

REGULAR CITY COUNCIL MEETING

MONDAY, JULY 11, 2011 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 7:16pm.

The Pledge of Allegiance was led by Alderman Krause.

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

Bill Huntress, 1015 Pleasant Street, addressed the Council with respect to Item 12 (B) on the agenda concerning Chapter 7 (Personnel) of the City Policy Manual. He specifically commented on Section 7.10 which, as he summarized, would formalize a long-standing practice of allowing City employees to store some personal items on Street Department property. Mr. Huntress remarked that he believed that with this proposed policy, Administrator Jordan and DPW Winkler were seeking permission to allow individuals to use City space for personal property storage at their own discretion. He felt that a policy of allowing the use of public property for private storage was inappropriate, adding that he hoped the Council would reject the idea and further direct that any personal items currently being stored on City property be removed. Mr. Huntress also commented on the engineering proposal from Crispell-Snyder for the Street Maintenance Program. He noted that Crispell-Snyder had been involved in the design of the North Edwards Boulevard extension project, the final product of which displayed very poor workmanship in the setting of the manhole covers. He stated that he hoped that the City or the engineer would pay closer attention to those items during future street projects.

Acknowledgement of Correspondence

City Clerk Reale reported that a letter had been filed by Casey Schiche expressing opposition to the proposed employee storage policy contained in Section 7.10 of the City Policy Manual.

Approval of Minutes

Krause/Marsala motion to approve Regular City Council Meeting minutes of June 27, 2011, as published and distributed. Unanimously carried.

Second Reading and Approval of Ordinance 11-21, amending Chapter 74, Traffic and Vehicles, of the Lake Geneva Municipal Code, regarding limited time parking on Wisconsin Street (*recommended by Parking Commission on 6/9/11*)

Hartz/Krause motion to approve Ordinance 11-21. Unanimously carried.

Discussion/Action on waiver of 30-day notice requirement for assignment of development agreement between Burco Holdings, LLC and the City of Lake Geneva to Basso Builders, Inc.

City Attorney Draper stated that this item would involve the development agreement for Townline Trails. Previously, the Council had agreed to have Burco Holdings, LLC assume the development agreement for the property. He recommended that the Council approve waiving the 30-day notice requirement for assignment of that development agreement to Basso Builders, Inc., which would still be subject to the City Attorney's approval of a letter of credit. He noted that the contractor was in the process of completing paving on the roadway, and that Mr. Basso would be posting

\$17,300.00 for the contingency after the pavement had been laid. He confirmed that there were no additional public improvements to be completed after the paving of the road.

Marsala/Hartz motion to waive the 30-day notice requirement, contingent upon obtaining signature from Mr. Basso on an assignment of agreement. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Krause

RESOLUTIONS

Resolution 11-R47, establishing ward boundaries for the City of Lake Geneva to reflect population changes according to the 2010 Census of Population

Krause/Marsala motion to approve Resolution 11-R47.

City Clerk Reale provided an overview of the process employed in the reconfiguration of ward boundaries for the City. He noted that municipalities were required to redraw ward boundaries following each decennial census to reflect shifts in population, as there were certain statutory criteria that each ward must meet with respect to population, demographics, and contiguity. These criteria included: population thresholds of 300 minimum and 1,000 maximum; maintaining compact and contiguous geographic layouts; ensuring that neighborhoods and areas of common interest were kept together to the extent practicable; and providing fair opportunities for minority populations to have representation. He also commented on the fact that the ward boundaries approved by the Council would ultimately serve as the building blocks from which new aldermanic districts would be constructed.

With respect to the upcoming redistricting of aldermanic districts, City Clerk Reale stated that City officials would need to create districts of approximately equivalent population. Given that the census had placed the City's total population at 7,651, this would translate to roughly 1,912 residents per aldermanic district. City Clerk Reale noted that the crux of the redistricting issue would revolve around the fact that ten-year population growth trends in the Third District had far outpaced the other areas of the City, meaning that approximately 800 residents would need to be shifted from the Third District to the remaining aldermanic districts to achieve the required balance. He informed the members of the committee that, after fashioning the ward boundaries, he did have a concept in mind as to how new aldermanic districts would be configured. Under the vision espoused by City Clerk Reale, the First District boundary would shift a few blocks northward along Broad Street and pick up areas currently in the Fourth District. The neighborhood including Water, Walworth, Spring and Haskins Streets would then be moved from the Third District into the Fourth District. Finally, the area south of Townline Road and east of Wells Street would be removed from the Third District and merged within the Second District. He noted that this scenario would provide for an aldermanic district plan in which the variance between the most and least populated districts would be a total of thirteen residents. As the districts were currently configured, this variance was over 1,200 residents.

It was acknowledged that the aldermanic redistricting plan discussed by City Clerk Reale would ultimately result in Aldermen Krohn, Marsala, and O'Neill residing within the same district. City Attorney Draper commented on the fact that the plan was formulated in accordance with the requirements of statutes, as previously outlined by the City Clerk. He added that the City was required to draw boundaries using census tracts, as these individual tracts could not be split between wards or aldermanic districts. City Clerk Reale discussed the difficulty of using census tracts to form ward boundaries, as these tracts varied between large tracts of land with hundreds of residents to single parcels or strips of right-of-way that were unoccupied. Despite the political implications, both the City Clerk and the City Attorney felt that the ward plan under consideration was the most sensible plan that could be offered within the framework of statutes.

Alderman O'Neill suggested that the City revisit the ward boundaries to determine if the plan could be reconfigured so as to not remove Alderman Krohn from her current district. City Clerk Reale responded that the approved plan would need to be submitted to Walworth County by the end of July, but he added that there would still be time for further review if the Council felt uncomfortable with the present format and desired to continue the item. City Attorney Draper cautioned that if a ward plan was not adopted by the Council within the necessary timeframe, the County could step in and redraw the ward boundaries or a citizen could file a petition in court to force redistricting. City Clerk Reale noted that Alderman Krohn would continue to serve as an alderman for the Third District for the remainder of her

current elected term, even if she were to technically reside in the Fourth District after the new boundaries became effective in 2012.

Roll Call: Krause, Hartz, Marsala, Kehoe, Kupsik, and O'Neill voted "yes". Krohn voted "no". Motion carried by vote of 6 to 1, with Alderman Mott absent.

LICENSES & PERMITS

Street Use Permit application filed by Southwind Prairie Apartments for Southwind Prairie Block Party on July 30, 2011, from 10:00am to 10:00pm

Krause/Kupsik motion to approve. Unanimously carried.

Request for Temporary Extension of Licensed Premises filed by Popeye's, to include the parking lot area between the hours of 12:00pm and 8:00pm on the following dates: July 23, 24, 30, and 31; August 6, 7, 13, and 14; and September 4 and 5, 2011

Krause/Marsala motion to approve. Unanimously carried.

Request for Temporary Extension of Licensed Premises filed by American Legion Post 24, to include fenced outdoor yard area between the hours of 9:00am and 6:00pm on July 30, 2011

Krause/Kupsik motion to approve. Unanimously carried.

2011-2012 Renewal Operator License applications

Krause/Marsala motion to approve the thirty-four renewal applications, as included in the Council packet. Unanimously carried.

Original 2011-2012 Operator License applications filed by Andrea Miller, Paige Lewis, Stefanie Zeihen, Henri Lorenzi, April Ellison, Klaus Nitsch, Susan Rediger, Daniel Schroeder, Jessica Regester, Joyce Grzeczka, Demetrius Argiropoulos, Gina Blaziewske, and Maria Stechkober

Krause/Hartz motion to approve. Unanimously carried.

Discussion/Action on award of bid for Riviera roof copper valley replacement project

Krause/Hartz motion to continue to the July 25, 2011 meeting. Alderman Krause noted that the committee had expressed a desire to review the terms of the contract proposed with Renaissance Roofing, particularly to ensure that any applicable prevailing wage requirements were included. Unanimously carried.

Discussion/Action on award of bid for Maple Park sidewalk replacement project

Krause/Marsala motion to authorize award of bid to Humphrey's Contracting, including alternate for Seminary Park sidewalk extension, for a total of \$24,277.50 to be funded from TIF.

Alderman Kupsik inquired as to whether there was a timetable for completing these projects. Administrator Jordan confirmed that both projects would be completed before the end of summer. Alderman Kehoe added that she had attended the bid opening, and the contractor had indicated at that time that he was prepared to begin working immediately upon approval of the contract.

Alderman Hartz noted that the City was beginning to see fewer bids being submitted for certain projects. While he acknowledged that he did not have any empirical evidence to substantiate, he speculated that contractors had become reluctant to bid on City projects because of a pattern of projects being awarded to the same contractor time after time. Given the relatively small difference in the two bids received, Alderman Hartz opined that it might be more beneficial to the competitive bidding process in the long run if the second bidder was awarded this project. Alderman Kupsik suggested that some of these paving projects might simply be too small for some contractors to be interested in bidding on them; however, he felt it was unfair to penalize a qualified low bidder.

Roll Call: Marsala, Kehoe, Kupsik, Krohn, and O'Neill voted "yes". Krause and Hartz voted "no". Motion carried by vote of 5 to 2, with Alderman Mott absent.

Discussion/Action on award of bid for Maple Park fencing replacement project

Krause/Hartz motion to authorize award of bid to Century Fence, including alternate for black vinyl fencing material, for a total of \$23,971.00 to be funded from TIF, with selection of the post final design to be subject to the approval of the Public Works Committee.

Roll Call: Krause, Hartz, Marsala, Kehoe, Kupsik, Krohn, and O’Neill voted “yes”. Motion carried by vote of 7 to 0, with Alderman Mott absent.

Discussion/Action on engineering design proposal from Crispell-Snyder for 2011 Street Maintenance Program

Krause/Kupsik motion to approve agreement for amount not to exceed \$24,000.00, subject to the City Attorney approving as to the terms and form of the contract. Alderman Hartz asked whether this agreement would include design costs for the entire street maintenance program. Administrator Jordan confirmed that it would. City Attorney Draper clarified, however, that the agreement would not include construction staking or other such items that might be performed by the engineer. To that point, Alderman Hartz remarked that it did not make sense to continue to address these projects on a piecemeal basis whereby there is no up-front understanding of total related engineering costs.

Roll Call: Krause, Marsala, Kehoe, Kupsik, and O’Neill voted “yes”. Hartz and Krohn voted “no”. Motion carried by vote of 5 to 2, with Alderman Mott absent.

Discussion/Action on authorization for the sale of 1988 aerial fire truck

Krause/Marsala motion to authorize listing of the truck for \$100,000.00 or best offer, upon delivery of the new Pierce aerial truck. It was noted that the Council would have the ultimate authority to approve of any sale offer, and that the proceeds from such sale would be returned to the General Fund.

Roll Call: Krause, Hartz, Marsala, Kehoe, Kupsik, Krohn, and O’Neill voted “yes”. Motion carried by vote of 7 to 0, with Alderman Mott absent.

Personnel Committee Recommendations – Alderman Hartz

Discussion/Action on approval of Training Manual for New Elected and Appointed Officials (*recommended by Personnel on 6/28/11*)

Hartz/Kupsik motion to approve the Training Manual, as recommended. Alderman Hartz noted that the committee had looked at developing a means for helping new officials to become more quickly acclimated to the procedures, laws and policies applicable to their service as elected officials. He outlined the content of the materials that had been compiled by Administrator Jordan and assembled in a training manual format. During subsequent discussion, there were some concerns raised by members of the Council about the duties of the standing committees, as specified in the training manual document. In particular, Alderman O’Neill had questioned provisions that appeared to imply that committees had discretion in approving certain items of business. City Attorney Draper reviewed the applicable City ordinance, which accurately stated that committees were advisory bodies with the responsibility of making recommendations to the full Council for action.

Hartz/Kehoe amendatory motion to substitute all language under the sections on “standing committees” with the language explicitly stated in City ordinance. Unanimously carried.

Original motion, as amended, unanimously carried.

Discussion/Action on approval of Chapter 7 (Personnel) of the City Policy Manual (*recommended by Personnel on 6/28/11*)

Hartz/Kehoe motion to approve Chapter 7, as recommended. Alderman Hartz briefly outlined the various topics addressed in the personnel chapter, including: privacy, drug and alcohol testing, equal employment opportunity, nepotism, conflicts of interest, and disability accommodations. He noted that the final section included the employee storage policy that had previously been discussed during the public comment portion of the meeting. Several aldermen concurred with the prior comments that this employee personal storage was a poor practice that should be discontinued.

Marsala/Krause amendatory motion to delete Section 7.10 from Chapter 7. Unanimously carried. Alderman Krohn asked how the City would follow up on the employee storage issue now that the policy had been rejected. Administrator Jordan was directed to notify employees to remove all personal property from City storage. During subsequent discussion, the majority of the aldermen speaking on the subject indicated a preference to give employees until August 1, 2011 to remove their belongings. Alderman Krohn stated that she believed the items should be removed within ten days. No formal action was taken with respect to a deadline.

Original motion, as amended, unanimously carried.

Presentation of Accounts – Alderman Krause

Purchase Orders. None.

Krause/Hartz motion to approve prepaid bills in the amount of \$818.88.

Roll Call: Krause, Hartz, Marsala, Kehoe, Kupsik, Krohn, and O’Neill voted “yes”. Motion carried by vote of 7 to 0, with Alderman Mott absent.

Krause/Marsala motion to approve regular bills in the amount of \$117,149.21.

Roll Call: Krause, Hartz, Marsala, Kehoe, Kupsik, Krohn, and O’Neill voted “yes”. Motion carried by vote of 7 to 0, with Alderman Mott absent.

Adjournment

Marsala/Krause motion to adjourn at 8:54pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL