

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, OCTOBER 10, 2011 – 7:00 PM**

### **COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:20pm.

The Pledge of Allegiance was led by Alderman Krause.

**Roll Call.** Present: Aldermen Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill. Alderman Kehoe was absent (excused). Also present: Administrator Jordan, City Attorney Draper, DPW Winkler, and City Clerk Reale.

#### **Awards, Presentations, and Proclamations**

Mayor Connors announced that the Emergency Alert System would be conducting a nationwide test using all television and radio broadcast media on November 9, 2011 at 1:00pm.

**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.**

Dr. James Loftus, 500 S. Edwards Boulevard, commented on Ordinance 11-22, remarking that the proposed regulations had largely been driven by the complaints of a small group of landlords who were suffering the consequences of failing to do their homework in checking on the backgrounds of their tenants. In discussing the building standards contained in the ordinance, he speculated that the homes of the aldermen probably would not comply with those standards proposed for rental properties. While he acknowledged there were some problems in the City with certain rental properties, he urged the Council not to impose new regulations that would result in more abandoned properties and fewer housing opportunities for low income residents. He commented that government tended to create more problems when it interferes with private business interests.

Robert Flemming, 315 Walworth Street, commented that he had lived in Lake Geneva for his entire life and had witnessed many changes over the years. With respect to Ordinance 11-22, he stated that the problems landlords had been having with tenants were not building problems, but instead problems that needed to be addressed by the police department. He had read through the proposed ordinance and found ten provisions that he deemed questionable, and thirty-six additional provisions that he believed should be deleted entirely.

Cass Kordecki, 715 North Street, also addressed the Council with respect to Ordinance 11-22, stating that she had compared some of the provisions contained in the ordinance with applicable sections of state statutes. In many respects, she did not feel that the ordinance was altogether unreasonable. However, she commented on some of the aspects that she felt did not make sense, including the definition of “permanent resident” and the requirement that every habitable room was to have a window. She also expressed concern about the potential impact on low income residents who inhabit many of the smaller, one- and two-room rental properties. She suggested conducting a survey to identify the real issues in Lake Geneva that needed to be addressed, and then using that data to formulate an ordinance.

Stan Redmer, 1155 Lake Geneva Boulevard, stated that he supported the idea of having an ordinance to address rental property maintenance and inspections, as it was necessary to inspect properties in order to determine which contained problems in need of being addressed. He suggested, however, that City officials needed to get more input from the landlords and tenants of Lake Geneva in crafting an ordinance more tailored to suit the City’s needs instead of simply modifying an ordinance from another municipality. He also stated that he did not wish to see the taxpayers burdened with the costs of the program, as those expenses should be recouped from the rental property owners.

### **Acknowledgement of Correspondence**

City Clerk Reale acknowledged receipt of a letter from Ed Yaeger dated October 2, 2011, in which Mr. Yaeger urged the Council to close the TID.

### **Approval of Minutes**

Krause/Marsala motion to approve Regular City Council Meeting minutes of September 26, 2011, as published and distributed. Unanimously carried.

### **Second Reading and Approval of Ordinance 11-22, amending Chapter 14, Buildings and Building Regulations, of the Lake Geneva Municipal Code regarding residential rental inspections and the adoption of a building maintenance code**

Mayor Connors noted that many of the inspection provisions contained in Ordinance 11-22 had already been part of the Municipal Code dating back to the late 1990s, although they had largely been considered unenforceable. To that point, he stressed that those provisions would remain on the books even if Ordinance 11-22 was to be denied by the Council. Alderman Marsala suggested that an ad hoc committee should be formed to look at the specific issues needing to be addressed in the City of Lake Geneva, rather than simply modifying an ordinance from another municipality.

Krohn/Kupsik motion to deny Ordinance 11-22. Unanimously carried.

### **Second Reading and Approval of Ordinance 11-27, amending Chapter 90, Waterways, of the Lake Geneva Municipal Code regarding the appointment of alternate representatives to the Geneva Lake Law Enforcement Agency**

Hartz/Mott motion to approve Ordinance 11-27. Unanimously carried.

### **Second Reading and Approval of Ordinance 11-29, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to designate Planned Development zoning for certain property in the City (817 North Knoll Lane)**

Hartz/Marsala motion to approve Ordinance 11-29. Unanimously carried.

### **Finance, License and Regulation Committee Recommendations – Alderman Krause**

### **RESOLUTIONS**

#### **Resolution 11-R57, opposing Assembly Bill 260, amendment of Wis. Stats. 59.69(3)(b)**

Administrator Jordan reported that Assembly Bill 260 had been introduced in the Ways and Means Committee, and many cities and villages in the State had been passing resolutions to make lawmakers aware of their opposition to the proposed amendment. As proposed, the bill would eliminate the requirement that County development plans take into account the master plans adopted by any cities or villages located therein, and would have the affect of stripping these municipalities of control over land use and development within their borders and the adjacent unincorporated areas.

Krause/Marsala motion to approve Resolution 11-R57. Unanimously carried.

#### **Resolution 11-R58, adopting the 2011 Tax Increment District #4 Fund Budget for the City of Lake Geneva**

Krause/Marsala motion to approve Resolution 11-R58.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O'Neill voted "yes". Alderman Kehoe was absent. Unanimously carried.

#### **Resolution 11-R59, adopting an employee grievance procedure pursuant to Section 66.0509, Wisconsin Statutes**

Krause/Marsala motion to continue. City Attorney Draper stated that he had listened to the discussion on Resolution 11-R59 during the committee meeting and advised that the issues raised could be addressed by simply substituting "Personnel Committee" for all references made to "City Administrator" in the policy. This change would bring the grievance procedure into conformity with City ordinances. Motion withdrawn.

Krause/Hartz motion to approve Resolution 11-R59, as amended to substitute “Personnel Committee” for all references to “City Administrator” contained therein. Unanimously carried.

Marsala/Krause motion to suspend the rules and consider Item I as the next item of business on the agenda. Unanimously carried.

**Discussion/Action on award of bid for Street Department dump truck**

Krause/Hartz motion to authorize the award of bid to Truck Country for the total amount of \$128,489.00, to be funded from the Capital Projects Fund. Alderman Krause noted that \$145,000.00 had been allocated for this item in the Capital Projects Fund Budget, which would leave a balance of \$16,511.00 after the funds for the purchase of the new truck had been expended. There had been some discussion at the committee level about the possibility of using these leftover capital funds for the repair of Street Department truck #25, as members had been uncomfortable with the idea of spending additional monies from the Contingency Account on that item. Alderman Mott mentioned that the Cemetery Commission was looking to purchase a new truck, and asked if it might be feasible to hand the existing Street Department truck over to the cemetery once the new dump truck was purchased. DPW Winkler noted that the existing truck would continue to be in service for the Street Department during the upcoming winter, as the new vehicle was not anticipated until February 2012. He was not aware of the specifications needed for the cemetery truck, but stated he would be willing to look into the matter next spring.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill voted “yes”. Alderman Kehoe was absent. Unanimously carried.

Krause/Kupsik motion to suspend the rules and consider Item J as the next item of business on the agenda. Unanimously carried.

**Discussion/Action on repair of dump truck box on Street Department vehicle #25**

Krause/Marsala motion to authorize repair of the box for the amount of \$16,721.00, subject to the passage of the associated budget resolution.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill voted “yes”. Alderman Kehoe was absent. Unanimously carried.

**Resolution 11-R60, amending the 2011 budget to transfer \$16,721.00 from the Contingency Account to the Street Vehicle/Equipment Maintenance Account for the repair of truck #25**

Krause/Marsala motion to amend Resolution 11-R60 to specify that \$16,511.00 of the repair cost would be funded from the Capital Projects Fund allocation for Street Department trucks, with the \$210.00 balance to be funded from the Street Vehicle/Equipment Maintenance Account.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill voted “yes”. Alderman Kehoe was absent. Unanimously carried.

Krause/Marsala motion to approve Resolution 11-R60, as amended.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill voted “yes”. Alderman Kehoe was absent. Unanimously carried.

**ORDINANCES**

**First Reading of Ordinance 11-30, amending Chapter 50, Offenses and Miscellaneous Provisions, of the Lake Geneva Municipal Code, prohibiting firearms and weapons in City-owned structures**

Administrator Jordan noted that Ordinance 11-30 had been prepared in response to a new state law permitting the carrying of concealed firearms with an appropriate permit. The subject ordinance would prohibit the carrying of weapons in City-owned structures, with mandated signage to be posted at any such location. City Attorney Draper clarified that the City would not have the authority to prohibit the carrying of concealed weapons in open spaces or

parks; however, the ban was proposed to cover structures within park areas such as restroom facilities and gazebos. He also reiterated that particular signage would need to be posted at each location where the ban was applicable; otherwise, enforcement would be impossible. Weapons were already prohibited by law at Police Department facilities and courthouses; each jurisdiction would need to make a determination as to whether the prohibition should be extended to blanket all government buildings and structures.

Krause/Kupsik motion to suspend the rules to permit Chief Rasmussen to address the Council. Unanimously carried. Chief Rasmussen recommended that some of the enforcement and signage concerns raised by the aldermen could be addressed by specifying in the ordinance that the prohibition would apply to City-owned structures “where posted”. This would give the City the flexibility to determine whether or not the ban should be enforced for park restrooms, gazebos, the beach house, and other similar structures. With respect to enforcement, he told the Council that this would be primarily complaint-driven. The same enforcement would apply at businesses that opt to post signage barring concealed weapons. He added that he would be contacting local bars to encourage them to post signage as well, especially given the dangerous combination of alcohol and weapons.

## **LICENSES & PERMITS**

**Park Permit application filed by the Geneva Lake Art Association for “32<sup>nd</sup> Annual Art in the Park” event at Flat Iron Park, from 6:00pm on August 10, 2012 to 6:00pm on August 12, 2012 (recommended by Board of Park Commissioners on 10/5/11)**

Krause/Kupsik motion to approve. Unanimously carried.

**Park Permit application filed by Lake Geneva Sports, LLC, for “Lake Geneva Marathon” using Library Park on May 12, 2012, from 7:00am to 3:00pm (recommended by Board of Park Commissioners on 10/5/11)**

Krause/Kupsik motion to approve, subject to applicant obtaining a street use permit. Unanimously carried.

**Park Permit application filed by Lake Geneva Sports, LLC, for “Winterfest Road Races” using Library Park on February 4, 2012, from 9:30am to 11:00am (recommended by Board of Park Commissioners on 10/5/11)**

Krause/Hartz motion to approve. Alderman Krause questioned whether the event was being sponsored by a non-profit or a for-profit organization, as he was uneasy with the idea of allowing any group the use of City parks and street areas for profit-making purposes. Alderman Marsala stated that he favored further investigation of this applicant to determine whether Lake Geneva Sports, LLC was a for-profit entity and also whether Ms. Schroeder, the City resident who had submitted the application on its behalf, was a part of the LLC. Mayor Connors recommended that the application be sent back to Finance, License and Regulation Committee for further discussion on the City’s policies regarding for-profit organizations using public areas. Motion withdrawn.

Krause/Marsala motion to continue to the next regular meetings of Finance and Council on October 24, 2011. Unanimously carried.

**Original Operator License applications filed by Jacqui Knapp, Katelyn Kruse, Jaclyn Humphrey, and Timothy Stinebrink**

Krause/Marsala motion to approve. Unanimously carried.

## **Discussion/Action on RFP for banking services**

Krause/Marsala motion to continue to the next regular meeting of October 24, 2011. Unanimously carried.

## **Discussion/Action on employment agreement for City Clerk**

Krause/Marsala motion to amend employment agreement with Michael Hawes to specify under Section 1 (Duties) that duties would be as specified in Sections 2-96 and 2-97 of the Municipal Code, and under Section 7 (Insurance After Retirement) that the benefit would be available after twenty years of employment with the City.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O’Neill voted “yes”. Alderman Kehoe was absent. Unanimously carried.

Krause/Kupsik motion to approve the employment agreement, as amended.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O'Neill voted "yes". Alderman Kehoe was absent. Unanimously carried.

**Discussion/Action on temporary extension of employment for Jeremy Reale**

Krause/Marsala motion to approve extension of employment for term not to exceed three weeks from original termination date of October 21, 2011.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O'Neill voted "yes". Alderman Kehoe was absent. Unanimously carried.

**Discussion/Action on directing the City Administrator to notify property owners abutting private drives that the City will no longer be providing snow plowing, street sweeping, pavement maintenance, leaf and brush collection, or garbage collection services on private drives unless they are brought up to City standards and dedicated to the City (continued from 9/26/11)**

Krause/Mott motion to refer to the Public Works Committee. Unanimously carried.

**Discussion/Action on having the Street Department shovel delinquent snow-covered sidewalks (continued from 9/26/11)**

Krause/Mott motion to refer to the Public Works Committee. Unanimously carried.

**Discussion/Action on recommended disallowance of claim for personal injury filed by Ruth Johnson pursuant to Wis. Stats. 893.80(1g)**

Krause/Marsala motion to disallow the claim. Unanimously carried.

**Board of Park Commissioners Recommendations – Alderman Kupsik**

**Discussion/Action on Park System Memorial & Donation application filed by Gail Nichols for memorial tree in Library Park**

Kupsik/Hartz motion to approve, contingent upon approval of the tree and location by the City arborist. DPW Winkler noted that the memorial tree would be designated by a standardized 8"x10" black marble plaque, which was installed flush with the ground for ease of maintenance. Alderman Krause inquired about the disposition of these memorial plaques once the donated trees died or were otherwise removed. Alderman Kupsik responded that a policy was in place whereby the plaques would be removed in conjunction with the tree, unless the donor provided for a replacement tree on the site. Unanimously carried.

**Discussion/Action on Park System Memorial & Donation application filed by Carl Schmitt, Clyde Schmitt, and Holly Miles Plunkett for memorial tree and stone in Elm Park**

Kupsik/Hartz motion to approve, contingent upon approval of the tree and location by the City arborist and signage to be consistent with specifications contained in the memorial donation policy. Unanimously carried.

**Presentation of Accounts – Alderman Krause**

Purchase Orders. None.

Krause/Hartz motion to approve Prepaid Bills in the amount of \$4,195.76

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O'Neill voted "yes". Alderman Kehoe was absent. Unanimously carried.

Krause/Hartz motion to approve Regular Bills in the amount of \$279,164.44.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, Krohn, and O'Neill voted "yes". Alderman Kehoe was absent. Unanimously carried.

Krause/Hartz motion to approve bill from Del's Service in the amount of \$100.00.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, and O'Neill voted "yes". Alderman Krohn abstained. Alderman Kehoe was absent. Motion carried by vote of 6 to 0, with 1 abstention.

### **Mayoral Appointments – Mayor Connors**

#### **Appointment of Clarence Read to the Cemetery Commission**

Kupsik/Krohn motion to approve. Unanimously carried.

#### **Appointment of Ann Esarco to the Utility Commission**

Kupsik/Hartz motion to approve. Unanimously carried.

Krause/Marsala motion to reconsider Park Permit application filed by Lake Geneva Sports, LLC, for "Lake Geneva Marathon". Unanimously carried.

#### **Reconsideration of Park Permit application filed by Lake Geneva Sports, LLC, for "Lake Geneva Marathon" using Library Park on May 12, 2012, from 7:00am to 3:00pm**

Krause/Marsala motion to continue to the next regular Finance and Council meetings on October 24, 2011. Alderman Krause felt it was important for the committee to address the issue of allowing for-profit entities the use of City parks and streets for these types of events. City Attorney Draper noted that nothing on the park permit application describing possible grounds for denial specified that an application could be denied on the basis of the applicant being a for-profit entity. Therefore, he stated that the committee could reconsider the application in order to clarify whether the fees assessed should be based upon resident or non-resident status; however, the profit versus non-profit question was really beyond the scope. He suggested that the City needed to have agreements in place with applicants for "high impact" events to ensure that the City would be compensated for any services consumed by the event. Mayor Connors stated that a policy to address charges for "high impact" events had been drafted; however, City Clerk Reale noted that such policy had never been formally adopted by the Council. Unanimously carried.

#### **Adjournment**

Krause/Mott motion to adjourn at 9:09pm. Motion carried by vote of 6 to 1, Alderman Hartz opposed.

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/s/ Jeremy A. Reale, City Clerk

**THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL**