

REGULAR CITY COUNCIL MEETING
MONDAY, AUGUST 23, 2010 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

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

Pledge of Allegiance led by Alderman Kehoe.

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

Awards, Presentations, and Proclamations.

Plan Commission announcement that they will be conducting a Public Hearing on fractional and transient rentals at their next meeting.

Re-consider business from previous meeting.

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.

Terry O’Neill, 954 George Street commented on the contract for the City Clerk, the Main Street Tunnel inspection, and disposition of the WE Energies property.

Ted Harig, an owner at Bella Vista Hotel, thanked Council for granting a liquor license and offered to answer any questions on the Conditional Use Resolution for Bella Vista.

Acknowledgement of Correspondence.

The Mayor noted the letter regarding the Walworth County 2010 Clean Sweep October 8 and 9.

Krause/Mott motion to approve Regular City Council Meeting minutes of August 9, 2010 as published and distributed. Unanimously Carried.

Discussion/Action on footprint for Chamber of Commerce addition.

Administrator Jordan briefly explained the Chamber’s request.

Fesenmaier motion to table. No second. Motion fails.

Krause/Mott motion to suspend the rules to allow George Hennerley to present his project. Hennerley said he is looking for some direction and a general consensus on the footprint. It is in a part of the park that is not currently used. They are trying to make it blend in with what they have now and are hoping to do this while the Wrigley Bridge rebuild is going on. There would be no cost to the City; the Chamber has the funding. This would increase the building by about 700 square feet. Hennerley said they need more front space for the public. Alderman Fesenmaier asked who owns the building; the City does. Fesenmaier said the public would like to give input.

Krause/Mott motion to refer to the Park and Tree Boards and then on to the Planning Commission. Unanimously Carried.

Finance, License and Regulation Committee Recommendations, Alderman Krause

ORDINANCES

First Reading of Ordinance 10-11 amending Chapter 74 Traffic and Vehicles of the Lake Geneva Municipal Code, Restricted Parking for Compact Cars Only. Krause/Mott motion to continue this to the September 27 meeting. Unanimously Carried.

First Reading of Ordinance 10-12 amending Chapter 50 Offenses and Miscellaneous Provisions of the Lake Geneva Municipal Code, Prohibited acts. (Smoking Ordinance)

Krause/Hartz motion to continue to September 27 meeting.

LICENSES & PERMITS

Schedule of Agent change for Carvetti's to Patrick Dufer, 1602 Smith Lane, Delavan WI 53115
Krause/Kehoe motion to approve. Unanimously Carried.

Original Operator License for Amanda Morales and JiaXin Fang
Krause/Hartz motion to approve. Unanimously Carried.

Discussion/Action on 2010 Street Maintenance Bids

Fesenmaier/Krohn motion to approve. Alderman Kehoe asked for clarification on exactly what we are talking about. DPW Director Winkler said they had three options. The current motion is to restore both intersections in asphalt. The next option was concrete intersections with a lining of bricks and asphalt approaches. Another option was concrete intersections with concrete approaches. Alderman Mott said he is in favor of concrete intersections from the standpoint of longevity. We are talking about a difference of about \$150,000 but it lasts longer and will pay for itself. With asphalt, you have to redo it in a few years. Alderman Krohn added if we get a better grade of asphalt, it will last quite a few years. The Mayor asked Winkler to describe the time differences. Winkler replied that concrete would take about 45 days per side and approaches would be another 30 days or more. Asphalt you can grind in a day and put back the surface the same day or the next. Discussion followed. The Mayor restated the motion, to approve the Street Program, which includes the intersections in asphalt at a cost of \$580,284.85. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, and Hartz. No: Alderman Mott. Motion carries 6-1.

Discussion/Action on Crispell-Snyder Construction Services Proposal for 2010 Street Maintenance Contract.

Krause/Tolar motion to approve, not to exceed \$27,900. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Discussion/Action on Engineering Inspection Proposal, for Main Street Storm Tunnel \$3,128

Krause/Hartz motion to approve not to exceed \$3,128. Winkler explained this is a one-time proposal from a structural engineer to inspect, photograph and give a report on the condition to give us direction on how to repair or replace it. Discussion followed on the details of the inspection. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Discussion/Action on Time Warner relocation cost, Seminary Park/Baker Street (Administrator Jordan)

Krause/Fesenmaier motion to approve. Krause explained this is an \$11,768 charge to bury their lines in conjunction with the Alliant Energy project, with funding out of TIF4. Alderman Hartz concern is that this is \$100,000 in the TIF budget and we if pass both of these utilities proposals, we will be at \$91,866 with additional costs yet to come that are undefined. Mott asked that the oak trees be left alone. Winkler said they bore under or around trees. Roll Call. Yes: Aldermen Fesenmaier, Krohn, Tolar and Krause. No: Aldermen Kehoe, Hartz and Mott. Motion carries 4 to 3.

Discussion/Action on AT&T line burial costs, Seminary Park/Baker Street (Administrator Jordan)

Krause/Fesenmaier motion to approve the AT&T line burial costs at \$7,509.26. Hartz again voiced concern that we need more details of the costs. City Attorney Draper added this will need to come back as a budget resolution, to move it from the TIF fund to the general fund. The Mayor recommended coming back with the number and cost of connections and landscaping. Discussion followed on timing of this project and learning a realistic breakdown of cost of landscaping. Roll Call. Yes: Aldermen Fesenmaier, Krohn, Tolar and Krause. No: Aldermen Kehoe, Hartz and Mott. Motion carries 4 to 3.

Discussion/Action on transfer of money from Contingency account to Electric Utilities for WE Energies Building (Administrator Jordan)

Jordan said that without air conditioning and heat, mold is beginning to form inside the building. Jordan said the Comptroller will set up a contingency account and a Resolution.

Kehoe/Tolar motion to create a contingency account of \$3,000. Fesenmaier and Krause said this needs to go to Finance, License and Regulations Committee first. Kehoe/Tolar withdrew motion and second. Unanimously Carried. Krause/Mott motion to continue to the September 13 Finance and License meeting. Carries 6 to one, with Kehoe voting no.

Discussion/Action regarding proposed City Clerk Contract.

Jordan explained this is to approve the contract that the Council asked the City Attorney to write at the last meeting and noted the corrections.

Krause/Hartz motion to approve for discussion. Krause suggested a change in wording. Fesenmaier motion to table. No second, motion fails.

Krohn/Hartz motion for an amendment to include that accumulated sick days cannot be converted to vacation days. Amendment unanimously carried. Hartz/Krause motion for an amendment to add clarifying insurance will be self insured or covered under a standard policy. Amendment carries.

Main motion with two amendments that the sick leave days won't be paid out in the event they leave at their own fruition and adding a sentence clarifying the insurance will be self insured or under a standard policy. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Discussion/Action leasing slips on the City East Pier.

Krause/Tolar motion to refer this to this Thursday's Piers and Harbors meeting. Unanimously Carried.

Discussion/Action layout, zoning and disposition of property purchased from WE Energies.

Krause/Kehoe motion to refer this to the September Planning Commission meeting. Unanimously Carried.

Public Works Recommendation, Alderman Tolar

Discussion/Action on request to reduce speed limit on Hwy 50 from St. Francis Church to Edwards Boulevard (Administrator Jordan)

Jordan said we last looked at this in June 2008. In talking to the Police Chief, he felt 30 or 35mph would be a reasonable rate.

Kehoe/Fesenmaier motion to reduce speed limit from St. Francis Church to Edwards Boulevard from 40 to 25.

Krause/Fesenmaier amendment to change from 40 to 30 mph. The City Attorney said the Police Chief's May 25, 2008 report indicated there had been 386 accidents in this area within the previous five years. Kehoe asked for more up-to-date data on the number of tickets and accidents. Discussion followed on having consistent speed limits, who has jurisdiction in that area, and other information on which to base their decision.

Krause/Fesenmaier withdrew amendment and second.

Kehoe/Fesenmaier withdrew original motion and second.

Kehoe/Krause motion to continue to the September 13 meeting with updated information from the Police Chief. Unanimously Carried.

Discussion/Action on parking along Townline Road adjacent to Veteran's Park.

Krause/Tolar motion to forward to Parking Commission. Unanimously Carried.

Board of Park Commissioners, Alderman Fesenmaier

Discussion/Action on Easement for WE Energies on City Park Property off Hickory Hill Administrator Jordan)

Jordan reported they need to put a connector near the water tower and need an easement from us to do this. It went to Park Board and Planning Commission. This is undeveloped parkland which is overgrown and most of the trees are scrub trees in the area.

Tolar/Mott to approve, to include the Park Board recommendation that any large disturbance of trees would be replaced at their cost. Unanimously Carried.

Planning Commission Recommendation, Alderman Hartz.

Conditional Use Resolution 10-R50 a resolution filed by Pier Docktors Inc. Fontana, WI 53125 for an addition to the existing pier for an 8'x20' mooring platform to be used for loading/ unloading and mooring of water craft at 1412 Main Street, Lake Geneva, WI 53147, Tax Key Number ZYUP 00094B.

Hartz/Krause motion to approve including DNR and staff recommendations. Unanimously Carried.

Conditional Use Resolution 10-R51 a resolution filed by Bella Vista Hotel Condo Association, 335 Wrigley Drive, Lake Geneva, WI 53147 to provide Outdoor Commercial Entertainment at 335 Wrigley Drive, Tax Key Number ZMER 00001-00040.

Hartz/ Krause motion to approve with staff recommendations on hours, noise, and probationary period. Unanimously Carried.

Certified Survey Map filed by Dreamfield, LLC for land located in the Town of Geneva that is within the Extra-Territorial Plat Review area.

Hartz/Tolar motion to approve, including City Engineer's letter of recommendation dated August 11, 2010. Unanimously Carried.

Certified Survey Map filed by John Smith of First Banking Center for land located in the Town of Geneva that is within the Extra-Territorial Plat review area.

Hartz/Krause with recommendation to incorporate the City Engineer's letter dated August 12. Unanimously Carried.

Policies and Procedures, Ad Hoc Committee

Discussion/Approval of City of Lake Geneva Policy Manual 0.1 Communications Policy (Administrator Jordan)

Jordan said this sets the policy when an update or a change of any procedure needs to be made and who makes the changes and the request.

Mott/Hartz motion to approve. Fesenmaier noted the title on the top and information on the bottom should make this very user friendly. Unanimously Carried.

Discussion of City of Lake Geneva Policy Manual Chapter 1, Financial Policies (Administrator Jordan)

Fesenmaier/Krause motion to continue to the September 13 meeting. Unanimously Carried.

Presentation of Accounts, Alderman Krause.

Purchase Orders. None.

Krause/Hartz motion to approve prepaid Bills in the amount of \$338.00. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Krause/Hartz motion to approve regular Bills in the amount of \$330,269.16. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Appointments to Committees, Commissions & Boards by Mayor Connors

Appointment of Brian Poetzinger to the Planning Commission.

Krause/Kehoe motion to approve. Unanimously Carried.

Krause/Tolar motion to go into closed session 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:

1. Marina Bay
2. Mirbeau-Hummel
3. Geneva Ridge Joint Venture

Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Tolar/Kehoe motion to return to open session pursuant to Wisconsin Statutes 19.85(2) and take action on any items discussed in closed session. Roll Call. Yes: Aldermen Kehoe, Fesenmaier, Krohn, Tolar, Krause, Hartz and Mott. Unanimously Carried.

Kehoe/Krause motion for adjournment. Unanimously Carried.

/s/ Artis Roenspies, Deputy Clerk

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