

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, MAY 10, 2010 – 7:00 PM**

### **COUNCIL CHAMBERS, CITY HALL**

Mayor Connors calls the meeting to order at 7:00pm.

Pledge of Allegiance was lead by Alderman Marsala.

Roll Call: Alderman Marsala, Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz, Mott, Clerk Dykstra, Mayor Connors, Attorney Draper, Administrator Jordan, and DPW Winkler.

#### **Awards, Presentations, and Proclamations.**

Mayor Connors read a letter from Chief Connelly regarding the Lake Geneva Fire Department receipt of State Superintendent's Business Friends of Education Award.

#### **Re-consider business from previous meeting.**

Marsala/Tolar motion to reconsider the U-turn resolution from April 26, 2010.

Motion carried, Alderman Fesenmaier opposed. This item will be on the May 24<sup>th</sup> agenda.

#### **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.**

Tom Spellman, 270 Country Club Drive #22, He noted on the Job Descriptions and he asked that the "meatier" ones be tabled for further discussion. He noted there should be comments about key staff members and what they are able to say to developers. There seems to be a need to have clear job descriptions on how they reassure developers or what they can say. He also questioned who certain job descriptions are responsible for. The City Clerk is responsible to the Council and Dennis also. The City Comptroller is also responsible under statutes has to have someone to go to. For instance the WE Energies check that was issued that didn't have 7 votes required by the Council. The signers of the check should have had knowledge of that also. The process wasn't respected. Clear direction of whom is responsible to whom.

#### **Acknowledgement of Correspondence.**

Letter from Terry O'Neill regarding the 30 day restriction on political signs is on file at the City Clerk's office.

Krause/Tolar motion to approve Regular City Council Meeting minutes of April 26, 2010 and Special Organizational meeting of the City Council on April 20, 2010 as published and distributed. Unanimously carried.

#### **RESOLUTIONS**

**Resolution 10-R38** a Budget Resolution to authorize the payment of the Hillmoor Appraisal to be paid by TIF #4 funds in the amount of \$3,000.

Krause/Marsala motion to approve.

Alderman Hartz noted he voted against this at FLR. He felt it wasn't clear who the owner was. They are obtaining an appraisal for a piece of land that isn't for sale, there isn't a plan, and he felt there were overall questions not yet answered.

Alderman Kehoe questioned the purchase of some of the sensitive land and if the City already owner this property.

Alderman Mott noted this is behind the clubhouse and not the property owned by the City.

Administrator Jordan noted this is a 60 acre parcel recommended to apply for a grant through the green ribbon committee. They may amend the application at a later date to include other property.

Alderman Tolar questioned the purpose and the cost to maintain.

Administrator Jordan noted this would enable them to have full control to apply for grants and for the White River Trail for bike path, walking path, kayak and nature trails.

Alderman Krause confirmed this is just a resolution for the appraisal and the application process. He noted that a bike trail may not have the extensive maintenance.

Administrator Jordan noted there is \$200,000 for purchase to complete the White River Trail in the TIF.

Roll Call: “Yes” Alderman Marsala, Kehoe, Fesenmaier, Krohn, Tolar, Krause, Mott, and Marsala. “No” Alderman Hartz. Motion carried 7-1.

**Resolution 10-R39 a resolution authorizing Dennis Jordan to submit an application to the DNR for outdoor recreation aids.**

Krause/Kehoe motion to approve. Unanimously carried.

**ORDINANCES**

**Second Reading and approval of Ordinance 10-05 an Ordinance amending Chapter 2 ADMINISTRATION of the Municipal Code pertaining to Personnel Committee, Appointed Officials, and Administrator.**

Krause/Marsala motion to approve. Alderman Hartz

Alderman Fesenmaier noted on the table inset there were nine positions and the old had ten. She would like clarification. She noted she actually has the list. She noted that one taken out was number five, Utilities Director. She asked why it was removed.

Attorney Draper noted it is no longer a City position.

Alderman Fesenmaier noted others were the Health Officer, and the Finance Director/Treasurer and those three are out and the two new ones are Comptroller, and Administrator. She noted the Utilities Director is taken out unless the Street Superintendent has a new job description, there is still a Department of Public Works Director.

DPW Winkler noted there are sections of the code that do reference Utilities or Public Works. He doesn't have any problem putting it back in there. He felt that information was given to the Personnel Committee, however the Utility Commission funds his entire position.

Fesenmaier/Marsala motion to amend this ordinance and add in the Department of Public Works Director.

Alderman Fesenmaier noted that if you had this position you need to have a corresponding ordinance and job description.

Alderman Hartz noted that in the Organizational Chart the DPW Director is a dotted box, and everyone under is a solid box. He would read that those position come under the prevue of the Personnel Committee and it would make sense to add him in. He is in support of the amendment.

Attorney Draper suggested this be sent back to Personnel, to make the change there and bring back to Council.

Alderman Fesenmaier said it is appropriate for the Council to determine who they want on the list.

Mayor Connors noted it was suggested the reason it would go back is the lack of information regarding appointment and term.

Mott motion to refer to the Personnel Committee. Motion fails for lack of second.

Alderman Fesenmaier offered for clarity the Department of Public Works Director would follow the other chart appointment would be by the Mayor subject to confirmation by the Council and the term would be indefinite. She would hope that would be a friendly amendment

Mayor Connors noted it is still recommended to be sent back due to the unique dual role and clarity of the funding.

Attorney Draper noted that right now the Public Works Director is paid 100% by the Utility Commission. The City doesn't pay for that position, and there is a conceptual problem with appointment by the Mayor and confirmation of the Council and having no funding available unless there is an agreement.

Administrator Jordan said it was from 2000-2002 and really he is serving as a DPW Director through a resolution from the Council back in 2002, at no cost to the City.

Alderman Fesenmaier noted it is her belief we have this position, it should be clarified in terms of payment at a later point because we have this and receiving services. Just because they don't have the funding for it doesn't mean you aren't receiving the services. It is a position of the City and needs to be there. The funding can be investigated.

Alderman Krause noted that in Personnel he remembers a description submitted but because he wasn't being paid by the City it wasn't included in their packet at the time. It is a gray area. His thought would be to ship this back to make sure that Personnel has an opportunity to go through and review that job description and clarify the means on how he is reimbursed.

Alderman Hartz questioned if Mr. Winkler was managing City Employees. He questioned how do you do this and what is your objective? How does the City get a clear idea of what it is that he is doing?

DPW Winkler noted that his responsibilities are three fold over the Water Plant, the Wastewater Plant and the Street Department. He serves as his employer the Utility Commission. In addition by resolution he serves as the Director of Public Works side of it which fills a void that otherwise the City wouldn't enjoy. For the City he does this totally in

gratis and it can be sliced anyway, he is happy to provide a job description and serve at their beckoned call, but that is exactly what he has been doing since 2000. In 2001 he believes there was an agreement and he serves by resolution. Alderman Krause noted that this is a free deal from Dan Winkler. They don't pay for his services directly. They need to get a job description and since he does manage City employees he needs a job description and lets get that included and this should be resolved. The City would have to hire someone to do what he is doing right now. Alderman Hartz clarified it appears in 2000-2002 this was a way to cut the City budget and get someone who is a competent professional to manage our Street Department. If that is the way we choose to continue, we should have the job description.

Alderman Krohn questioned Mr. Winkler if he was dismissed as an employee from the City of Lake Geneva in 2000 when he was hired by the Water Commission.

DPW Winkler stated no he was never dismissed. He stated a prior council opted not to renew his contract. He had a three year contract but they wanted to renew it year to year.

Mayor Connors noted the prudent thing to do would be to send this back to Personnel Committee to check out the prior resolution and have the City Attorney look at the prior resolution to make sure they are proceeding in the proper manor.

Alderman Fesenmaier stated she disagrees. She felt that there is someone who is functioning in the capacity as Public Works Director and it needs to be in the ordinances incase of retirement or something else unforeseen. It needs to be in their documents to proceed. She would recommend this be amended to the Ordinance.

Alderman Marsala suggested it be sent back to Personnel to review the job description and duties before in fact it is voted on and adopted.

Tolar/Mott motion to send back to Personnel Committee specifically to review the Department of Public Works Director. Roll Call: "Yes" Alderman Marsala, Kehoe, Tolar, Krause, Hartz, Mott. "No" Alderman Fesenmaier and Krohn. Motion carries 6-2.

**Second Reading and approval of Ordinance 10-06 an Ordinance amending Chapter 90 WATERWAYS of the Municipal Code to reflect new Kayak regulations and definitions.**

Krause/Marsala motion to approve. Motion carried, Alderman Mott and Tolar opposed.

**First Reading of Ordinance 10-07 an Ordinance creating section 18-430 to 18-439 in Chapter 18 BUSINESSES of the Municipal Code to establish a Weights and Measures section.**

Krause/Hartz motion to suspend rules and proceed to the second reading. Unanimously carried.

Krause/Tolar motion to approve. Unanimously carried.

**LICENSES & PERMITS**

**Original Operator Licenses for Stephen Schroeder, and Joy Populorum.**

Krause/Marsala motion to approve. Unanimously carried.

**Street Use Permit Application and waiver of fee for Badger High School Graduation on June 6, 2010 to block Wells Street from Edwards Boulevard to Bloomfield Road.**

Krause/Hartz motion to approve. They noted they will look at instituting a consistent application fee in future meetings. Unanimously carried.

**Establishing a cash handling policy and purchase of security box for the beach and Signage for honor box for Kayak and Canoe launch.**

Marsala/Krause motion to continue to the first meeting in June. Unanimously carried.

**Direct City Administrator to prepare grants for purchase of wetlands at Hillmoor Golf Course.**

Administrator Jordan noted that this is to approve his sending in the grant. The resolution was previously approved.

**Proposal from Humphrey's Contracting in the amount of \$9,870 for the ball field at Veteran's Park and the expenditure for the special mixture not to exceed \$10,000. (Administrator Jordan)**

Krause/Hartz motion to approve Humphrey's in the amount of \$1,971 approved at FLR, and purchase the fill in the amount of \$10,000 for the work to be bid on this item #2 section. Alderman Mott noted that the YMCA has been

wanting to use that field for years and it would be nice to have this done. Alderman Fesenmaier asked this to be referred to on the Web Site.

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

**Riviera Fountain Repair Bid award to Humphrey's Contracting in the amount of \$7,140 to repair the fountain and the angel. (Administrator Jordan)**

Krause/Marsala motion to approve. It was noted it will be guaranteed that the angel will not fall off for 5 years. Alderman Mott suggested a way to cover this during inclement weather. It will not be completed until after Memorial Day. Roll Call: "Yes" Alderman Marsala, Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz, and Mott. Unanimously carried.

**Riviera Architect selection of McCormack & Etten Architects to design and direct the Riviera remodeling and restoration. (Administrator Jordan)**

Krause/Mott motion to approve.

Administrator Jordan noted that in January or February, the Public Works Committee instructed staff to proceed to look at the Riviera and there has been authorized up to \$700,000 to renovate and remodel. Piers and Harbors asked DPW Director to put together an RFP. The Architects were asked to present information on how they have handled historic projects. He noted that Alderman Marsala, Tolar, Mayor Chesen, Himself and DPW Winkler sat in the presentations with Kehoe/Henry and McCormack and Etten. After a long discussion it was recommended to go with McCormack and Etten.

Alderman Krohn questioned the Piers and Harbors meeting which came up with a list that was prepared to prioritize what things were necessary. She felt now there is an entire renovation at one time. This is not what came at that meeting. It was never decided which projects would be completed.

Alderman Marsala noted that some things were weather and some were time sensitive. All the projects is what they addressed and the order they get done is based on the

Administrator Jordan noted that in January the Riviera was the highest priority in Public Works. At the next meeting they asked the Public Works Director to come up with an RFP to decide how they would design and what the cost would be and it is up to the Council to approve any repairs.

Alderman Krause stated he was present at the Public Works meeting. His understanding is that they would now go out and get bids on the priority items. They will get prices back and see what each item will cost. He suggests then it come back through the Council to see what can be done.

Alderman Krohn questioned the cost per hour on all these items, but they don't come up with solid figure.

Administrator Jordan stated the entire contract is not to exceed.

Alderman Kehoe commented it is up to the Council to review what gets done.

Alderman Marsala stated they have a condensed priority list and they brought in an Architect to review.

Mayor Connors commented the figure in TIF is \$700,000 and there are two calculations for each Architect which is based on how much money is spent. The fees will vary based on the a la carte menu.

DPW Winkler summarized the scope of services did come from Piers and Harbors and that matched the tax increment district. He solicited three architects by the Public Works Committee. They reviewed in great detail. They can a la carte select designs.

Alderman Fesenmaier commented she is hoping to obtain copies of the minutes from Public Works and Piers and Harbors with sections highlighted that directed this activity. She felt this was opposite of the normal course. Normally individual projects are bid out and here this is bidding out a huge list of things prior to knowing what can be done.

Roll Call: "Yes" Alderman Marsala, Kehoe, Fesenmaier, Tolar, Krause, Hartz, and Mott. "No" Alderman Krohn  
Motion carries 7-1

**Discussion/Action on City Hall Job Descriptions as recommended by the Personnel Committee in 2009. (Administrator Jordan)**

Tolar/Mott motion to approve with the exception to hold out the Deputy Clerk, Front Desk Parking Meter Clerk, and Data Entry Accounting Clerk.

Administrator Jordan noted this is what the Personnel Committee reviewed. They would like to hold those three out to review and bring back.

Alderman Fesenmaier commented some have knowledge skills and abilities listed and some do not have qualifications. They are difficult to compare. Some list non-essential job functions. She asked who made this decision. Administrator Jordan noted they are different positions and do certain things differently. Alderman Fesenmaier noted the City Comptroller position has no qualifications listed at all or the City Assessor. Alderman Hartz questioned what the purpose of the description is. Is this for evaluation or for current employees or when there is an opening? Alderman Kehoe commented you might want to pattern the evaluation tool at that time when you do the job description. Alderman Krause noted he inherited this as Personnel chair prior. It needs to be combed out and agrees there needs to be consistency. The function is for both a tool for evaluation and the general scope of the position. Alderman Hartz questioned if there is a review each year. He further stated this should develop into two parts for evaluation and job description.

Hartz/Marsala motion to amend to review and update annually. Unanimously carried.

Alderman Fesenmaier commented she doesn't want to see this go back, but does have concerns. The issues that Tom Spellman brought up asking what items from Statutes come in and who supervises who. This is a piece she didn't see.

Alderman Mott commented that even though it may be approved, doesn't mean it can't come back for review again.

On original Motion as amended: Unanimously carried.

**Creation of an Ad Hoc Policy Committee to review current policy and internal controls with staff. (Mayor Connors)**

Mayor Connors Commented he had passed out the Ad Hoc Policy and Procedure Committee. He noted the purpose of this committee would be to review, develop, and recommend City policies and procedures (excluding Police and Fire Department). The Goal is to ensure that policies and procedures are up to date, prepare new or revised policies and procedures, ensure distribution of policy and procedure revisions, and assist committees with policy and procedure revisions. The composition shall be three Alderman, City Administrator and the Mayor. He will place this on the next agenda for appropriate consideration.

**Presentation of Accounts**

Purchase Orders. None.

Krause/Marsala motion to approve Prepaid Bills in the amount of \$359,383.60. Roll Call: "Yes" Alderman Marsala, Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz, and Mott. Unanimously carried.

Krause/Hartz motion to approve Regular Bills in the amount of \$122,872.91

**Appointments to Committees, Commission & Boards by Mayor Connors.**

Citizen Appointments to Boards, Committees, and Commissions.

Mayor Connors Appointed the following:

Doug Skates	Planning Commission, Park Board President
John Swanson	Park Board of Commissioners
Terry O'Neill	Park Board of Commissioners
Bob Flemming	Tree Board
Dennis Swangstu	Parking Commission
Sarah Hill	Communications Committee

Marsala/Tolar to approve.

Alderman Hartz noted that the resumes received were great additions.

Mott/Krause motion to vote on each one independently.

Mott/Fesenmaier motion to approve Doug Skates to the Park Board of Commissioners. Unanimously carried.

Fesenmaier/Hartz motion to approve John Swanson to the Park Board of Commissioners. Unanimously carried.

Fesenmaier/Krohn motion to approve Terry O'Neill to the Park Board. Roll Call: "Yes" Alderman Fesenmaier and Krohn. "No" Alderman Marsala, Kehoe, Tolar, Krause, Hartz, and Mott. Motion Fails

Hartz/Mott motion to approve Bob Flemming to the Tree Board. Unanimously carried.

Krause/Tolar motion to approve Dennis Swangstu to the Parking Commission. Unanimously carried.

Fesenmaier/Krause motion to approve Sarah Hill. Unanimously carried.

Krause/Marsala motion to Adjourn at 8:43pm. Unanimously carried.

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/s/ Diana Dykstra, City Clerk

**THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL**