agenda. If the resident goes to their Alderman and gets this item on the agenda they can then respond appropriately. It isn't fair. It should be open discussion.

Alderman Fesenmaier noted that the other piece of this is the consistency so the public knows what to expect.

Voice Vote: Motion Fails. Alderman Fesenmaier asked for a Roll Call vote.

Roll Call: "Yes" Alderman Roehrer, Fesenmaier, Krohn. "No" Alderman Mott, Marsala, Tolar, and Krause. Motion fails.

Presentation of Accounts

Purchase Orders – None.

Krause/Marsala motion to approve Regular Bills in the amount of \$303,798.20. Roll Call: "Yes" Alderman Roehrer, Mott, Marsala, Fesenmaier, Krohn, Tolar, and Krause. Unanimously carried.

Krause/Marsala motion to approve Prepaid Checks in the amount of \$448,074.69.

Alderman Roehrer questioned if a resolution is required for the WE Energies item yet? And wondered why it wasn't done for this meeting. Mayor Chesen explained that WE Energies had to be completed before the end of the year and was approved in December at a special meeting. Alderman Roehrer wonders why a resolution was not drawn up for this meeting. Alderman Fesenmaier questioned the City Attorney why a budget resolution wasn't approved first and this check was already mailed out. We don't even follow our own procedures or rules. Alderman Marsala noted the approval and amounts were approved in December.

Roehrer/Mott motion to request the Comptroller provide a resolution at the next FLR and Council meeting. Motion carried; Alderman Fesenmaier and Tolar voted no. Motion carried.

On original motion: Roll Call as amended: "Yes" Alderman Roehrer, Mott, Marsala, Krohn, Tolar, Krause. "NO" Alderman Fesenmaier. Motion carried.

Appointments to Committees, Commission & Boards by Mayor Chesen.

Appointment of Robert McCormick Jr to the position of Alternate on the Zoning Board of Appeals.

Krause/Roehrer motion to approve. Unanimously carried.

Acceptance of resignation of Mary Jane Jaroz from the Ad hoc Green Ribbon Committee.

Mayor Chesen read a letter into the record regarding Mrs. Jaroz resignation. It noted a lack of communications regarding meeting times and biased opinion of one member prevents a fair evaluation of the opportunities. He hasn't come up with a replacement but will try by January 25, 2010.

Motion to go into closed session pursuant to Wis. Stats. 19.85 (1) (e) competitive bargaining reasons for the union negotiations. (Administrator Jordan)

Krause/Marsala motion to approve and allow Chief Rasmussen to remain.

Unanimously carried. Also present; Clerk Dykstra, Mayor Chesen, Chief Rasmussen, and Attorney Draper.

Krause/Marsala motion to return to open session pursuant to Wis. Stats. 19.85 (2)

Roll Call: "Yes" Alderman Roehrer, Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause. Unanimously carried.

Roehrer/Mott motion to Adjourn at 9:53pm. Unanimously carried.

/s/ Diana Dykstra, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL