

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, MAY 9, 2011 – 7:00 PM**

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

Mayor Connors called the meeting to order at 7:17pm.

The Pledge of Allegiance was led by Alderman Kehoe.

Roll Call. Present: Aldermen Kehoe, Kupsik, Krohn, O'Neill, Krause, Hartz, Mott, and Marsala. Also present: Administrator Jordan, City Attorney Draper, Comptroller Pollitt, and City Clerk Reale.

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

Mayor Connors read a proclamation designating April as "Arbor Day Month" in the City of Lake Geneva and further encouraging all citizens to support efforts to protect and promote the growth of trees and woodland areas.

Mayor Connors read an announcement from the Lake Geneva Utility Commission regarding testing of water main valves and flushing of fire hydrants beginning May 9, 2011 and continuing throughout the month.

**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.**

Bill Huntress, 1015 Pleasant Street, spoke on the subject of the skateboard park design services agreement. He stated that there was no question that skateboarding was a hobby, much like many of the hobbies in which others choose to engage. He added, however, that the vast majority of people do not want to pay to support the hobbies of others, which was why people who engage in these types of activities typically pay to do so. Mr. Huntress stated that the skate park had long been neglected by the City and was certainly in need of repairs. He suggested that the simplest solution would be to form a committee including skateboarders, who could make recommendations about alterations that could be made to improve the existing park at significantly less cost to the City. He urged the Council to fix what the City already has in place rather than spending \$350,000.00 to design and construction a new park.

Richard Peterson, 308 Walnut Street, Burlington, addressed the Council with respect to the skateboard park. He first congratulated the Mayor and new members of the Council, adding that he hoped they would restore diplomacy and civility to City government where it had previously been lacking. He noted that the vast majority of citizens were not in favor of the new park, estimating that if the question were put to referendum, it would fail by a significant margin. He further opined that since the problems at the park had been the result of a water main break, perhaps the Utility Commission should cover the expense for the repairs. Mr. Peterson suggested that the City should fix what it already has in place and fix it correctly, discussing the need to install a catch basin or tile to alleviate the standing water issues. He noted surface problems with the equipment that could potentially result in injuries to even the more experienced skaters. He stated that the City could institute some sort of fee for non-resident users of the park, while allowing resident users free access. He also urged the Council to get input from the children and young adults who use the skateboard park, as those skateboarders would be more knowledgeable about what needed to be done to improve the facility.

Charlene Klein, 817 Wisconsin Street, Board President of the Geneva Area Foundation, thanked the Finance, License and Regulation Committee for approving the street use permit application and fee waiver for the seasonal farmers market at Horticultural Hall. She noted that the market had been held every year in some manner since the inception of Horticultural Hall in 1911. She invited all members of the community to share in the foundation's efforts to preserve Horticultural Hall, which would be celebrating its centennial this summer.

John Swanson, 1580 Orchard Lane, addressed the Council regarding the annual renewal of liquor licenses. He asked if all license applicants in arrears had been notified of their outstanding delinquencies, as he was concerned about the prospect of those applicants coming back to the City to claim that they had no knowledge of these issues. Mr. Swanson also spoke on the topic of the skateboard park, noting that the young people in attendance at the meeting had been actively involved in the meetings and planning process for the new skateboard park for several months.

Victor Rodriguez, 1217 S. Lake Shore Drive, Genoa City, stated that he was a frequent user of the current skate park, and suggested that the Council should consider the possibility that a new and improved park area could serve as an additional revenue generator for the City by bringing in skateboarders and other individuals from outside of Lake Geneva.

Nario Randa, 934 Clover Street, told the Council that he had been going to the City's skate park for seven years, and noted that there were few facilities he had seen in the community that got as much use as the park. He stated that the new park would draw people from other communities who would spend money in the City.

Doug Skates, 1133 Bonnie Brae Lane, President of the Board of Park Commissioners, stated that he had been looking forward to this project for nearly three years as a member of the Board. He thanked the children and young adults who were in attendance at the meeting to demonstrate their support for the project. He also thanked the other public speakers who had addressed the subject, acknowledging that some good points had been raised by those who opposed the project. He stated that it was important for a project of this magnitude to have constructive criticism to ensure that due diligence is done; however, he still felt that the pros of moving forward with the new design outweighed the cons. Mr. Skates noted that he had long been a proponent of improving the park and making it more open and accessible to users of all ages. He also discussed the drawbacks of spending on repairs versus redesign, adding that the Board of Park Commissioners had employed a lengthy process of review to determine the most responsible use for the taxpayers' dollars with respect to the park. He asked the Council to move the process forward and give approval to beginning the design phase, as recommended by the Board.

Ryan Harris, N2655 Woodlane Road, discussed the purpose of the skate park, which was designed to keep skateboarders off of the streets and other public spaces. Despite the condition of the existing skate park, he felt that it continued to be successful in meeting that purpose. With respect to repairing the existing park, he suggested that spending less money to make repairs now would only mean that additional repairs would need to be revisited in a few years. As such, he felt it might be more prudent to address all of the issues at one time.

**Acknowledgement of Correspondence.** None.

#### **Approval of Minutes**

Kehoe/Kupsik motion to approve Regular City Council Meeting minutes of April 25, 2011, as published and distributed. Unanimously carried.

#### **Public Hearing on Original Application for Taxi Company License filed by Skippers Cab, W1044 Evergreen Road, Pell Lake, WI, Richard and Ronald Skipper, owners**

Richard Skipper, applicant, stated that he and his brother have been driving taxis in the area for over six years, and have applied to operate their own service because they felt there was a need for additional transportation services in the City.

John Swanson, 1580 Orchard Lane, rose to inquire if there were any limits on the number of taxi companies that could be authorized to operate in the City. He also remarked that he agreed there was a need for additional taxi services in Lake Geneva.

Mott/Marsala motion to close the public hearing. Unanimously carried.

Krause/Kehoe motion to suspend the rules to consider Item 12 (C)-1 as the next item of business. Unanimously carried.

**Original Taxi Company License application filed by Skippers Cab, W1044 Evergreen Road, Pell Lake, WI, Richard and Ronald Skipper, owners**

Krause/Marsala motion to approve the application, contingent upon the taxi vehicles described in the application being purchased and passing inspection. Alderman Mott expressed concern about approving an application without having seen the proposed taxi vehicles to make a determination as to whether the appearance of the taxis would be representative of the character of the City. He inquired as to what types of criteria that Chief Rasmussen used in approving taxi license applications.

Mott/Kehoe motion to suspend the rules to permit Chief Rasmussen to address the Council. Unanimously carried. Chief Rasmussen stated that the Police Department was primarily concerned with ensuring that adequate vehicle safety features are in place, adding that his review does not address items such as vehicle paint coloring or how the vehicles might represent the City. Alderman Krohn asked if the licensee was required to be insured. It was confirmed that taxi company licensees were required to provide proof of liability insurance coverage for all vehicles operated. Unanimously carried.

**Presentation and Review of Annual Audit by Arthur Tillman, Deignan and Associates**

Arthur Tillman, Deignan and Associates, presented the 2010 annual audit report to the Council, including a synopsis of the information represented therein. Among the highlights discussed by Mr. Tillman was the fact that the undesignated fund balance in the General Fund was at approximately \$2.1 million. He noted that, as a rule of thumb, the undesignated fund balance should represent roughly three months' worth of expenditures and added that the City was right around that target area. This had been a concern in previous years. He also pointed out that the City had uninsured deposits at year end, primarily due to money coming in from tax revenues and the FDIC limits in place on the amount of funds that can be held in any one financial institution at a given time for insurance purposes. This amount fluctuates and is largely dependent upon how tax collection goes each year. Mr. Tillman further discussed the margin of indebtedness, noting that the City had a borrowing capacity of \$59 million. Given the fact that other cities were pressing up against their borrowing limits, he noted that Lake Geneva's margin of indebtedness was a credit to the City's financial practices.

Following the presentation, Mr. Tillman addressed questions from the Council. Alderman Hartz asked which funds had been audited by Deignan. Mr. Tillman responded that his firm had conducted the audit of all funds except for the cemetery, BID District, and Utility Commission, which were handled by other firms. As a follow-up, Alderman Hartz inquired if that sort of arrangement was typical in other municipalities. Mr. Tillman stated that it generally depended on the size of the municipality, as larger cities tended to be more fractured in that respect. However, for a community the size of Lake Geneva, it would be typical for all funds to be audited by a single firm. Alderman O'Neill posed inquiries regarding the transfers from Parking and Lakefront, as he noted there appeared to be a discrepancy between the transfer amounts authorized by the Council and the actual amounts reflected in the report. Comptroller Pollitt responded that the transfers authorized by Council left \$75,000.00 in each of those special revenue funds; however, an additional \$21,000.00 was left in Lakefront as part of an ongoing replacement fund that had been previously set up by the Council to address future west pier improvements. Mayor Connors mentioned that the report showed the fund balance in TIF 4 at approximately \$5.85 million, which did not reflect monies to be paid in this year. That calculation was roughly \$1.987 million. Alderman Krause asked Mr. Tillman to provide a grade for the City's finances. Mr. Tillman responded that he would grade the City as an A-minus or B-plus, adding that Lake Geneva was in good fiscal health and continued to improve each year. He also stated that the audit recommendations were in the process of being finalized and should be available later during the week. Mayor Connors noted that this was the earliest that the audit had been completed in recent memory, and credited Comptroller Pollitt and Mr. Tillman for their efforts in achieving that. Alderman Krause noted that the final audit would be presented for Council approval at the next regular meeting, asking that any questions from the aldermen with respect to the audit report should be directed to the Comptroller in the interim.

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

Hartz/Krause motion to continue on Second Reading to the next regular meeting. Alderman Hartz noted that the Council had not been given any information as to whether the engineering issues regarding the utility easement on the subject parcel had been addressed. Unanimously carried.

## Finance, License and Regulation Committee Recommendations – Alderman Marsala

### RESOLUTIONS

#### **Resolution 11-R38, amending the budget to transfer \$10,209.00 from the Contingency Account to the Capital Projects Fund for the purchase of a Police Department repeater**

Krause/Marsala motion to approve Resolution 11-R38, contingent upon approval of the purchase.

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

### ORDINANCES

#### **First Reading of Ordinance 11-15, amending Chapter 74, Traffic and Vehicles, of the Lake Geneva Municipal Code regarding parking meters and parking stickers**

City Clerk Reale explained that Ordinance 11-15 addressed a discrepancy between the language of the code and the parking enforcement practices utilized by City personnel. As written, Chapter 74 specified that parking stickers entitled vehicles to two hours of free parking at any stall. The proposed ordinance would clarify that parking stickers were not applicable at the specialty twelve-minute and thirty-minute meters, and that all vehicle operators parking in such stalls would be responsible for depositing coin and subject to the time limits.

#### **First Reading of Ordinance 11-16, amending Chapter 2, Administration, of the Lake Geneva Municipal Code regarding the Parking Commission**

Mayor Connors stated that he had proposed the subject ordinance, which would clarify the membership of the Commission and require the body to meet on a quarterly, rather than semi-annual, basis. Among the changes explained by Mayor Connors, Ordinance 11-16 specified that the Parking Commission would be comprised of five voting members and one non-voting member. The voting members would include one alderman and four citizens appointed by the Mayor, with the director of the Geneva Lake Area Chamber of Commerce serving as the permanent non-voting member of the Commission. Alderman Mott suggested that the meeting requirement should be further changed to specify that the Commission meet on a bimonthly basis. Mayor Connors responded that the Commission would have the discretion to meet as often as needed; however, he did not necessarily want to hamstring the Commission to meeting on a more frequent basis if there was no business pending before it.

### LICENSES & PERMITS

#### **Temporary Class "B" License application filed by Friends of Big Foot Beach State Park for sale of fermented malt beverages during Big Foot Triathlon at Big Foot Beach State Park, 1550 S. Lake Shore Drive, Lake Geneva, on June 26, 2011 from 7:00am to 1:00pm**

Krause/Marsala motion to table. Unanimously carried.

#### **Street Use Permit application filed by Geneva Area Foundation/Horticultural Hall, for Farmers Market on Thursdays from 7:00am to 1:30pm, May 5, 2011 through October 27, 2011, including request for waiver of application fee**

Krause/Hartz motion to approve the application and fee waiver, with the specification that City personnel would be responsible for bagging any parking meters as determined necessary. Alderman Krause noted that Administrator Jordan was to look into the meter bagging issue and report back to Council. Alderman Marsala reiterated that he did not feel it was in the best interest of the City to waive application fees for these types of events. Motion carried by vote of 7 to 1, with Alderman Marsala opposed.

#### **Street Use Permit application filed by Badger High School for closure of section of Wells Street during graduation ceremony on June 5, 2011, from 12:30pm to 3:30pm**

Krause/Hartz motion to approve. Unanimously carried.

#### **Park Permit application filed by Clear Water Outdoor for Stand Up Paddle Board Event at Library Park and Riviera Beach on July 16, 2011, from 7:00am to 4:00pm (approved by Board of Park Commissioners 4/6/11 and Piers, Harbors & Lakefront 4/28/11)**

Krause/Marsala motion to approve. Unanimously carried.

**Park Permit application filed by Honor the Fire Keepers for Native American Pow Wow at Dunn Field, June 16 through June 19, 2011, from 9:00am to 4:00pm (approved by Board of Park Commissioners 5/4/11)**

Krause/Kehoe motion to approve. It was noted that the applicant was required to pay the \$25.00 application fee, plus park space reservation fee of \$105.00. Unanimously carried.

**Park Permit applications filed by Geneva Lake Area Chamber of Commerce to extend the dates for “Concerts in the Park” at Flat Iron Park to include June 26 and June 30, 2011 (approved by Board of Park Commissioners 5/4/11)**

Krause/Marsala motion to approve, including waiver of application fee. Unanimously carried.

**Original Operator License Applications for James Fritz and Nicole Newnum**

Krause/Kupsik motion to approve. Unanimously carried.

**Renewal “Class B”/Class “B” Retail License applications for 2011-2012**

Krause/Kupsik motion to approve renewal “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License applications filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the licenses:

American Legion Post 24, 735 Henry Street, Charles J. Schlehlein, Agent  
Anagnos Enterprises, Ltd., d/b/a Popeyes Inc., 811 Wrigley Drive, Michael Anagnos, Agent  
Bar Inc. of Lake Geneva, d/b/a Fat Cats, 104 Broad Street, Thomas Samuelson, Agent  
Capitol Geneva LLC, d/b/a Sprecher’s Restaurant & Pub, 111 Center Street, Stephen J. Schroeder, Agent  
GE Geneva LLC, d/b/a Gino’s East, 300 Wrigley Drive, Jeff Whiteman, Agent  
Gleneagles LLC, d/b/a Sopra, 724 Main Street, Alastair M. Cumming, Agent  
Golden Oaks Mansion, 421 Baker Street, Nancy Golden Waspi, Agent  
Harry’s Café and Place, Inc., d/b/a Harry’s Café, 808 Main Street, James Chironis, Agent  
Hogs & Kisses, Inc., 149 Broad Street, Linda Chironis, Agent  
L & B Mainstreet, Inc., d/b/a Champs Sports Bar & Grill, 747 W. Main Street, Gregory Bush, Agent  
Medusa Grill & Bistro LLC, d/b/a Medusa Grill & Bistro, 501 Broad Street, Gregory Anagnos, Agent  
DCR Restaurant Group LLC, d/b/a The Next Door Pub, 411 Interchange North, Chad Bittner, Agent  
Samson Enterprises LLC, d/b/a Carvetti’s, 642 W. Main Street, Ryan Scott Johnson, Agent  
Sandal, Inc., d/b/a Lake Geneva Lanes, 192 E. Main Street, Franklin D. Guske Sr., Agent  
Stone Soup LLC, d/b/a Baker House, 327 Wrigley Drive, Kevin Halminiak, Agent  
Scuttlebutts, 831 Wrigley Drive, Steven and Emily Sundberg, Agent  
Swatek Sales Corp./SS2 Inc., d/b/a The Red Geranium Restaurant, 393 N. Edwards Blvd., Mark Swatek, Agent  
Thumbs Up, Inc., 260 Broad Street, Michael J. Appel, Agent

In response to concerns raised as to whether applicants with delinquencies had been notified by the City, Alderman Marsala read a memorandum from the City Clerk stating that all applicants had been advised in writing that no licenses or permits would be issued until such time that any outstanding liabilities were satisfied. Unanimously carried.

Krause/Hartz motion to continue renewal “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License applications filed by the following:

LG Hospitality Group LLC, d/b/a Ryan Braun’s Tavern & Grill, 430 N. Broad Street, Ann Gram, Agent  
Pop More Corks, Inc., 615-617 Main Street, David Biegemann, Agent

City Clerk Reale noted for the record that the subject applicants each had outstanding delinquencies that would need to be cleared prior to any license being granted. He stated that LG Hospitality Group LLC was delinquent in personal property tax payments due to the City, and Pop More Corks, Inc. had a hold placed against its license by the Wisconsin Department of Revenue. Motion carried by vote of 7 to 1, with Alderman Krohn opposed.

**Renewal Reserve “Class B”/Class “B” Retail License applications for 2011-2012**

Krause/Hartz motion to approve renewal Reserve “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License applications filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the licenses:

Lake Aire Restaurant, 804 Main Street, George Argiropoulos, Agent  
Meridien Bella Vista Suites Hotel LLC, 335 Wrigley Drive, Theodore M. Harig, Agent  
Harborside Pub & Grill, 100 Broad Street, Spyro and Patricia Condos, Agent  
Su Wings Corporation, d/b/a Su Wings Chinese Restaurant, 743 North Street, Siu Wing Leung, Agent  
Tempura House, 306 Center Street, Wang Mei Bao, Agent

Unanimously carried.

Krause/Marsala motion to continue renewal Reserve “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License application filed by Cove Condominium Association, d/b/a The Cove of Lake Geneva, 111 Center Street, Sal Sardina, Agent.

City Clerk Reale noted for the record that the subject applicant was delinquent in room tax payments due to the City, and also had a hold placed against its license by the Department of Revenue. Alderman Krohn requested an update on the status of the room tax payments being made by The Cove. It was reported that approximately \$50,000.00 was owed for the third quarter of 2010. No paperwork had been filed yet for the fourth quarter of 2010 or year-to-date in 2011; therefore, the total amount of taxes owed by the applicant was undetermined. Unanimously carried.

**Renewal Class “B” and “Class C” Retail License applications for 2011-2012**

Krause/Hartz motion to approve renewal Class “B” Fermented Malt Beverage and “Class C” Wine License applications filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the licenses:

Bistro 220, 220 Cook Street, Ken Wenz, Agent  
Happy Restaurant, Inc., 526 Wells Street, Min Ting Zhong, Agent  
Pizza Co. of Lake Geneva, d/b/a Original Chicago Pizza Co., 150 Center Street, John Regester, Agent  
PH Hospitality Group LLC, d/b/a Pizza Hut, 801 Williams Street, Butch Nocek, Agent

Unanimously carried. Following the vote, Alderman Hartz recused himself from the proceedings.

Krause/Marsala motion to approve renewal Class “B” Fermented Malt Beverage and “Class C” Wine License application filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the license:

Simple Café LLC, d/b/a Simple Café, 525 Broad Street, Thomas Hartz, Agent

Motion carried by vote of 7 to 0, with Alderman Hartz recused. Alderman Hartz then returned to his seat on the Council.

**Renewal “Class A”/Class “A” Retail License applications for 2011-2012**

Krause/Hartz motion to approve renewal “Class A”/Class “A” Intoxicating Liquor and Fermented Malt Beverage License applications filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the licenses:

Brutap LLC, d/b/a Bruno’s Liquors, 524 Broad Street, James Sharkus, Agent  
Geneva Country Store, 605 Williams Street, Thomas Kaczmarek, Agent  
Lake Geneva Brewing Emporium LLC, 640 W. Main Street, Troy Anderson, Agent  
Prairie State Enterprises of Darien LLC, d/b/a Lake Geneva Mobil, 350 N. Edwards Blvd, Kenneth Kearns, Agent  
Queso Corp. LLC, d/b/a The Cheese Box, 801 S. Wells Street, Leslie Schwinn, Agent  
Roddy’s Liquor & Deli, 880 W. Main Street, James Roddy, Agent  
433 Broad Street, Inc., d/b/a Rose’s Market, 433 Broad Street, Eric Rose, Agent  
Stinebrink’s Lake Geneva Foods LLC, d/b/a Stinebrink’s Piggly Wiggly, 100 Geneva Square, Mark Stinebrink, Agent  
Stop-N-Go of Madison, Inc., d/b/a Stop-N-Go #265, 896 Wells Street, Crystal Dent, Agent

Target Corporation, d/b/a Target Store T-2348, 660 N. Edwards Blvd, Donna Jeanne Bulington, Agent  
Wal-Mart Stores East LP, d/b/a Wal-Mart Supercenter #910, 201 S. Edwards Blvd, Cliff Floerke, Agent

Unanimously carried.

Krause/Marsala motion to continue renewal “Class A”/Class “A” Intoxicating Liquor and Fermented Malt Beverage License application filed by Geneva Corner Market, Inc., 1231 Grant Street, Kathleen Ketterhagen, Agent.

City Clerk Reale noted for the record that the subject applicant was delinquent in personal property payments due to the City, and also had two outstanding distributor invoices that needed to be paid prior to issuance. Unanimously carried.

**Renewal Class “B” Retail License applications for 2011-2012**

Krause/Kupsik motion to approve renewal Class “B” Fermented Malt Beverage License application filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the license:

Lake Geneva Hospitality Group LLC, d/b/a Comfort Suites, 300 E. Main Street, Sam Russo, Agent

Unanimously carried.

**Renewal “Class A” Retail License applications for 2011-2012**

Krause/Kupsik motion to approve renewal “Class A” Intoxicating Liquor License application filed by the following, pending all outstanding liabilities to the City being paid and all distributor invoices and Department of Revenue holds being cleared prior to issuance of the license:

Lake Geneva School of Cooking LLC, 727 Geneva Street, John Bogan, Agent

Unanimously carried.

**Discussion/Action on renewal of Community Bank of Delavan CD in the amount of \$305,153.80, expiring May 10, 2011**

Krause/Kupsik motion to renew the CD through Community Bank of Delavan for a term of 6/7 months at an interest rate of 0.50 percent.

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

**Discussion/Action on disallowance of claim for sewerage backup filed by Judith Huemann, pursuant to Wisconsin Statutes 893.80 (1g)**

Krause/Marsala motion to disallow the claim. Alderman Hartz remarked that the Utility Commission had agreed to serve as the agent responsible for acting on these claims; however, there had been subsequent discussions as to whether or not this would be an acceptable practice. Administrator Jordan stated that this issue had been discussed with the City’s insurance carrier and the determination had been made that the Council could not delegate its responsibility to take final action on claims made against the City. Alderman Hartz objected to the fact that the Council was ultimately held responsible for sewer-related problems, when the City neither managed the sewer system nor did it receive revenues from the management of that system. He requested that the Utility Commission either accept responsibility or provide no-fault insurance coverage for such situations. Alderman Marsala noted that the utilities were covered under the City’s insurance policy; therefore, the responsibility would ultimately be vested in the Council to make decisions on these claims. Alderman O’Neill commented on the fact that the City had seen a number of these claims in recent months. Administrator Jordan responded that these had been isolated incidents and many were probably attributable to negligence on the part of other property owners or residents. Motion carried by vote of 6 to 2, with Aldermen O’Neill and Hartz opposed.

**Discussion/Action on agreement for skateboard park design and engineering services (forwarded by Board of Park Commissioners 5/4/11)**

Kupsik/Hartz motion to approve agreement with ASD/Who Skates for an amount not to exceed \$30,000.00, subject to review and approval of the contract terms by the City Attorney. Alderman Hartz noted that the City now had an opportunity to design a park that would be easier to manage and more maintenance-free, and possibly look at locations within the Dunn Field area that might be more suitable to an open and accessible skateboard park. Administrator Jordan noted that the process of developing a skate park had been several years in the making, adding that it had been identified as part of the improvement projects for which funds had been earmarked in TIF 4. He also stated that parks and recreation activities are important assets for any community because they are open to people of all ages, races, and socioeconomic status. As part of a community, he felt that it was imperative to do everything possible to provide outlets for children and families. Alderman O'Neill agreed that the skate park was utilized by the community; however, he expressed a preference for making repairs to the current park. He noted that voting to spend up to \$30,000.00 for the design phase would virtually serve as a de facto commitment to constructing the new skateboard park. Alderman Krohn echoed the concerns about making the appropriate repairs to the current park and added that, while some work had been done, it was still not safe for the skateboarders to be using the equipment.

Alderman Kehoe stated that she was in favor of moving ahead with the design phase for the new park. Alderman Marsala remarked that this was a very difficult decision for him, as it likely was for most of his colleagues. Although he would have liked to move forward with the project, he stated that he simply could not justify incurring such a major, unnecessary expenditure in the current economic climate. He noted that this was largely the same reasoning he had used in opposing the inclusion of the new aerial fire truck in the capital borrowing plan. Alderman Marsala suggested that the \$30,000.00 being proposed for the design of a new park should instead be put toward making repairs to the current facility. Alderman O'Neill added that the City needed to define what exactly it wanted for the park before proceeding with an expensive design phase. Alderman Marsala urged his fellow aldermen to be mindful of the fact that the majority of citizens were not in favor of pursuing large expenditures such as the project in question. Alderman Krohn reminded the Council that even a new park would never be completely maintenance-free, so there would still be costs associated with supervision and upkeep of the facility. Alderman Hartz noted that this project had been identified by the original TIF committee and funding had been earmarked to complete the improvement. As such, he felt it would be disingenuous of the Council to deny going forward with the project at this point.

Hartz/Krause motion to suspend the rules to permit Doug Skates to address the Council. Unanimously carried. Mr. Skates reiterated that the Board of Park Commissioners had engaged in a lengthy, thoughtful process in determining the most appropriate way in which to proceed with the skate park. He noted that, as a TIF project, funds were coming from the entire district. In essence, this would mean that the City would be investing only 25 cents on every dollar spent for the design and construction of the new park. Since repairs to the current park could not be funded through the TIF, he suggested that the City had a choice between spending \$30,000.00 to repair the current park or what basically amounted to \$80,000.00 for a brand new park. He also stated that the Board of Park Commissioners had been discussing the issue of supervision as well, since that he been one of the concerns raised.

City Attorney Draper stated that he would need some direction from the Council with respect to what needed to be included in the agreement. Among the items that needed to be addressed were: design completion date; liability insurance requirements; whether limitations should be placed on contractor liability; what would constitute a breach of agreement; and what would happen in the event of a breach.

Following discussion, Alderman Kupsik withdrew the motion and Alderman Hartz withdrew his second.

Kupsik/Krause motion to continue to the next regular meeting.

Hartz/Krause motion to amend to specify that AIA standards terms and conditions be included in the contract. Motion carried by vote of 6 to 2, with Aldermen Krohn and O'Neill opposed.

Main motion, as amended, carried by vote of 6 to 2, with Aldermen Krohn and O'Neill opposed.

**Discussion/Action on purchase of Police Department repeater**

Krause/Marsala motion to authorize the purchase of repeater through General Communications for the amount of \$10,209.00.

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

**Piers, Harbors and Lakefront Committee Recommendations – Alderman Marsala**

**Discussion/Action on approval of revised Chapter 4 (Lakefront) of the City Policy Manual (forwarded with recommendation for approval 4/28/11)**

Marsala/Mott motion to approve Chapter 4, as recommended. Unanimously carried.

**Parking Commission Recommendations – Alderman Marsala**

**Discussion/Action on approval of revised Chapter 5 (Parking) of the City Policy Manual (forwarded with recommendation for approval 4/21/11)**

Marsala/Kehoe motion to approve Chapter 5, as recommended. Unanimously carried.

**Discussion/Possible Action on draft residential rental certification/building code ordinance**

City Attorney Draper reported that copies of a draft building maintenance code, modeled after that adopted by the City of Milwaukee, had been included in the Council packets for review. He noted that one of the concerns in his ongoing discussions with Building & Zoning Administrator Brugger had been how to properly tie the building maintenance code into the City’s residential rental certification program. This would also include a determination as to whether the program would be applicable to the entire City or focus on targeted zones within the City. He asked for feedback from the Council as to which approach was preferred. In subsequent discussion, the aldermen expressed differing opinions as to whether the program should be adopted on a citywide or targeted basis. City Attorney Draper stated that he felt he had enough information to draft proposed options for either approach that could be brought back to Council for review and further discussion at a subsequent meeting.

**Presentation of Accounts – Alderman Krause**

Purchase Orders. None.

Krause/Kupsik motion to approve prepaid bills in the amount of \$5,565.25.

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

Krause/Marsala motion to approve regular bills in the amount of \$299,463.48.

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

**Mayoral Appointments – Mayor Connors**

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

Reappointment of Bryan Poetzinger to the Plan Commission, for a term expiring May 1, 2014

Appointment of Richard Steinberg to the Board of Park Commissioners, for a term expiring May 1, 2014

Krause/Kupsik motion to approve the appointments, as listed. Unanimously carried.

**Closed Session**

Mott/Kupsik 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) and to discuss collective bargaining negotiations with the Lake Geneva Firefighters Association (Administrator Jordan); and pursuant to Wis. Stat. 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: Marina Bay Boat Rentals Inc. (City Attorney Draper)

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

The Council entered into Closed Session at 10:23pm. Also present: Administrator Jordan, City Attorney Draper, and City Clerk Reale.

Marsala/Mott 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: Kehoe, Kupsik, Krohn, O'Neill, Krause, Hartz, Mott, and Marsala voted "yes". Unanimously carried.

The Council reconvened in open session at 11:12pm. No action was taken on any items discussed in closed session.

**Adjournment**

Mott/Kupsik motion to adjourn at 11:13pm. Unanimously carried.

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/s/ Jeremy A. Reale, City Clerk

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