

REGULAR CITY COUNCIL MEETING

MONDAY, APRIL 25, 2011 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:19pm.

The Pledge of Allegiance was led by Alderman Marsala.

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

Awards, Presentations, and Proclamations.

Mayor Connors read a proclamation designating the dates of May 9 through 31, 2011 as “American Legion Auxiliary Poppy Days” in the City of Lake Geneva, and urging all citizens to demonstrate their support for the men and women who have made the ultimate sacrifice in the name of preserving freedom by wearing memorial poppies on those days.

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. None.

Acknowledgement of Correspondence. None.

Approval of Minutes

Kehoe/Kupsik motion to approve Regular City Council Meeting minutes of April 11, 2011, Special City Council Meeting minutes of April 19, 2011, and Special Joint City Council Meeting minutes of April 20, 2011, as published and distributed. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Marsala

RESOLUTIONS

Resolution 11-R33, a resolution authorizing the adjustment of transfers to the General Fund in the 2010 Operating Budget by the amount of \$1,592.03 from the Lakefront Special Revenue Fund and the amount of \$728.00 from the Parking Lots and Meters Special Revenue Fund

Marsala/Kupsik motion to approve Resolution 11-R33.

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

Resolution 11-R34, a resolution amending the budget to transfer \$2,500.00 from the Contingency Account to the Firehouse Repairs Account

Marsala/Kupsik motion to approve Resolution 11-R34, as amended. Alderman Marsala reported that the Committee had amended Resolution 11-R34 to specify the amount to be transferred as \$500.00 and to strike paragraphs 1, 2, and 4 in their entirety as well as the final six words of paragraph 3. As several questions had been raised about the authority of the Council to spend funds from the Firehouse Repairs account without approval from the Police and Fire Commission, City Attorney Draper read the provisions of Section 62.13 of the Wisconsin Statutes as relating to the powers of the Police and Fire Commission. He clarified that the Commission exercised control over the purchase of supplies and apparatus, exclusive of the control of the police and fire station buildings, which remained the responsibility of the City. As such, any expenses related to building maintenance would need to go through the proper channels, including ultimate approval by the Council.

Hartz/Marsala motion to amend Resolution 11-R34 to specify that the amount of the transfer would be \$2,500.00, as originally drafted. City Clerk Reale asked to clarify whether the amendment would also include the addition of the language stricken from the original draft of Resolution 11-R34 by the committee. Aldermen Hartz and Marsala, as maker and seconder of the motion respectively, agreed that such additions would be included in the amendment.

Motion carried by vote of 5 to 2, with Aldermen Krohn and O'Neill opposed. Alderman O'Neill suggested that future budgets should include a separate account for building maintenance.

Roll Call on the original motion, as amended: Marsala, Kehoe, Kupsik, Hartz, and Mott voted "yes". Krohn and O'Neill voted "no". Alderman Krause was absent. Motion carried by vote of 5 to 2.

LICENSES & PERMITS

Change of Agent Schedule application filed by Anagnos Enterprises, Ltd., d/b/a Popeyes Inc., 811 Wrigley Drive, Lake Geneva, WI, to Michael Anagnos, 415 Miller Ct., Lake Geneva, WI
Marsala/Mott motion to approve. Unanimously carried.

Change of Agent Schedule application filed by Prairie State Enterprises of Darien LLC, d/b/a Lake Geneva Mobil, 350 N. Edwards Blvd., Lake Geneva, WI, to Kenneth B. Kearns, 5912 N. River Bay Rd., Waterford, WI
Marsala/Kupsik motion to approve. Unanimously carried.

Street Use Permit application filed by the Genoa City Lions Club for Harley Davidson Raffle, including display of motorcycle and trailer and selling of raffle tickets on the northwest corner of Hwy 50 and Broad Street, between the hours of 6:00am and 6:00pm, on weekends and holidays during the months of April, May, June, and July 2011

Marsala/Krohn motion to approve. Alderman Hartz reiterated the concerns that he had raised at the committee level with respect to establishing a precedent for allowing groups to set up events at one of the busiest intersections in the City. He also noted that he did not feel that permitting this type of activity was in keeping with the character of Lake Geneva. Alderman Kehoe agreed with these concerns, adding that the area in question does become quite congested during the times in which the raffle sales are being conducted. Other members of the Council noted that the Genoa City Lions Club had been conducting this event at the same location for several years without incident.

Roll Call: Marsala, Kupsik, Krohn, and O'Neill voted "yes". Kehoe, Hartz, and Mott voted "no". Alderman Krause was absent. Motion carried by vote of 4 to 3.

Original Operator License applications for Jacob Otto, Terri Messerschmidt, Dawn Reed, and Brooke Milbocker

Marsala/Hartz motion to approve. Unanimously carried.

Discussion/Action on Change Order No. 4 for Riviera remodeling project, resulting in a net deduction of \$32,870.08 (continued on 4/11/11)

Hartz/Mott motion to suspend the rules to permit Greg Odden to address the Council on behalf of Scherrer Construction. Unanimously carried. Mr. Odden stated that he had met with Administrator Jordan and DPW Winkler after the project had commenced to discuss ways to possibly save the City money by having parts of the contract broken out to allow for the City to purchase materials for the project directly, thereby saving the sales taxes that would have otherwise applied to the purchase of these materials by the contractor or subcontractors. He noted that the contractor had encumbered himself with additional paperwork and administrative time necessary to be able to make these direct purchases outside of the scope of the main contract, which resulted not only in a savings of sales taxes, but also in a reduction in the amount of paperwork and staff time used the City. Alderman O'Neill asked if there was a ten percent fee associated with the subject change order. Mr. Odden confirmed that there was not. Alderman Hartz inquired if the City was given a credit for the contractor's fee, since this work was being pulled out of the main contract. DPW Winkler responded that Scherrer was still responsible for performing the work, which fell under the overall scope of the project.

Kupsik/Kehoe motion to approve Change Order No. 4 for the Riviera remodeling project.

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

Discussion/Action on Change Order No. 6 for Riviera remodeling project, for tax savings deduction in the amount of \$1,955.00

Kupsik/Mott motion to approve Change Order No. 6 for the Riviera remodeling project.

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

Discussion/Action on purchase of banquet chairs for the Riviera (*recommended by Public Works Committee on 4/14/11*)

Marsala/Krohn motion to authorize the purchase of 300 Shelby Williams model 5355C chairs for an amount not to exceed \$22,200.00 plus applicable shipping costs, subject to the selection of neutral color by City staff. Alderman Mott stated that he felt the final color choice should be subject to the review and ultimate recommendation of the Public Works Committee. Mayor Connors suggested that the Council approve the purchase of the chairs, with the stipulation that the final color choice would be determined by the Public Works Committee at its regular meeting of May 12, 2011. This was accepted by Aldermen Marsala and Krohn, as maker and seconder of the motion, respectively.

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

Discussion/Action on approval of two additional street lights on Cook Street, between Main and Geneva Streets (*recommended by Public Works Committee on 4/14/11*)

Marsala motion to approve the project and to direct DPW Winkler to solicit bids for the installation and any necessary sidewalk repairs, for an amount not to exceed \$7,500.00 from TIF 4.

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

Discussion/Action on disallowance of claim for property damages filed by Phillip Hall, on behalf of claimant Robert Glavin, pursuant to Wisconsin Statutes 893.80 (1g)

Marsala/Hartz motion to disallow the claim. Alderman O'Neill reiterated the request that he had made at the Committee level to be given additional information on the results of the claim investigation to assist the Council in making an appropriate decision on such claims. City Attorney Draper noted that the City had a duty to cooperate with the insurance company in handling claims made against the City, adding that work-product limitations would likely prevent City officials from ever being able to review the investigative data used as a basis for their recommendations. Unanimously carried.

Plan Commission Recommendations – Alderman Hartz

Resolution 11-R35, authorizing the issuance of a Conditional Use Permit filed by Gregory Anagnos, N1567 Clover Road, Lake Geneva, WI, for outdoor display of a Concession Trailer with products for purchase at 880 W. Main Street, Lake Geneva, WI, Tax Key Number ZOP 00337, including all staff recommendations (*forwarded with recommendation for denial on 4/18/11*)

Hartz/Marsala motion to deny. Alderman Hartz reported that the discussion at the Plan Commission had primarily been focused upon taking actions that would be in keeping with the character of the City, adding that some merchants in the downtown area had expressed concerns about the application during the public hearing on the conditional use request. Alderman Kehoe asked if a temporary arrangement could be considered. Alderman Hartz responded that a temporary use could be granted for a period of up to twelve days; however, temporary uses were not within the purview of the Commission. City staff would be responsible for making an appropriate determination on any

temporary use request. Alderman Kehoe further questioned whether the City would be addressing the entire concept of sales from non-permanent locations. Mayor Connors stated that each application would be reviewed on a case-by-case basis. Unanimously carried.

Resolution 11-R36, authorizing the issuance of a Conditional Use Permit filed by Mt. Zion Church, 2330 Highway 120, Lake Geneva, WI, for outdoor display of a Concession Cart with products for purchase at 252 Center Street, Lake Geneva, WI, Tax Key Number ZOP 00258, including all staff recommendations (forwarded with recommendation for denial on 4/18/11)

Hartz/Marsala motion to deny. Unanimously carried.

Resolution 11-R37, authorizing the issuance of a Conditional Use Permit filed by Gregory and Laurel Jane Fletcher, 2302 Evergreen Circle, McHenry, IL, for the construction of an outdoor swimming pool, construction of an outdoor grill, deck area, mechanical/storage room, stairway, shuffleboard court (all accessory structures) located between the house and the lake, along with landscaping and retaining walls and a sidewalk from the base of the stairway to the top of the stairs coming up from the lake path in the Lakeshore Overlay District as permitted by Table 98-204 (Lawn Care) at 550 S. Lake Shore Drive, Lake Geneva, WI, Tax Key Number ZBB 00003, including all staff recommendations

Hartz/Kupsik motion to approve Resolution 11-R37. Unanimously carried.

First Reading of Ordinance 11-14, an ordinance amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to designated Planned Business (PB) zoning for property recently annexed to the City, former Tax Key Number MA3976 00002

Mayor Connors noted that there were some concerns about the proper location of the easement for utilities on the certified survey map for the property in question. Staff was expected to have addressed any outstanding issues and provided feedback to the Council prior to the second reading of Ordinance 11-14.

Discussion/Action on a Site Plan Application filed by the City of Lake Geneva to relocate the gazebo in Flat Iron Park

Hartz/Kehoe motion to approve the Site Plan Application, including the following recommendations from the Plan Commission: approving relocation and rebuilding of the gazebo structure to an area just east of the 100 ft. shoreland overlay setback line to be connected to the sidewalk on Wrigley Drive, with the sidewalk extended for the drinking fountain, materials as noted in drawing #5 dated 2-12-09, and transfer of the plaque and weather vane from the old gazebo to the new structure. Alderman Mott questioned the design plan for the new pavilion, which was larger than the existing gazebo and not as highly elevated. He further suggested that, while he did not oppose the new location, the proposed pavilion structure lacked the same character as the original. In subsequent discussion, other members of the Council expressed support for the new structure, noting that several of the features of the proposed design would complement the Riviera and the reconstructed Wrigley Bridge.

Motion carried by vote of 5 to 2, with Aldermen O'Neill and Mott opposed.

Discussion/Action on directing the City Attorney to draft a residential rental inspection ordinance (continued 4/11/11)

City Attorney Draper reported that he had been meeting with Building & Zoning Administrator Brugger to discuss this item, adding that both were in agreement that the City should use the building code from the City of Milwaukee as its model. He noted that they would be determining how to best incorporate these provisions into the City's existing rental certification program and address such issues as how to efficiently conduct inspections and the like. He stated that a draft ordinance should be available for Council review and possible first reading at the next regular meeting. Alderman O'Neill inquired if a public hearing would be held to afford citizens an opportunity to address any questions or concerns with the draft ordinance. City Attorney Draper confirmed that a hearing would be conducted before any such ordinance would be adopted.

Presentation of Accounts – Alderman Marsala

Marsala/Mott motion to approve Purchase Order in the amount of \$32,870.08.

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

Marsala/Hartz motion to approve prepaid bills in the amount of \$32,762.30.

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

Marsala/Mott motion to approve regular bills in the amount of \$88,547.01.

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

Mayoral Appointments – Mayor Connors

Mayor Connors announced the following citizen appointments to Boards, Committees, and Commissions:

Reappointment of John Button and Appointment of Martin Smith to the Parking Commission, for terms expiring May 1, 2013;

Reappointment of Ken Etten, Mary Tanner, and Dee Bark-Fiske to the Historic Preservation Commission, for terms expiring May 1, 2014;

Reappointment of Dave Quickel to the Board of Park Commissioners, for term expiring May 1, 2014;

Appointment of Steve Madson to the Police and Fire Commission, for term expiring May 1, 2016;

Reappointment of George Troupis and Doug Elliott to the Tree Board, for terms expiring May 1, 2014;

Reappointment of Gary Milliette to the Communications Committee, for term expiring May 1, 2013;

Reappointment of Sarah Hill to the Plan Commission, for term expiring May 1, 2014;

Reappointment of Sturges Taggart to the Cemetery Commission, for term expiring May 1, 2014; and

Reappointment of Jeff Wall to the Zoning Board of Appeals, for term expiring May 1, 2014

Mott/Kupsik motion to approve all appointments, as listed. Alderman Kupsik noted that vacancies remained on the Board of Park Commissioners, adding that it was important to fill those positions so the Board would be able to function with a quorum. Mayor Connors confirmed that there were two vacancies on the Board and asked that any citizens who might be interested in serving contact him. Unanimously carried.

Closed Session

Hartz/Kehoe motion to go into Closed Session pursuant to Wis. Stat. 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 possible sale of City property (Administrator Jordan).

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

The Council entered into Closed Session at 8:52pm. Also present: Administrator Jordan, City Attorney Draper, and City Clerk Reale.

Kehoe/Kupsik motion to return to open session pursuant to Wis. Stat. 19.85 (2) and take action on any items discussed in Closed Session.

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

The Council reconvened in open session at 9:34pm.

Adjournment

Marsala/Mott motion to adjourn at 9:35pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL