

REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 28, 2011 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:13pm.

The Pledge of Allegiance was led by Alderman Hartz.

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

Awards, Presentations, and Proclamations. None.

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.

Gail Gygax, 316 Madison Street, spoke with respect to Item 10(C) on the agenda regarding her application for a memorial dedicated to her late husband, Gary Gygax. She stated that she would be available to answer any questions of the aldermen during the Council's consideration of the application.

Cass Kordecki, 715 North Street, addressed the Council on the subject of the taxi license application filed by The Nautical Inn and Endless Summer Nites. Although the application had been continued by the Finance, License, and Regulation Committee, she expressed her support for approval of the application for this additional taxi service. She did express a general concern regarding the behavior of taxi customers and whether the taxi service operator was accountable for the actions of its customers.

Acknowledgement of Correspondence.

City Clerk Reale noted that an item of correspondence had been filed by Terry O'Neill with respect to the legal pathways to borrowing that needed to be considered by the Council.

Approval of Minutes

Tolar/Marsala motion to approve Regular City Council Meeting minutes of March 14, 2011, as published and distributed. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Marsala

RESOLUTIONS

Resolution 11-R07, establishing regulations for trapping on City property, as permitted under Section 54-34 of the Lake Geneva Municipal Code (*continued 2/28/11*)

Marsala/Hartz motion to table Resolution 11-R07. Unanimously carried.

Resolution 11-R19, establishing ward boundaries for territory recently annexed to the City of Lake Geneva (creation of Ward 27 for Potter property)

Marsala/Tolar motion to approve Resolution 11-R19. Unanimously carried.

Resolution 11-R20, endorsing the Regional Water Supply Plan for Southeastern Wisconsin (*forwarded by Plan Commission with recommendation for approval 3/21/11*)

Marsala/Hartz motion to approve Resolution 11-R20. Unanimously carried.

Resolution 11-R21, amending the Municipal Bond schedule

Marsala/Tolar motion to approve Resolution 11-R21. Unanimously carried.

ORDINANCES

First Reading of Ordinance 11-11, amending the Lake Geneva Municipal Code by providing grounds for the suspension or revocation of licenses, permits, and certificates

City Attorney Draper noted that this ordinance would amend the Municipal Code to provide the City with grounds to suspend or revoke any licenses, permits or certificates for entities or individuals delinquent in the payment of taxes, assessments or claims due to the City. These provisions would no longer apply only to liquor licenses, as was the current situation.

Marsala/Hartz motion to suspend the rules and proceed to Second Reading. Unanimously carried.

Second Reading and Approval of Ordinance 11-11, amending the Lake Geneva Municipal Code by providing grounds for the suspension or revocation of licenses, permits, and certificates

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

First Reading of Ordinance 11-12, amending Chapter 2 (Administration) of the Lake Geneva Municipal Code, to provide for the creation of an Avian (Bird) Committee

Marsala/Hartz motion to suspend the rules and proceed to Second Reading. Unanimously carried.

Second Reading and Approval of Ordinance 11-12, amending Chapter 2 (Administration) of the Lake Geneva Municipal Code, to provide for the creation of an Avian (Bird) Committee

Marsala/Hartz motion to approve Ordinance 11-12. Unanimously carried.

LICENSES & PERMITS

Original “Class A”/Class “A” Retail License application filed by Lake Geneva Brewing Emporium LLC, 640 W. Main Street, Lake Geneva, WI, Troy Anderson, Agent

Marsala/Tolar motion to approve. Unanimously carried.

Change of Agent application filed by L & B Mainstreet, Inc., d/b/a Champs Sports Bar and Grill, 747 W. Main Street, Lake Geneva, WI, to Gregory Bush, 110-1 West Street, Lake Geneva, WI

Marsala/Tolar motion to approve. Unanimously carried.

Original Taxi Company License application filed by The Nautical Inn, 705 Wisconsin Street, Lake Geneva, WI, and Endless Summer Nites, 412 Wells Street, Lake Geneva, WI (*recommended for conditional approval by Police Chief, subject to vehicle inspection prior to issuance*)

Marsala/Kehoe motion to continue. Unanimously carried.

Original Operator License application for Chelsea Parham-Humphrey

Marsala/Tolar motion to approve. Unanimously carried.

Discussion/Action on reinvestment of CDs at M&I Bank totaling \$450,000.00, which matured March 24, 2011

Marsala/Hartz motion to renew CDs at M&I Bank for a period of six months at an interest rate of 0.50 percent.

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

Discussion/Action on installation of ornamental street light at Cook Street alley for an amount not to exceed \$3,000.00 (*recommended by Public Works Committee 3/17/11*)

Marsala/Tolar motion to approve the installation of ornamental street light with LED lighting for an amount not to exceed \$3,000.00.

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

Discussion/Action on award of bid for Flat Iron Park sidewalk, curb and gutter improvements

Marsala/Tolar motion to approve the award of bid to Humphrey’s Contracting in the amount of \$18,398.00. Alderman Kehoe inquired if the addition of a bicycle rack was included. DPW Winkler responded that this item only addressed the sidewalk, curb and gutter improvements; however, he confirmed that the overall Flat Iron Park project would include a bicycle rack, as approved by Council.

Roll Call: Marsala, Kehoe, Fesenmaier, Krohn, and Tolar voted “yes”. Hartz voted “no”. Aldermen Mott and Krause were absent. Motion carried by vote of 5 to 1, with 2 members absent.

Discussion/Action on award of bid for Riviera painting and caulking improvements

Administrator Jordan reported that this item would provide for the painting of the columns around the main floor area and the elevator walls, which had not been included in the scope of the original remodeling project. Mayor Connors noted that there was a difference in the quotes obtained for the painting, with two firms quoting for one coat and one quoting for two coats. Given that, he asked if one coat would be sufficient for the painting. DPW Winkler responded that if two bidders had quoted for one coat, they would be confident that one coat of paint would be sufficient to cover the columns and walls.

Marsala/Tolar motion to approve award of bid to K&J Painting Co., for an amount not to exceed \$4,685.00.

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

Discussion/Action on Change Order No. 5 for Riviera remodeling project

Alderman Marsala reported that the Committee had recommended approval, with an additional modification to the proposed change order for fire alarm system work to back out the 10 percent contractor fee. With this change, the overall change order would result in a net deduction of \$1,174.00.

Marsala/Tolar motion to approve Change Order No. 5 as amended, to result in a net deduction of \$1,174.00.

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

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

Alderman Marsala reported that no action had been taken on this item at Committee. The consensus of the majority of the Committee had been to maintain the status quo with respect to the process of considering applications and issuing licenses.

Plan Commission Recommendations – Alderman Hartz

First Reading of Ordinance 11-13, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to designate Planned Development zoning for certain property in the City (834 Dodge Street)

First Reading; no action taken.

Resolution 11-R22, approving a General Development Plan (GDP) and Precise Implementation Plan (PIP), and authorizing the issuance of a Conditional Use Permit filed by Maureen Marks, 834 Dodge Street, Lake Geneva, WI, for the operation of a Bed and Breakfast at 834 Dodge Street, Lake Geneva, WI, Tax Key Number ZOP 00097, including all staff recommendations and the specification that paving in the parking area be completed by July 15, 2011

Hartz motion to approve. Mayor Connors noted that the GDP, PIP, and conditional use could not be acted upon until Ordinance 11-13 was approved to amend the zoning on the property in question.

Hartz/Marsala motion to continue to the April 11, 2011 regular meeting. Unanimously carried.

Discussion/Action on Park System memorial donation application filed by Gail Gygax on behalf of Gygax Memorial Fund, Inc. (forwarded with recommendation for approval of location in Donian Park on footprint not to exceed 10' x 10' along the south side of the walkway on the southeast corner of Mill Creek)

Hartz/Kehoe motion to approve the location of the memorial in Donian Park on footprint not to exceed 10' x 10', along the south side of the walkway on the southeast corner of Mill Creek, as recommended by the Plan Commission. Alderman Hartz noted that the Plan Commission had the responsibility only of approving the location, adding that the final design of the actual memorial would be subject to the approval of the Board of Park Commissioners and Council at a later date. Alderman Marsala expressed concern about approving of the location without having any visual representation of the statue, noting that the recommended footprint was of fairly significant size. Mayor Connors stated that the applicant needed to have a location for the memorial in order to proceed with fundraising activities. He also noted that the footprint was not to exceed 10' x 10'; therefore, it could ultimately be of a smaller size.

Kehoe motion to call the question. Motion failed for lack of second.

Tolar/Kehoe motion to suspend the rules to permit Gail Gygax to address the Council. Unanimously carried. Mrs. Gygax stated that she had originally requested to locate the memorial on a 12' x 12' footprint in Library Park; however, that request had been denied. She stressed that the size of the memorial would largely be determined by the location and, given the proposed location in Donian Park, it would likely be smaller than the 10' x 10' recommendation. She briefly provided the Council with a description of the proposed statue, which was to be a stone plinth with a bronze bust of the late Mr. Gygax and would incorporate elements to highlight the honoree's contributions to role-playing. Mrs. Gygax also noted that the statute would require approval from the Department of Natural Resources, as it would be located in a wetlands area.

Motion to approve carried by vote of 5 to 1, with Alderman Marsala opposed.

Piers, Harbors and Lakefront Committee Recommendations – Alderman Marsala

Discussion/Action on application for buoy mooring filed by Wrigley Drive Condominium Association, Inc. (forwarded with recommendation for approval 3/24/11)

Alderman Marsala stated that he had consulted with the City Attorney and determined that this application did not require Council action.

Discussion/Action on establishing specific notice dates and due dates for slips, buoys, and kayak racks

Marsala/Tolar motion to approve establishing the following dates, as recommended by Committee: first notice date of February 1; final notice date of March 1; and payment due date of March 15.

Alderman Marsala stated that the Harbormaster had sent out notices earlier this year than in previous years, which had created some issues with lessees. The Committee had wanted to specify consistent dates so the public would be aware of forthcoming notices and payment deadlines. Alderman Kehoe noted that the Harbormaster had initially recommended a first notice date of January 1. Alderman Marsala responded that the Committee had moved the notice dates back to accommodate the approval of the lease rates by the Council. Mayor Connors noted that the Committee had originally believed that the rates for the current year had been approved in January; however, the City Clerk had confirmed that the rates had actually been established in November 2010.

Hartz/Kehoe motion to amend to specify first notice date of January 1, second notice date of February 1, final notice date of March 1, and payment due date of March 15. Alderman Fesenmaier questioned whether these dates would be firm, given the potential of conflicts with weekends or holidays. City Clerk Reale suggested that the notice dates could be addressed during the ongoing modifications to the City Policy Manual. Unanimously carried.

Main motion, as amended, unanimously carried.

Discussion/Action on directing the City Attorney to draft a residential rental inspection ordinance (continued 3/14/11)

This item was continued to the next regular meeting.

Presentation of Accounts – Alderman Marsala

Purchase Orders. None.

Marsala/Hartz motion to approve Prepaid Bills in the amount of \$678.39.

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

Marsala/Hartz motion to approve Regular Bills in the amount of \$42,462.84.

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

Closed Session

Marsala/Tolar motion to enter into Closed Session 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: Geneva Ridge Joint Venture and Mirbeau of Geneva Lake, LLC. Mayor Connors noted for the record that the purpose of the closed session was to confer with counsel and that no action would be taken on any matters discussed therein.

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

The Council entered into Closed Session at 8:05pm. Also present were: Administrator Jordan, City Attorney Draper, Attorney Joseph Wirth, and City Clerk Reale.

Adjournment

Kehoe/Hartz motion to adjourn at 9:16pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL