

FINANCE, LICENSE & REGULATION COMMITTEE
MONDAY, JANUARY 10, 2011 - 6:00PM
COUNCIL CHAMBERS, CITY HALL

Chairman Krause called the meeting to order at 6:00pm.

Roll Call. Present: Aldermen Krohn, Hartz, Marsala, Fesenmaier and Krause. Also Present: Administrator Jordan, Comptroller Pollitt, DPW Winkler, and Clerk Reale.

Marsala/Hartz motion to approve Finance, License and Regulation Committee minutes of December 13, 2010 as distributed. Unanimously carried.

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. None.

RESOLUTIONS

Resolution 11-R01, a resolution amending the City of Lake Geneva 401(a) Plan

Administrator Jordan stated that this resolution had been forwarded to the City by Security Benefit, the administrator for the 401(a) Plan for the Fire Department retirement program. The resolution would have the effect of amending some of the existing language in the plan to incorporate changes made in federal statutes, as recommended by Security Benefit. Alderman Fesenmaier noted that the resolution stated that City officers would be empowered to make changes to the plan without bringing those changes forward to Council for approval. Administrator Jordan responded that the statement would only apply to minor changes proposed for the plan. Alderman Fesenmaier expressed concern that the language of the resolution would not place any limitations on the ability of City staff to make changes without the consent of Council.

Marsala/Hartz motion to forward to Council with recommendation for approval. Alderman Hartz asked about the consequences for the City if the proposed resolution was not adopted. Administrator Jordan responded that he would need to consult with Security Benefit to ascertain the possible consequences of not acting on the resolution. It was noted that the item could be continued to the next regular meeting, as final approval was not needed until the end of January. Administrator Jordan stated that he would ask Security Benefit to provide a written explanation of all the proposed changes to the plan and consequences for the City. Alderman Fesenmaier stated for the record that she would not approve of any resolution that provided for changes to be made without Council approval.

Krohn/Hartz motion to table. Unanimously carried.

ORDINANCES

First Reading of Ordinance 11-01, amending Section 54-34 of the Lake Geneva Municipal Code to permit trapping on certain City property

Administrator Jordan reported that the proposed ordinance was tied to a grant that the City had applied for to help purchase sixty acres of wetland located just north of the Hillmoor property. He stated that the Department of Natural Resources (DNR) had indicated that the City would need to permit trapping in order to obtain the grant, adding that current City ordinances would not allow for that activity. The proposal would allow for trapping by permit only within the designated area of the White River estuary, between Main Street and Sheridan Springs Road. Administrator Jordan stated that Attorney Draper had recommended modifying the proposed ordinance to specify that trapping would only be allowed by permit and subject to City regulations.

Fesenmaier/Hartz motion to refer to staff for revisions and continued First Reading at the January 24, 2011 regular meeting. Unanimously carried.

LICENSES & PERMITS

Hartz/Marsala motion to forward to Council with recommendation for approval of original Class “B” Fermented Malt Beverage and “Class C” Wine License application for Hong Kong Restaurant Inc., d/b/a Happy Restaurant, 526 Wells Street, Lake Geneva, Min Ting Zhong, Agent. Unanimously carried.

Marsala/Hartz motion to forward to Council with recommendation for approval of temporary “Class B”/Class “B” License application for Knights of Columbus Council #1647 for the sale of fermented malt beverages and wine at St. Francis De Sales Church, 148 W. Main Street, Lake Geneva, for Italian Festival on January 15, 2011. Unanimously carried.

Marsala/Krohn motion to forward to Council with recommendation for approval of original Operator Licenses for the following applicants: Christopher Cline, Jill Perry, Regan Graham, and Kyle Kaefer. Unanimously carried.

Discussion/Recommendation on purchase of solar-powered speed control signage for Townline Road

DPW Winkler reported that Council had previously directed staff to obtain pricing for “blinker” speed control signage to be installed at two locations along Townline Road in the Veterans Park area. The solar-powered units had been priced at \$1,600.00 each, with DPW Winkler estimating that the total for the purchase of two units and installation would be \$3,400.00 to \$3,500.00. Alderman Krohn inquired about the source of funding for the signage. Chairman Krause responded that the funds would come from contingency. Alderman Hartz asked about the effectiveness of these signs in terms of controlling traffic speed. DPW Winkler stated that this type of signage was becoming very popular, adding that the blinking features easily attract the attention of motorists. Noting that this issue had been brought up in conjunction with the discussion of allowing parking along Townline Road, Alderman Krohn asked if the signage would still be considered if the Council decided to retain the current no parking designation. DPW Winkler stated that speeding is a problem along Townline Road regardless of the parking situation, adding that this signage would be more effective than the signage currently in place. Comptroller Pollitt stated that a budget amendment would be prepared for consideration at the next regular meeting if the item was approved.

Marsala/Krause motion to forward to Council with recommendation for approval of purchase from Contingency for an amount not to exceed \$3,500.00. Motion carried by vote of 3 to 2, with Aldermen Fesenmaier and Krohn opposed.

Discussion/Recommendation on purchase of banquet tables for the Riviera building

DPW Winkler noted that Council had originally approved the Riviera remodeling contract with Scherrer Construction excluding the purchase of banquet tables and chairs, as staff had indicated it was likely that more favorable pricing could be found by purchasing those items separately. He reported that a price of \$5,211.05 had been obtained for forty 60-inch round tables from the manufacturer, which was less than the \$7,818.00 bid price. It was not proposed to purchase storage racks for the tables at the present time, as the tables would be rolled into the store room adjacent to the ballroom for storage. Alderman Hartz expressed concern about possible damage to the ballroom flooring by rolling the tables to the store room instead of using racks. DPW Winkler responded that there would still be sufficient funds available to purchase racks at a later date, if that was to be deemed a more favorable storage solution. Alderman Fesenmaier asked what would happen to the existing tables and chairs. Administrator Jordan stated that the City planned to keep those items, as they may be able to be used elsewhere. DPW Winkler added that a few of the existing rectangle tables would also be kept on hand at the Riviera.

Marsala/Fesenmaier motion to forward to Council with recommendation for approval of purchase of forty tables for the amount of \$5,211.05. Unanimously carried.

Discussion/Recommendation to authorize the sale of surplus property to the Town of Delavan

Administrator Jordan stated that this item would provide for the sale of the old “gooseneck” microphones that had previously been used in the Council Chambers. He reported that the Town of Delavan had expressed an interest in possibly purchasing this equipment. It was proposed to set a price range of \$70.00 to \$90.00 due to variances in the condition of the individual microphones. Chairman Krause added that staff had also discussed the possibility of listing surplus materials and equipment on E-Bay in the future. Alderman Hartz expressed a preference for the E-Bay option, as that would better satisfy the policy requirement of obtaining competitive bids for the sale of surplus goods.

Hartz/Marsala motion to forward to Council with recommendation for approval of authorization to sell the surplus microphones on E-Bay. Chairman Krause suggested a study to determine how much administrative time would be necessary to set up and use an E-Bay account for the City.

Fesenmaier/Krohn motion to amend to stipulate that the proceeds of the sale would go to the General Fund. Unanimously carried. Administrator Jordan was directed to develop a list of surplus equipment from the various departments of the City that could potentially be listed for sale on E-Bay.

Original motion, as amended, carried unanimously.

Discussion/Recommendation on disallowance of claim filed by Paul and Jane Wagner pursuant to Wis. Stats. 893.80 (1g)

Administrator Jordan reported that the claim in question had been filed against the City for sewer backup at the property located at 510-512 Broad Street. The claim had been reviewed by the City's insurance provider and, following investigation, the provider had recommended that the City deny the claim. Alderman Hartz noted that the Council had previously discussed the possibility of obtaining no-fault insurance coverage for this type of problem, adding that he felt it might be more advantageous to figure out a solution that would be amicable to all parties involved rather than simply denying these claims. Administrator Jordan stated that the City typically received about three such claims per year, adding that it would cost roughly \$9,400.00 to add the no-fault coverage to the City's insurance policy. He cautioned, however, that this figure would likely increase in the upcoming year because of a large number of claims. Administrator Jordan reiterated that residents should discuss this issue with their insurance providers to be certain their properties are covered in the event of a sewer backup. DPW Winkler noted that sewer backups are not caused by the utility, but rather by private individuals dumping materials into the sewers beyond the control of the utility. He added that the Utility Commission had considered the issue of purchasing no-fault coverage; however, there had been questions about where responsibilities should lie for these problems. Alderman Krohn asked if the City had ever been determined to be at fault for one of these claims. It was noted that the City had not. DPW Winkler stated that claims had historically varied between \$1,000.00 and as much as \$20,000.00, depending upon the nature of the backup and the condition of the affected basement. Alderman Hartz reiterated that he would prefer to see the City revisit the possibility of obtaining no-fault coverage. Administrator Jordan was directed to provide the Council with a summary on the recent history of claims against the City, including amounts.

Marsala/Krause motion to forward to Council with recommendation to deny the claim.

Roll Call: Marsala, Fesenmaier, and Krause voted "yes". Krohn and Hartz voted "no". Motion carried by vote of 3 to 2.

Discussion/Recommendation on proposed ordinance prohibiting synthetic marijuana

Administrator Jordan stated that it was becoming commonplace in many municipalities to adopt ordinances prohibiting the sale or possession of the synthetic marijuana product. If the committee desired to move forward with this measure, it would be forwarded to the City Attorney for the formal drafting of an ordinance for future consideration.

Marsala/Hartz motion to forward to City Attorney with instructions to draft an ordinance prohibiting the sale and possession of synthetic marijuana. Alderman Hartz noted that synthetic marijuana was classified as a "Schedule 1 Controlled Substance" and wondered if its prohibition would already be covered by existing ordinances. This would be reviewed with the City Attorney for clarification.

Alderman Hartz offered a friendly amendment to stipulate the condition that the City Attorney would draft an ordinance "if necessary". The amendment was accepted as friendly.

Unanimously carried.

Presentation of Accounts, Alderman Krause.

Purchase Orders. None.

Hartz/Marsala motion to recommend approval of Prepaid Bills in the amount of \$34,756.07. Alderman Marsala noted that the bills included salary payments for Plan Commission to individuals that were no longer serving. It was noted that these were year-end payouts. Comptroller Pollitt also stated that she had learned that Plan Commissioners, if salaried, would have to be added to the City payroll and subject to FICA. Unanimously carried.

Marsala/Hartz motion to recommend approval of Regular Bills in the amount of \$244,643.45. Unanimously carried.

Adjournment

Marsala/Hartz motion to adjourn at 7:06pm. Unanimously Carried.

/s/ Jeremy A. Reale, City Clerk