

REGULAR CITY COUNCIL MEETING

MONDAY, MARCH 14, 2011 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:07pm.

The members of Boy Scout Troop 235 presented the color guard and led the audience in recitation of the Pledge of Allegiance.

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

Awards, Presentations, and Proclamations.

Mayor Connors read a proclamation declaring the week of March 20 through 27 as “Music Therapy Week” in the City of Lake Geneva.

Mayor Connors announced the schedule of events for “Arts Alive! Celebration of the Big Read in Lake Geneva”, which would take place from March 19 through April 29.

Mayor Connors announced that the Police Department had been awarded a Homeland Security/Mutual Aid Radio Replacement Round 6 OJA Grant, which would cover some of the expenses related to the upgrading of radios for compliance with new narrow-banding standards. He noted that this would be expected to reduce the capital borrowing request by \$25,000.00 to \$30,000.00.

Presentation of Mayor’s Holiday Decoration Awards

DPW Winkler, Marcie Hollmann, and Jim Crothers, members of the Lake Geneva Beautification Committee, presented Mayor’s Holiday Decoration Awards to recipients in the categories of residential-traditional, residential-whimsical, small business and large business.

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.

Mark Pienkos, 703 S. Lake Shore Drive, member of the Police and Fire Commission, addressed the Council on the subject of the prospective borrowing for a new aerial truck for the Fire Department. He discussed the advantages of purchasing the vehicle now rather than waiting, including the favorable costs of borrowing and the likelihood that the price of the truck would only continue to increase. Mr. Pienkos urged the Council to focus on the safety of the community, as well as that of the firefighters, in approving the request.

Carol Smith, 330 Oakwood Lane, further discussed the events of the upcoming “Arts Alive!” program, as previously referenced by Mayor Connors, and encouraged all citizens to take part in this communitywide celebration of the Big Read.

Cass Kordecki, 715 North Street, addressed the Council with respect to the proposed residential rental inspection ordinance. She first commended the Council for considering this type of program, though she expressed some concerns over a couple of items in the draft ordinance. Ms. Kordecki felt that the definition of “permanent resident” might potentially exclude any transient residents that would be permitted under a regulated transient rental system in the City. She also asked the Council to consider closing a potential loophole on taxation of transient rental properties and to expand the area in which rental property owners could reside without having to designate a local property manager.

Acknowledgement of Correspondence. None.

Approval of Minutes

Krause/Mott motion to approve Regular City Council Meeting minutes of February 28, 2011, as published and distributed. Unanimously carried.

Second Reading and Approval of Ordinance 11-08, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to assign standard zoning district designations on certain expired Planned Developments

Marsala/Hartz motion to approve Ordinance 11-08. Alderman Hartz noted that this item would assign zoning designations for the expired planned developments associated with Geneva Meadows and Hillmoor. Unanimously carried.

Second Reading and Approval of Ordinance 11-09, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to rezone certain property recently annexed to the City (N2292 Wilmot Blvd)

Hartz/Marsala motion to approve Ordinance 11-09. Unanimously carried.

Second Reading and Approval of Ordinance 11-10, providing for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Bloomfield, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin (Potter Revocable Trust)

Hartz/Kehoe motion to approve Ordinance 11-10. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Krause

RESOLUTIONS

Resolution 11-R11, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for police department donations, in the amount of \$1,665.01

Krause/Kehoe motion to approve Resolution 11-R11.

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

Resolution 11-R12, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for police department vest donations, in the amount of \$934.50

Krause/Mott motion to approve Resolution 11-R12.

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

Resolution 11-R13, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for state seizures, in the amount of \$300.00

Krause/Hartz motion to approve Resolution 11-R13.

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

Resolution 11-R14, authorizing the transfer of unspent TRACS Grant monies to the designated fund balance for police department grants, in the amount of \$7,300.13

Krause/Marsala motion to approve Resolution 11-R14.

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

Resolution 11-R15, authorizing the transfer of monies from the designated fund balance for the EMS Act 102 Program to the undesignated fund balance, in the amount of \$12,896.39

Krause/Kehoe motion to approve Resolution 11-R15.

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

Resolution 11-R16, authorizing the transfer of monies from the undesignated fund balance to the designated fund balance for fire donations, in the amount of \$3,745.38

Krause/Marsala motion to approve Resolution 11-R16.

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

Resolution 11-R17, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for police department uniform allowances

Krause/Kehoe motion to continue to the April 11, 2011 regular meeting. Unanimously carried.

Resolution 11-R18, amending transfers from the Lakefront and Parking Lots and Meters Funds to the General Fund in the 2010 Operating Budget

Krause/Hartz motion to approve Resolution 11-R18. Alderman Krause noted that this resolution would adjust transfers to the General Fund to allow for an additional \$75,000.00 to remain in the fund balance for each of these special revenue funds. With this adjustment, the fund balances for Lakefront and Parking would stand at \$450,000.00.

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

LICENSES & PERMITS

Park Permit application filed by Lake Geneva Jaycees for Venetian Festival in Flat Iron Park and Library Park, August 15, 2011 through August 22, 2011

Krause/Marsala motion to approve. Unanimously carried.

Park Permit application filed by Lake Geneva Jaycees for Annual Easter Egg Hunt in Seminary Park on April 23, 2011, from 7:00am to 11:00am

Krause/Tolar motion to approve. Unanimously carried.

Original Operator License application Debra Conner

Krause/Marsala motion to approve. Unanimously carried.

Discussion/Action on Payment No. 7 and Final, including fire protection/inspection change order work, for Geneva Lake Museum

Krause/Tolar motion to approve payment, including change order work, in the amount of \$3,219.25. It was noted that this final payment included additional work performed by the contractor at the request of the Fire Department and Building Inspector, including the installation of additional sprinklers, horns and strobes, and emergency exit lights. DPW Winkler had reported that this would bring the final project total to \$126,219.25. With an additional \$18,000.00 expected for architectural fees, the remaining balance of the \$150,000.00 project budget would be used for tuckpointing repairs at the museum.

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

Discussion/Action on capital request for Fire Department Aerial Truck

Alderman Krause reported that this item had been forwarded by the Committee without recommendation.

Krause/Kehoe motion to approve including this item in the overall capital borrowing, for an amount not to exceed \$875,000.00.

Alderman Krause stated that the Council had listened to a great deal of testimony regarding the aerial truck, adding that members had been given an opportunity to participate in a demonstration of the actual apparatus to be purchased. He noted that there were many factors to be weighed in considering this request. With the favorable costs of borrowing, he surmised that it would be prudent to include a sufficient amount in the bond to cover the eventual purchase of the truck during the next three years. Alderman Marsala felt that there were pros and cons on both sides of the issue, though he expressed a primary concern about money. Given the current instability in the economy and the uncertainty of revenues in the coming years, he suggested that the Council should focus on immediate needs at this time. While he believed that a new truck would eventually need to be purchased, Alderman Marsala wondered if it

might be more prudent to wait and address the issue in a few years instead of borrowing now. Alderman Kehoe felt that the timing was right for borrowing, even if the purchase would not occur for another couple of years. She emphasized the fact that the Council needed to consider the safety of the community. Mayor Connors discussed the various specifications of the apparatus and the advantages of aluminum versus steel ladder equipment. Krause/Kehoe motion to suspend the rules to permit Chief Connelly and the members of the Police and Fire Commission to address the Council. Unanimously carried. Chief Connelly stressed that citizen and firefighter safety was the first and foremost priority in considering this purchase. He noted that both the cost of borrowing and the purchase price of a new truck were likely to increase, while the value of the current vehicle would only continue to decline. Although the price of the new truck had decreased due to falling sales figures, this was largely due to the fact that the economic downturn had prevented many municipalities from having the funds to make large purchases. This trend would likely reverse once the economy began to improve. Alderman Krause discussed his personal experience having participated in the demonstration of the aerial truck apparatus, adding that this experience convinced him of the safety benefits of this type of truck. Alderman Krohn inquired about the number of accidents or injuries sustained with the current truck. Chief Connelly responded that the department had been fortunate to have had none. He further elaborated on the benefits of the aerial truck for areas of the City outside of the business district, including below-grade rescue capabilities, easier access to industrial facilities, and safer and more efficient rescue capabilities at the various senior housing complexes.

Alderman Hartz reiterated concerns that he had previously raised about the City becoming reliant upon borrowing. He stressed the importance of setting aside funds for major capital purchases because continuing to borrow every few years was simply not a sustainable program for funding capital projects. Mayor Connors stated that he sympathized with the concerns raised by Alderman Hartz and agreed about the importance of sinking funds; however, he noted that the City was too far behind the curve to be able to delay this purchase until such time that set asides could cover the cost. Administrator Jordan stressed that the City was in good financial shape and that borrowing was a common practice used by municipalities as a means to funding large capital purchases. Mayor Connors added that the City was no different than most of its citizens in that virtually everyone needs to borrow to cover significant purchases at some point. Alderman Tolar suggested putting this issue to a referendum and allowing the public to provide direction on the aerial truck purchase. PFC President Storms addressed the Council and stated that the current truck did not meet safety standards and needed to be replaced. He noted that he would prefer not to have to borrow; however, it was important to make sacrifices to ensure that the community is protected.

Roll Call: Krause, Hartz, Mott, and Kehoe voted “yes”. Marsala, Fesenmaier, Krohn, and Tolar voted “no”. A tie having thereupon been declared, Mayor Connors voted “yes”. Motion carried by vote of 5 to 4.

Discussion/Action on establishing criteria for allotting “Class B” (Quota) Liquor Licenses (Aldermen Hartz and Mott)

Hartz/Marsala motion to continue to the next regular meeting. Unanimously carried.

Board of Park Commissioners Recommendations – Alderman Fesenmaier

Discussion/Action on Park System memorial donation application filed by Gail Gyax on behalf of Gyax Memorial Fund, Inc. (forwarded with recommendation for approval of site in Donian Park)

Fesenmaier/Kehoe motion to approve Gyax memorial to be located at the Donian Park site, south of the walkway at the southeast corner of Mill Creek, with footprint not to exceed ten feet by ten feet. The applicant was requested to provide a detailed map and statue design to the Council, as recommended by the Board of Park Commissioners. City Attorney Draper noted that this item would require a recommendation from the Plan Commission before any action could be taken on the application by Council.

Fesenmaier/Kehoe motion to refer to the Plan Commission for recommendation. Unanimously carried.

Discussion/Action on directing the City Attorney to draft a residential rental inspection ordinance

Tolar/Krause motion to continue to the next regular meeting. Unanimously carried.

Presentation of Accounts – Alderman Krause

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$33,557.04.

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

Krause/Marsala motion to approve Regular Bills in the amount of \$326,318.19.

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

Closed Session

Krause/Tolar motion to enter into Closed Session pursuant to Wis. Stats. 19.85 (1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to discuss the purchase of property by the City of Lake Geneva and the possible sale of City property (Administrator Jordan); and pursuant to Wis. Stats. 19.85 (1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation which it is or is likely to become involved in re: The Cove of Lake Geneva/Geneva Hospitality LLC (City Attorney Draper)

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

The Council entered into Closed Session at 9:05pm. Also present were: Administrator Jordan, City Attorney Draper, and City Clerk Reale.

Tolar/Marsala motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session.

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

The Council reconvened in open session at 9:45pm.

Hartz/Mott motion to direct that the City not pursue the purchase of property discussed during the Closed Session.

Roll Call: Krause, Hartz, Mott, Marsala, and Tolar voted “yes”. Kehoe, Fesenmaier, and Krohn voted “no”. Motion carried by vote of 5 to 3.

Hartz/Marsala motion to direct the City Attorney to investigate the possibility of revoking the room permit for Cove Condominium Association and, if feasible, to bring back draft action for the next Council meeting. Unanimously carried.

Adjournment

Hartz/Tolar motion to adjourn at 9:53pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL