

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, SEPTEMBER 26, 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 O'Neill.

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

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

Mayor Connors announced that the Lake Geneva Fire Department would be holding an open house event on October 8, 2011, from 11:30am to 4:00pm, including the traditional "wet down" to welcome the new Pierce aerial truck into service. The event would take place at the Fire Station headquarters, 730 Marshall Street, and would involve the temporary closure of Marshall Street between Broad and Center Streets.

**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.**

Penny Roehrer, 951 S. Lake Shore Drive, addressed the Council on behalf of the residents of Victorian Square, commenting on the Public Works Committee recommendation to direct the City Administrator to notify property owners abutting private drives that the City would be discontinuing certain services to those properties unless the drives were brought up to standards and dedicated to the City. She stated that the residents did not understand why they were faced with the prospect of having garbage collection discontinued, given that the association had agreed some years ago to hold the City and disposal company harmless for any damages incurred from the trucks traveling on the drives. She noted that there were unanswered questions as to options for the property owners, particularly should these private drives not be dedicated to the City. Ms. Roehrer also questioned whether the taxes for affected neighborhoods would be adjusted accordingly in the event City services were discontinued. Given these and other questions, she suggested that the Council lacked sufficient information to be able to take action on this recommendation at the current meeting. She added that, if any action was proposed to be taken by the Council, affected property owners and associations should be given more information in advance so they would be able to comment on the proposal.

Pete Peterson, 1601 Evergreen Lane, commented on the multi-space parking station proposal. He expressed concerns about the fact that in addition to the initial costs of implementing the system, there would be ongoing operations and maintenance costs associated with the parking stations which would require a significant increase in revenues generated in order to simply cover the cost of the system. He had calculated that the costs of the system amortized over ten years, and including the ongoing maintenance expenses, would require \$750,000.00 in annual parking revenues to stay equal. Mr. Peterson remarked that there had been no facts presented to substantiate the claim that revenues would increase by thirty percent with the installation of the parking stations; rather, the only ways to increase revenue would be to increase the number of parking spaces or raise the rates. He also stated that he didn't believe the public had been made aware of what would happen with respect to resident parking stickers, as residents would now be required to manually enter the parking space number and parking permit number in order to obtain the free parking. He hoped the Council would reject the proposal. Mr. Peterson also commented on the proposal to use temporary employees to shovel delinquent snow-covered sidewalks, noting that the City should be held responsible for its failure to keep the sidewalks along Edwards Boulevard cleared during the previous winter.

Barbara Philipps, 1600 Evergreen Lane, addressed the Council in support of the proposed new skate park in Dunn Field, noting the deplorable condition of the existing facility.

Dr. James Loftus, 500 S. Edwards Boulevard, spoke in opposition to Ordinance 11-22 regarding residential rental inspections. He noted that he owned seven rental properties in the City, and asked for an explanation as to what was motivating the City to consider implementing new rules and regulations with respect to rental properties. He stated that he would like to know how many of the aldermen had rental properties or any knowledge of what was required to successfully manage those properties, adding that he felt many of their personal residences might not meet the standards proposed for rental properties. Dr. Loftus suggested that forcing landlords to pay additional fees for registrations and inspections could lead to an inability to continue to rent these homes to lower income tenants, which would in turn leave more properties vacant and increase blight in the City. He suggested that the City should have all landlords provide contact information for their rental properties and, if problems are observed, City personnel can contact the appropriate person to have them addressed.

Cass Kordecki, 715 North Street, also addressed the Council on the subject of Ordinance 11-22, providing statistics on rental properties in the City of Lake Geneva. She noted that thirty-five percent of residential properties in the City are rented, with approximately forty-six percent of the population living in rental properties. Ms. Kordecki suggested that City officials should spend more time looking into these issues, as she surmised that the drafted ordinance could have the effect of punishing responsible landlords while neglecting other properties in desperate need of attention. While she doubted that inspection fees alone would drive landlords out of business, it was possible that necessary improvement costs as a result of the inspections could have that effect. She stressed that she believed the City did need to adopt a maintenance code and standards to protect renters and lower income residents.

Robert Flemming, 315 Walworth Street, concurred that the terms of Ordinance 11-22 needed additional review, as he had found several provisions that raised questions or needed to be deleted altogether.

Gary Milliette, 493 Wrigley Drive, offered comment on the proposed parking system. He noted that the City had issued a request for proposals to eight firms of which only two responded with any interest in bidding the project, a situation that he deemed to “smell bad”. He stated that he had recently come across an article in the *New York Times* detailing the ongoing installation of automated parking stations in New York City by a company called Parkeon. Mr. Milliette told the Council that he had contacted a representative from Parkeon, who had indicated that the company had never been contacted by Lake Geneva. Parkeon was apparently very interested in bidding on the Lake Geneva project, and the prices seemed to be very competitive. All systems offered by this vendor were totally solar-powered, with a three-year battery, and had been tested in the various extremes of climate. He wondered why this firm had never been contacted by City officials, as it seemed to offer a better and more maintenance-free system than what was currently being proposed for the City.

Tom Spellman, 270 Country Club Drive #22, questioned the need to remove from the Municipal Code the requirement that ordinances be read in full unless otherwise waived. He also addressed the Council with respect to the automated parking station proposal, asking if the City really required the sixty stations being recommended. In his estimation, he believed twenty to twenty-five stations could adequately cover the City parking areas without creating an unreasonable walking distance. Mr. Spellman stated that the public needed to be able to review a map identifying the proposed locations of the stations and be given time to provide comments on the layout before the Council takes action. He also opposed the idea of the City creating its own Wi-Fi system for the new stations, as it did not make sense to have a system without any adequate backup in place in the event the Wi-Fi system would go down.

John Swanson, 1580 Orchard Lane, agreed with the comments expressed by Mr. Peterson in opposition to the new parking stations, as he was also concerned about the overall costs associated with the implementation and maintenance of the system. With respect to the skate park, he stressed that the current park did get a considerable amount of use. The Park Board had done its due diligence investigating several designs and possible locations for the new site before settling on a final recommendation, and he hoped that the Council would give the proposal serious consideration.

Doug Skates, 1133 Bonnie Brae Lane, addressed the Council to ask for its support of the proposed design and construction of the new skate park. He discussed the process used by the Board of Park Commissioners to identify vendors, select an appropriate site, and solicit support from the schools and the community for the project. The proposed design would be good for the entire City, as it would offer potential uses for non-skating activities such as picnics, walkways, and bicycling. He also commented on the shoveling of snow-covered sidewalks, stating that he hoped the City would attempt to reach out to volunteers to assist in clearing the walks of those residents who were unable to do so themselves.

Alderman Mott was excused at 7:53pm.

**Acknowledgement of Correspondence**

City Clerk Reale reported that a petition in support of pursuing the implementation of a multi-space parking station system and signed by the proprietors of fourteen downtown businesses had been filed with the City on September 26, 2011.

**Approval of Minutes**

Krause/Kehoe motion to approve Regular City Council Meeting minutes of September 12, 2011, as published and distributed. Unanimously carried.

Alderman Mott returned to the meeting at 7:56pm.

**Establish “Trick or Treat” hours for the City of Lake Geneva**

Krause/Kupsik motion to approve establishing City “Trick or Treat” hours for Sunday, October 30, 2011, from 1:00pm to 4:00pm. Unanimously carried.

Hartz/Krause motion to suspend the rules to consider the Plan Commission Recommendations as the next items of business on the agenda. Unanimously carried.

**Plan Commission Recommendations – Alderman Hartz**

**First Reading of Ordinance 11-29, amending the Zoning Map of the City of Lake Geneva, Walworth County, Wisconsin, to designate Planned Development zoning for certain property in the City (817 N. Knoll Lane)**

Hartz/Krause motion to waive the full reading of Ordinance 11-29, and to read by title only. Unanimously carried.

**Discussion/Action on General Development Plan/Precise Implementation Plan filed by John Matustik of Matustik Builders, 2413 W. Algonquin Road, Suite 145, Algonquin, IL 60102, on behalf of Natvar Goyal, 817 N. Knoll Lane, Lake Geneva, WI 53147, Tax Key Nos. ZYUP 00106D and ZYUP 00106C, including all staff recommendations**

Hartz/Krause motion to approve, including the specific staff recommendations that this Planned Development be subject to all other ER-1 zoning district restrictions not otherwise specifically modified and that future conforming accessory uses be permitted without PIP review, and contingent upon approval of Ordinance 11-29. Unanimously carried.

**Discussion/Action on application for Certified Survey Map filed by Doug Olson of Jensen & Olson Land Surveying, P.O. Box 322, Elkhorn, WI 53121, on behalf of Harold Hartshorne Jr., W3601 Hartshorne Lane, Lake Geneva, WI 53147, for land located in the Town of Linn, and within the City’s Extra-Territorial review jurisdiction, including all staff recommendations except the recommendation of the deed restriction, and including the recommendation of the City engineer on adding a note to explain the easement in question as referenced in a letter from Crispell-Snyder dated September 15, 2011**

Hartz/Krause motion to approve, contingent upon the City’s receipt of the required clarifications and a corrected Certified Survey Map. Unanimously carried.

**Resolution 11-R53, authorizing the issuance of a Conditional Use Permit filed by Nick Cimeno, 750 Wild Oats Drive, Freeport, IL 60232, for a restaurant (Indoor Commercial Entertainment) located at 131 Wells Street, Lake Geneva, WI 53147, Tax Key Number ZA896 00001, including all staff recommendations**

Hartz/Marsala motion to approve Resolution 11-R53, including all staff recommendations and, specifically, that a five foot space be delineated between the curb and the commencement of the parking lot stalls to accommodate for a pedestrian walkway along Wells Street. Unanimously carried.

**Resolution 11-R54, authorizing the issuance of a Conditional Use Permit filed by Andrea Strand, 2910 Moelter Drive, Lake Geneva, WI 53147, for a fitness studio (Indoor Commercial Entertainment) located at 116-118 E. Geneva Square, Lake Geneva, WI, 53147, Tax Key Number ZA1100 00004, including all staff recommendations and the installation of a Knox Box**

Hartz/Kupsik motion to approve Resolution 11-R54, including all staff recommendations. Unanimously carried.

**Resolution 11-R55, authorizing the issuance of a Conditional Use Permit filed by Lowell Management Services, Inc., P.O. Box 926, Lake Geneva, WI 53147, for Tom Ryan, 9 Hillside Drive, Lake Geneva, WI 53147, for an alteration to an existing deck for the addition of a screen house to an existing single-family residence in the ER-1 District and a dormer using the setback requirements of the SR-4 District, located at 9 Hillside Drive, Lake Geneva, WI 53147, Tax Key Number ZA1341 00001, including all staff recommendations**

Hartz/Marsala motion to approve Resolution 11-R55, including all staff recommendations. Unanimously carried.

**Resolution 11-R56, authorizing the issuance of a Conditional Use Permit filed by Kurt Carlson, 10940 Partridge Trail, Richmond, IL 60071, for a frozen yogurt establishment (Indoor Commercial Entertainment) located at 253 Center Street, Lake Geneva, WI 53147, Tax Key Number ZOP 00282, including all staff recommendations and, specifically, that there be no seating outside on the sidewalk and no music to be heard outside**

Hartz/Kehoe motion to approve Resolution 11-R56, including all staff recommendations, and signage approved as presented to the Plan Commission. Unanimously carried.

**Discussion/Action on application for Certified Survey Map filed by Keith Garecht and Larry Roche, W3871 Maclean Road, Elkhorn, WI 53121, for land located in the Town of Geneva and within the City's Extra-Territorial review jurisdiction, including all staff recommendations, the recommendations made by Crispell-Snyder in a letter dated September 15, 2011, and corrections made as suggested by the Department of Administration in a letter dated August 11, 2011**

Hartz/Kehoe motion to approve, contingent upon the comments of the City engineer and the Department of Administration being addressed on a corrected Certified Survey Map. Unanimously carried.

Kupsik/Hartz motion to suspend the rules to consider Item 15(F) as the next item of business on the agenda. Unanimously carried.

**Discussion/Action on design of new skate park and authorization to solicit bids (*recommended by Board of Park Commissioners 9/7/11*)**

Krause/Kupsik motion to suspend the rules to permit Mike McIntyre of Action Sports Development (ASD) to address the Council. Unanimously carried.

Mr. McIntyre noted that what was being proposed was not so much a "skate park" as it was a multi-use park plaza area in which users would be legally able to skate. If the Council opted to proceed, he estimated that a bid solicitation for construction could begin within the next month, with an early spring 2012 construction timeframe. All bid documents would be created in conjunction with City staff and in conformity with the required standards for public works projects. Alderman Mott inquired as to how security concerns would be addressed, particularly with respect to maintaining the pristine quality of the plaza area. Mr. McIntyre responded that the fencing option remained a possibility, although he added that the open plaza design would make that more difficult. DPW Winkler also stated that the park site was being moved closer to the existing parking lot where it could be more easily supervised. He noted that security concerns could also be addressed by the addition of video surveillance of the area, if deemed necessary. Mr. McIntyre further stated that, in his experience, parks designed correctly with timeless elements tended to encourage the users to take some initiative in caring for the facilities themselves.

Mr. McIntyre then provided a brief presentation of the proposed design of the new skate park plaza. Administrator Jordan noted that a total of \$515,000.00 had been set aside in TIF for the project, which could also include improvements to the concession and restroom areas at the site. Mr. McIntyre stated that the target budget for the plaza would be approximately \$350,000.00, with other site elements that could be bid as project alternates. Typically, the costs for construction would run between \$27.00 and \$30.00 per square foot. Alderman Krohn asked about the potential impact on the City's insurance. Administrator Jordan responded that the rates should not be affected, adding that liability would not be a concern given the City's recreational immunity. Alderman O'Neill inquired about the capacity of the proposed facility, to which Mr. McIntyre commented that the design would accommodate up to forty skateboard users at any one time. Alderman Kupsik reiterated the multi-use aspect of the proposed facility and the fact that the materials used in the construction of the new plaza would reduce much of the ongoing maintenance costs associated with the park.

Kupsik/Hartz motion to accept the preliminary design for the Dunn Field skate park, and to authorize staff to solicit bids for construction.

Roll Call: Krause, Hartz, Mott, Marsala, Kehoe, and Kupsik voted “yes”. O’Neill and Krohn voted “no”. Motion carried by vote of 6 to 2.

**Second Reading and Approval of Ordinance 11-24, amending Chapter 26, Elections, of the Lake Geneva Municipal Code by establishing new boundaries for aldermanic districts**

Hartz/Marsala motion to waive the full reading of Ordinance 11-24, and to read by title only. Unanimously carried.

Hartz/Krause motion to approve Ordinance 11-24. Alderman Hartz remarked that the district boundaries presented represented the most logical configuration in accordance with the ward plan previously adopted by the Council. Alderman Kupsik inquired as to whether the Council was bound by statute to redraw the aldermanic district boundaries and the possible consequences of failing to do so. City Attorney Draper responded that State statutes mandated that wards be redrawn after each census, after which time aldermanic districts were to be restructured to provide for a more even distribution of population. Failure to take action could potentially leave the process of redistricting in the hands of circuit court. He also noted that redrawing the boundaries was necessary because the existing aldermanic districts no longer correlated with the ward boundaries already adopted by the Council.

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

**Second Reading and Approval of Ordinance 11-25, amending Chapter 2, Administration, of the Lake Geneva Municipal Code regarding the appointment of positions designated as officers of the City (recommended by Personnel Committee 8/30/11)**

City Attorney Draper recommended that Ordinance 11-25 be referred back to the committee for additional review, as he had discovered that any change in the selection of City officers would require a charter ordinance.

Kehoe/Mott motion to refer back to Personnel Committee. Unanimously carried.

**Second Reading and Approval of Ordinance 11-26, amending Chapter 1, General Provisions, of the Lake Geneva Municipal Code regarding the collection and assessment of delinquent municipal debts**

Krause/Kupsik motion to waive the full reading of Ordinance 11-26, and to read by title only. Unanimously carried.

Krause/Marsala motion to approve Ordinance 11-26. Unanimously carried.

**First Reading of Ordinance 11-22, amending Chapter 14, Buildings and Building Regulations, of the Lake Geneva Municipal Code regarding residential rental inspections and the adoption of a building maintenance code (continued from 9/12/11)**

Hartz/Marsala motion to waive the full reading of Ordinance 11-22, and to read by title only. Unanimously carried.

Alderman O’Neill suggested that the ordinance should be tabled, as the City was looking at a major undertaking that would likely require additional personnel and expenses. He was also concerned about a comment made by the City’s code enforcer regarding the selective implementation of the program, adding that this raised the specter of discrimination and possible legal repercussions. Mayor Connors noted that the provisions for rental inspections were already part of City ordinances, and that the only substantive change offered by Ordinance 11-22 was the enactment of a building maintenance code. Alderman Kehoe suggested that landlords should review the proposal and address their concerns and suggestions in writing to the City Clerk. Alderman Hartz agreed with Alderman O’Neill’s comments about the size and scope of the program, noting that he instead favored implementation of the program in targeted areas rather than on a citywide basis. This would provide an opportunity to test the program and identify any possible issues without the need to immediately increase personnel. Alderman Krohn raised several questions about the potential hiring process for additional staff, proposed salary and benefit figures, and possible sources of funding for those expenditures.

### **Discussion/Action on parking station system proposal** *(continued from 9/12/11)*

Administrator Jordan noted that the installation of multi-space parking pay stations was not something “dreamt up” by City staff; rather, it was designed to address the direction of the Council that parking was an area in need of addressing due to the large amount of cash handling involved. The proposal was also seen as a way to take advantage of advanced technology to implement a parking system that was more efficient and user-friendly. He also discussed the RFP process employed by the City, stating that he had conducted an internet search for parking station vendors which he had used to create the RFP list. At that time, the information for Parkeon had not been returned by the search engine; therefore, he was not aware of that particular vendor or the products and services offered. He did note that he had been contacted by a representative from Parkeon approximately six weeks prior to the current meeting, and he had explained that the vendor had missed the deadline for the RFP and would be unable to bid on the project.

Administrator Jordan also responded to comments about increased cost figures for the parking kiosks, stating that the final costs were higher than originally anticipated due to the additional features and options that were desired by the Council and other groups studying the system. He further remarked that his projection of a ten to twenty percent increase in revenue from the new system had been a conservative estimate based upon actual data from other cities that had implemented the same system. Among the benefits of multi-space parking stations would be better financial controls, increased efficiency, and improved user-friendliness in terms of the likelihood that the City would be issuing fewer parking tickets for motorists.

Alderman Kupsik stated that he favored the new system, though he felt the Council needed to address the issue of resident parking in such a way that the kiosks would not create more inconvenience for City parking permit holders. Alderman Kehoe commented that she felt motorists should be given more options for parking in the City, which could include a combination of parking stations and the addition of a parking garage structure. Alderman Marsala echoed the comments of Administrator Jordan on the benefits of the system, adding that it would offer convenience, versatility, and a possible source of increased revenue. Alderman O’Neill figured that the cost of the system, including continuing maintenance and operations, would result in roughly \$100,000.00 more than the cost of operating the existing system on an annual basis. However, if revenue assumptions were correct, this would mean that the City could expect to maintain the same level of revenue without raising parking rates. It was noted that the issue of parking rates would be left to the Council to determine at another time. Additional discussion focused on the benefits of a wireless versus cellular based system for communication with the kiosks, with several aldermen expressing a preference for the cellular option, as opposed to the City-constructed wireless system proposed by Administrator Jordan.

Hartz/Kupsik motion to suspend the rules to permit Jeff Miskie to address the Council. Unanimously carried. Mr. Miskie discussed his proposal for creating a Wi-Fi system. He calculated that, within the first three years of the system, for the costs that the City would have been paying AT&T for the cellular service, the City could effectively build for itself an entire wireless system with sufficient replacement infrastructure. He also disputed the notion that cellular was more reliable than Wi-Fi, as Wi-Fi would essentially be a “self-healing” network.

Administrator Jordan stated that initial costs for the system – including installation, connectivity and signage – would be approximately \$810,000.00. Of that amount, \$200,000.00 would come from the Parking Fund, with the balance funded from TIF. Should the Council proceed with the project, delivery time for the kiosks and equipment would be roughly sixty to ninety days, with two to three weeks needed for installation and testing of the system. He added that the City would begin a public information campaign designed to prepare the public for the new parking stations, including: advertising; appearances by City staff at service group meetings; production of a video for the cable access station; user instructions on the City website; and communications with local businesses.

Krause/Hartz motion to approve total of sixty (60) solar-powered parking stations, with cellular phone connection, contingent upon approval of any necessary budget amendment.

Roll Call: O’Neill, Krause, Hartz, Mott, Kupsik, and Krohn voted “yes”. Marsala and Kehoe voted “no”. Motion carried by vote of 6 to 2.

### **Finance, License and Regulation Committee Recommendations – Alderman Krause**

## ORDINANCES

**First Reading of Ordinance 11-27, amending Chapter 90, Waterways, of the Lake Geneva Municipal Code regarding the appointment of alternate representatives to the Geneva Lake Law Enforcement Agency**  
(*requested by Mayor Connors*)

Mayor Connors explained that the Board of Directors of the Geneva Lake Law Enforcement Agency consists of four voting members, which include the town chairs, village presidents, and mayors of the respective jurisdictions. The proposed ordinance would authorize the mayor to appoint another elected official from the City to serve as an alternate to the GLLEA Board in his absence. Similar ordinances had been adopted by the other member jurisdictions.

Krause/Kupsik motion to waive the full reading of Ordinance 11-27, and to read by title only. Unanimously carried.

**First Reading of Ordinance 11-28, amending Chapter 2, Administration, of the Lake Geneva Municipal Code to provide for readings of ordinances by title only** (*requested by Mayor Connors*)

Krause/Kupsik motion to waive the full reading of Ordinance 11-28, and to read by title only. Unanimously carried.

Hartz/Krause motion to suspend the rules and proceed to Second Reading of Ordinance 11-28. Unanimously carried.

**Second Reading of Ordinance 11-28, amending Chapter 2, Administration, of the Lake Geneva Municipal Code to provide for readings of ordinances by title only**

Kupsik/Krause motion to waive the full reading of Ordinance 11-28, and to read by title only. Unanimously carried.

Hartz/Marsala motion to approve Ordinance 11-28. Mayor Connors noted that all ordinances are made available for the public to access through the City's website prior to each Council meeting and, for those without internet capabilities, copies would be available through the City Clerk's office. Alderman O'Neill also noted that the ordinance would provide the Council with the option to read any given ordinance in its entirety by simple majority vote. Unanimously carried.

## LICENSES & PERMITS

**Temporary "Class B" Retail License application filed by JAD Foundation – Walworth County Resource Center & Food Pantry, for sale of wine during "Inspiration Evening" at 234 Broad Street on October 15, 2011, from 5:00pm to 8:30pm**

Krause/Marsala motion to approve. Unanimously carried.

**Schedule for Change of Agent application filed by Geneva Lakes Convenience Corp., 728 Williams Street, Lake Geneva, to Cindy Todd, 3153 Lockwood Blvd., Lake Geneva, WI**

Krause/Marsala motion to approve. Unanimously carried.

**Original Operator License applications filed by Andrew Smith, Kimberly Link, Shari Cruz, Chelsea Elvin, Aaron Rathbone, Brian Olsen, Eric Wolff, and Joseph Wolkomir**

Krause/Marsala motion to approve. Unanimously carried.

**Discussion/Action on RFP for professional auditing services** (*continued from 9/12/11*)

Krause/Hartz motion to approve three-year agreement for professional auditing services with Schenck, for a total of \$71,150.00.

Roll Call: Krause, Hartz, Mott, Marsala, Kupsik, and Krohn voted "yes". O'Neill and Kehoe voted "no". Motion carried by vote of 6 to 2.

**Discussion/Action on renewal of M&I Bank CD in the amount of \$456,104.70, maturing September 29, 2011**

Krause/Hartz motion to approve investing funds in a CD through Walworth State Bank for a term of six months at an interest rate of 0.65 percent.

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

**Discussion/Action on renewal of liability, property, and workman's compensation insurance policy**

Krause/Marsala motion to approve renewal of policies through the League of Wisconsin Municipalities Mutual Insurance for the term of October 1, 2011 through September 30, 2012, for the total amount of \$277,013.00.

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

**Discussion/Action on award of bid for downtown streetlight and sign pole painting** *(recommended by Public Works Committee 9/20/11)*

Krause/Mott motion to authorize the award of bid to Ruffalo Painting for the total amount of \$36,366.00, to be funded from TIF.

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

**Discussion/Action on purchase of 24 hand dryers to replace paper towel dispensers in City restroom facilities, to be funded from TIF#4** *(recommended by Public Works Committee 9/20/11)*

Krause/Hartz motion to authorize purchase of 24 "high velocity" Excel hand dryer units through eBay for a total amount not to exceed \$2,700.00, to be funded from TIF#4.

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

**Discussion/Action on directing the City Administrator to notify property owners abutting private drives that the City will no longer be providing snow plowing, street sweeping, pavement maintenance, leaf and brush collection, or garbage collection services on private drives unless they are brought up to City standards and dedicated to the City** *(recommended by Public Works Committee 9/20/11)*

Krause/Mott motion to continue this item to the next regular meeting of October 10, 2011. Unanimously carried.

**Discussion/Action on having the Street Department shovel delinquent snow-covered sidewalks** *(recommended by Public Works Committee 9/20/11)*

Krause/Kupsik motion to continue this item to the next regular meeting of October 10, 2011. City Attorney Draper noted that City ordinances already provided for the enforcement of sidewalk clearing by the City and, if the Department of Public Works clears any sidewalk, those expenses are placed on the tax roll. Unanimously carried.

**Discussion/Action on approving the removal of the Riviera flag poles to the top of the wood base and to flash over them** *(recommended by Public Works Committee 9/20/11)*

Krause/Hartz motion to approve for a total amount not to exceed \$1,000.00, to be funded from TIF.

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

**Presentation of Accounts – Alderman Krause**

Krause/Marsala motion to approve purchase order in the amount of \$16,741.

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

Krause/Kupsik motion to approve Prepaid Bills in the amount of \$954.99.

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

Krause/Hartz motion to approve Regular Bills in the amount of \$269,086.82.

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

Krause/Marsala motion to accept Report of the City Treasurer for month ending August 31, 2011. Unanimously carried.

## **Mayoral Appointments – Mayor Connors**

### **Appointment of City Clerk** *(recommended by Personnel Committee 9/22/11)*

Mayor Connors announced the appointment of Michael Hawes to serve as City Clerk.

Hartz/Krause motion to confirm the appointment of Michael Hawes, subject to approval of employment contract, including the terms specified by the Personnel Committee, and completion of background check.

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

### **Closed Session**

Kupsik/Marsala motion to go into closed session pursuant to Wisconsin Statutes 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: Peller Investments, LLC (City Attorney Draper).

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

The Council entered into Closed Session at 10:55pm. Also present: Administrator Jordan, City Attorney Draper, and City Clerk Reale.

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

The Council reconvened in open session at 11:12pm.

Marsala/Mott motion to direct City representatives to pursue litigation strategies as discussed in closed session in connection with the litigation involving Peller Investments, LLC. Motion carried by vote of 7 to 0, with Alderman O’Neill abstaining.

### **Adjournment**

Kupsik/Kehoe motion to adjourn at 11:14pm. Unanimously carried.

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/s/ Jeremy A. Reale, City Clerk

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