

REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 22, 2010 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

Mayor Chesen calls the meeting to order.

Pledge of Allegiance was lead by Alderman Fesenmaier.

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

Statement of public notice by Mayor Chesen.

Mott/Roehrer motion to move the presentation of the Mayoral Proclamation forward. Unanimously carried.

Mayoral Proclamation dedicating the month of February 2010 to Celebrate the 100th Anniversary of the Boy Scouts of America.

Mayor Chesen presented the Boy Scouts with a proclamation celebrating the 100th Anniversary of the Boy Scouts of America.

Krause/Mott motion to approve Regular City Council Meeting minutes of February 8, 2010 as published and distributed. 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.

Jeff Wall, 1155 Rolling Lane, was present representing the Green Ribbon Committee to ask for \$25,000 for the appraisal of the Hillmoor Property. They provided options however an appraisal would be required. The committee is not in favor or opposed to these items.

Rob Keefe, 45 Lakeview Drive, commented on the Hillmoor Committee. They investigated options for the City. They met a number of times and they have narrowed it down to manageable options, but they would be required to have this in order to present a package to this body in the future. It was \$25,000 that they are requiring for a golf course feasibility study that specializes in golf courses for both an 18 hole or 9 hole golf course. There was a discussion about the use of a City Park and he noted the issues regarding that use also. He commented there are three state grants that would provide 50% matching. He isn't talking about an entire appraisal, but a portion of the land which is required to submit for that grant.

Re-consider business from previous meeting. None.

Acknowledgement of Correspondence.

Clerk Dykstra presented a letter from Andy Kerwin and Wendy Betley of the Memory Walk Committee regarding the 4th Annual Memory Walk Saturday September 18, 2010 at Library Park.

Public Hearing on a resolution of the City of Lake Geneva to vacate and discontinue a portion of an unpaved alley in Geneva Lake Crawford Manufacturing Addition.

Ellyn Kehoe, 222 Warren Street, commented she looked for the vacant area. She asked to hold on it until after Edwards Boulevard. She asked if that area can be developable. Edwards Boulevard should be the main goal. Mayor Chesen noted that this is in the Brunk Complex and it is within their site and manufacturing facility in there and it is not developable for anything else. This is to correct an issue that has been for some time.

Roehrer/Marsala motion to close the public hearing. Unanimously carried.

Resolution 09-R62 a resolution of the City of Lake Geneva to vacate and discontinue a portion of an unpaved alley in Geneva Lake Crawford Manufacturing Addition.

Krause/Marsala motion to approve. Unanimously carried.

Resolution 10-R64 for the Creation of non-lapsing designated fund balance accounts for the Police State Seizures and the 1033 Program.

Krause/Marsala motion to approve. Motion carried. Alderman Fesenmaier votes no.

Request from Ad Hoc Green Ribbon Committee to authorize an appraisal of Hillmoor not to exceed \$25,000. Krause/Tolar motion to deny.

Alderman Fesenmaier questioned the listing on the agenda as an appraisal only and not two separate items.

Attorney Draper doesn't believe it needs to be split up in two to vote on it.

Alderman Roehrer commented in light of Mr. Keefe's comments she will change her vote.

Alderman Krause noted he would like to know the price breakdown of the items.

Administrator Jordan noted that at the meeting they had a general discussion about a dollar amount that might encompass both the feasibility study and the appraisal. They thought the appraisal might be \$2-5,000. But they didn't talk about them separately and they sent it as a package to the Council.

Alderman Fesenmaier noted there is a proposal for a market analysis on page 3 showing it is \$15,000 for that service.

Alderman Mott noted that most of his concern is in the calls he has gotten in his district, which do not want the City to pay for this. The appraisal generally should be done by the people who are interested in purchasing it.

Alderman Tolar noted it would be good to know if the citizens want to own this before they go forward.

Fesenmaier/Roehrer motion to break the original motion into two separate motions and amend to have this broken out for appraisal at \$5,000 and Market Analysis for \$15,000.

Administrator Jordan noted this would normally go out for professional quotes. It does not reach the threshold for public bids, but you would call three or four firms and get quotes and make a selection from them. The same thing for the appraisal.

Alderman Marsala noted his concerns on this study are focused on the golf course and he would like to see more information on what it would take to make this golf course playable. There isn't enough data.

Alderman Krause noted that he thought this committee would come with some free thoughts and not that price tag of \$25,000. He didn't realize that cost would be involved to get that information. He doesn't think it is that expensive to get the appraisal maybe between \$3-5,000 but then again what purpose would that appraisal serve.

Administrator Jordan noted that there is money available to buy land either as a conservancy or park land. He did speak with them but he would think that land would be about \$6-10,000 an acre and its 30 acres and TIF could be the match.

Alderman Mott asked if this could be a referendum to know how the voters feel and felt he would like to see that. It is unfortunate it can't be on the April Ballot.

Alderman Krause stated he would like to see them come back with an estimate on the cost of just the appraisal before the Council votes on it, along with the grants that are available.

Alderman Roehrer noted there is a project in TIF 4 to do a trail and finishing that trail through there would be great.

Mayor Chesen commented that when they ask Committees to do work they have to imagine there would be some expense. This is an important issue for the City. Kennedy funding has made it very clear this project is low on their priority. It could be five years before they pay any attention to this property. It is not acceptable to the City and we will be cutting their grass to the tune of \$1,500 per week and whatever can be done to move this process along. But a project like this needs to go through the proper channels and sent out for professional proposals and follow the purchasing process.

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

Motion fails 4-3.

On Original Motion to deny. Motion carried Unanimously.

Class B Fermented Malt Beverage License and Class C Wine License Application from Thomas and Lori Hartz d/b/a Simple, 525 Broad Street, Lake Geneva, Thomas Hartz, Agent.

Krause/Marsala motion to approve. Unanimously carried.

Bid from Reesman's Excavating & Grading Inc in the amount of \$2,010,514 for the Edwards Boulevard Extension.

Krause/Marsala motion to approve contingent on the Peller property approval.

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

Operator Licenses for Thomas Hyslop and Rachel Christenson.

Krause/Marsala motion to approve. Unanimously carried.

Presentation by Criterium Bike Races for a Permit Request to hold a race on Wednesday, July 14, 2010 from 11AM until 8PM, with setup and take down. Frank Dobbs Applicant and Mike Garrison from Breakaway Productions were present to show a small video of the proposed event. This item will appear with the permits on a future meeting.

First Reading of Ordinance 10-01 a Zoning Map Amendment from Peller Investment Group to rezone a parcel of land located along the west side of Highway 12 north of Highway 50 and south of Sheridan Springs Road more precisely identified as Tax Key ZYUP 00194.

First Reading was requested to be removed from the Agenda by the Applicant.

Krause/Roehrer motion to remove from the agenda. Unanimously carried.

Conditional Use Resolution 10-R8 a resolution to modify an existing non-conforming pole sign by replacing the faces with new signage at 880 W. Main Street, Lake Geneva, Tax Key ZOP 00337.

Tolar/Marsala motion to approve. Unanimously carried.

Conditional Use Resolution 10-R9 a resolution to amend the existing Conditional Use to provide additional Indoor and Outdoor Commercial Entertainment, additional Commercial Indoor Lodging and a Commercial Apartment at 327 Wrigley Drive, Lake Geneva Tax Key ZOP 00387.

Tolar/Krause motion to approve.

Alderman Fesenmaier questioned when a new business is purchased a new conditional use is not needed. Attorney Draper noted no. She further asked how does this conditional use affect the riparian rights and the pier. Attorney Draper stated there is no change. He stated that Baker Park agreement notes the owner of the riparian rights is the City, but the people along the section have piers. The piers are in conformance with the 100 foot bulk head line. If it was more than 100 feet then they would be required to bring within 100 feet. They are entitled to what the previous owners had.

Unanimously carried.

Discussion/Action on hiring an outside attorney to investigate four items presented by Alderman Fesenmaier regarding the mismanagement of City funds by City Personnel. (Forwarded with no recommendation)

Alderman Marsala noted this was approved at FLR.

Roehrer/Fesenmaier motion to approve.

Alderman Marsala commented for the public's information this was a maximum of \$2,000 expenditure.

Administrator Jordan noted that information hasn't been accurate and he hasn't had a chance to respond to these things as they are thrown out. Petty Cash funds, in 1998 a policy was created to regulate those funds and generally when you have policies. The Policy was to limit each one to \$25. The Parking Meter Department has had a Petty Cash fund for about 25 years has had \$100 in that account. The new policy they said they never got in 1998 and they have been operating that way all this time. The only time this came up was when they spent \$48 which was perfectly fine under their interpretation.

Mayor Chesen interrupted and noted the issue at hand is the investigation and whether or not to fund it. It is a specific request and although what he is saying presents the historical data that is important and he wished the Alderman would review.

Alderman Marsala noted this was at personnel committee with no recommendation because it was a tie vote.

Alderman Tolar and himself had voted against this and their reasoning is to review the process and it is less costly to have the investigation in house to see if this has any merit.

Alderman Krohn noted she voted against having the police department to investigate it because she thinks an outside firm is better to handle.

Alderman Tolar stated we should use our own police department.

Alderman Krause asked if the police and or attorney Draper if it was forwarded would they have any questions.

Attorney Draper commented the question whether you think he can do an unbiased job, and if one of the items is the WE Energies purchase and that if you feel he has done something wrong, then you need to hire someone outside.

Alderman Fesenmaier noted on page 8 of the 2010 Budget there is a small amount of money in the budget set aside for outside legal fees. It fits in with that amount.

Alderman Krause comment he will vote to let our police department address this. Given the fair chance to address it. Alderman Roehrer felt it was also putting police in a tough position. Just go outside right away. Alderman Tolar called the question. Unanimously carried. Roll Call to approve the hiring: “Yes” Alderman Fesenmaier, Krohn, Roehrer, “No” Tolar, Krause, Mott, and Marsala. Motion fails 4-3.

Discussion/Recommendation on illegal or unauthorized expenditures by Aldermen. (Mayor Chesen)

Mayor Chesen commented there are nasty allegations against staff and he now has documentation that there are expenditures by Alderman that are not authorized. He further noted that in a packet he is passing out is an article by the Janesville Gazette that describes the funding mismanagement allegations that arise in Lake Geneva. That is the reason he placed on the agenda this way when Alderman Fesenmaier noted this is a pressing issue that needs to be taken care of. He noted the Petty Cash fund which was over spent was a \$49 expenditure for a uniform in the parking department that had receipts. But if you say it in the right way it makes it look like a horrific offense. Another statement was about park benches that one citizen saved us a great deal of money by fabricating these benches and asking to be reimbursed for the construction of those benches and the City giving this person a 1099 for that amount as an individual which is acceptable to the IRS. In the packet there are communications committee ordinance which shows they are advisory in their capacity to make recommendations to the Council. The next item is a billing for 21 hours at \$50 per hour for a construction of the web site for the City which was authorized by the Communications Committee which wasn't an additional approved expense. They did approve a \$3,500 expense for the web site which was paid. Also in the packet there is a bill from Vandewalle and Associates in reference to an investigation being conducted by one of the Alderman into the expenses of park impact fees or an audit of park impact fees. The City was billed \$154 for the time spent on that audit with no authorization from the Council whatsoever. The part that concerns him is the trick to getting what you want is asking for it. If anyone wants to know if park impact fees is being spent just ask staff. If they are going to follow the letter of the law then why not follow the letter of the law all the way around. He will wait and put on the next agenda any action that he is considering. He asked the Alderman to ask questions when they want the answers, don't go do things on your own. They are not authorized to spend the City money or start projects on their own, or authorized to start investigations without the Council.

Removal of Gary Millette from the Communications Committee for misconduct. (Mayor Chesen)

Mayor Chesen noted that he is requesting removal of Mr. Millette, who is an officer according to the City Attorney of the City of Lake Geneva by his appointment to the Communications Committee. He will be requesting the removal through the same process as the Alderman by direction of the City Attorney.

Presentation of Accounts

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$2,384.40. Roll Call: “Yes” Alderman Fesenmaier, Krohn, Tolar, Krause, Roehrer, Mott, and Marsala. Unanimously carried.

Krause/Roehrer motion to approve Regular Bills in the amount of \$256,943.29. Roll Call: “Yes” Alderman Fesenmaier, Krohn, Tolar, Krause, Roehrer, Mott, and Marsala. Unanimously carried.

Appointments to Committees, Commission & Boards by Mayor Chesen.

Mayor Chesen appointed William Mott to the Personnel Committee.

Krause/Roehrer motion to approve the appointment of Alderman William Mott to the Personnel Committee. Unanimously carried.

Krause/Roehrer motion to Adjourn at 8:25pm. Unanimously carried.

/s/ Diana Dykstra, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL