

SPECIAL CITY COUNCIL MEETING

FRIDAY, MARCH 12, 2010 – 4:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Chesen calls the meeting to order

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

Marsala/Mott motion to discuss the Zoning Map Amendment, the proposed assessment agreement, and the dedication together. Alderman Fesenmaier confirmed it would be voted on individually. Unanimously carried.

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. (Administrator Jordan) (postponed on 3/8/10)
Discussion/Recommendation regarding proposed assessment agreement between the City of Lake Geneva and Peller Investments, LLC. (Administrator Jordan) (Continued on 3/8/10)
Acceptance of Dedication of property owned by Peller Investments for the Edwards Boulevard Extension. (Administrator Jordan) (Continued on 3/8/10)

City Administrator noted the Ordinance went through Planning Commission and was recommended for approval. The second item is the proposed assessment agreement and noted there were a few word changes. He noted that there were some concerns addressed to him from Alderman that the property to the east the City would allow water and sewer if it were annexed. He noted exactly that is a Council decision that if the Council votes to annex, then they would be required to hook up. It isn't in conflict, it is a Council decision.

Alderman Roehrer noted she had a problem with the wording. She felt you are giving them permission to connect to something that is across Hwy. 12 and wondered who is going to pay for that to connect and extend that sewer. Attorney Draper noted that language neither helps nor hurts. Before any of this the Council would have to agree to annex. This isn't an agreement to annex. If the City agrees to annex, they will have the ability to connect.

Alderman Roehrer motion to remove section 5.02. No second was made.

Alderman Tolar noted the water line is already on the other side.

Alderman Fesenmaier stated it clouds the issue and would like to see it come out. She further noted that no amending motion can be made until a main motion is made.

Mayor Chesen felt it was clear that the owner is also the owner of another piece of property and if and when they annex to the City they are allowed to hook up.

Alderman Roehrer felt the word "consideration" was giving something to get something.

Alderman Tolar noted that the Utility Commission decides if they get water and sewer not the City.

Alderman Roehrer noted that is another reason to leave that language out.

Administrator Jordan continued that they are dedicating the land by Quit Claim deed the City needs for Edwards Boulevard.

Alderman Fesenmaier noted she has concerns on the word "nominal" and would like it changed to "usual or customary"

Alderman Roehrer expressed her concern with 4.01 with no ending time. She would like to see an addition of 10 years placed on that agreement to be paid in full.

Alderman Fesenmaier questioned what fund would the assessment be repaid to.

Alderman Mott agreed with 10 years and wanted to continue with the Administrator's comments.

Administrator Jordan noted this is a good agreement from both sides. There is 35,000 cyds. used for fill and save on the City cost for trucking fees. It will require DNR permits for the filling issues.

Tolar/Krause motion to suspend the rules and have the second reading of **Ordinance 10-01**. Unanimously carried.

Marsala/Tolar motion to approve **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, contingent upon approval of the assessment

agreement, dedication of property are also acceptable including staff recommendations and constructive receipt of the dedication. Unanimously carried.

Roehrer/Marsala motion to approve proposed assessment agreement between the City of Lake Geneva and Peller Investments, LLC.

Roehrer/Fesenmaier motion to amend to strike section 5.02.

Alderman Krause questioned the affect of this.

Alderman Fesenmaier felt strongly they shouldn't bind the actions to items outside of the contract.

Alderman Marsala noted the City can't give permission for something they can't give.

Fesenmaier/Roehrer motion to call the question. Unanimously carried.

On Amendment: Unanimously carried.

Roehrer/Mott motion to add the time frame to paragraph 4.01 of 10 years from date of approval of agreement.

Alderman Fesenmaier confirmed she would like to know where the assessment revenue goes.

Unanimously carried.

Roehrer/Fesenmaier motion to change the word "nominal" to "Usual and Customary"

Unanimously carried.

On Original Motion as amended: Unanimously carried.

Krause/Roehrer motion to approve the Dedication of property owned by Peller Investments for the Edwards Boulevard Extension. Unanimously carried.

Approval of Bid from Reesman's Excavating & Grading Inc in the amount of \$2,010,514 for the Edwards Boulevard Extension with no contingencies regarding the Peller Investment Group property.

Tolar/Roehrer motion to approve. Attorney Draper explained if there is agreement they would move forward and if not they can still approve and move forward with eminent domain.

Unanimously carried.

Discussion/Possible action regarding eminent domain 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 (Peller Investments, LLC)

Roehrer/Fesenmaier motion to approve in the event they are unable to come to agreement.

Administrator Jordan noted that by Monday they should know. They will place on the next agenda an update on the Edwards Boulevard Project.

Unanimously carried.

Krause/Roehrer motion to Adjourn at 4:51pm. Unanimously carried.

/s/ Diana Dykstra, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVE BY THE COMMON COUNCIL