

**REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 9, 2015 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

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

The Pledge of Allegiance was led by Alderman Chappell.

Roll Call. Present: Mayor Connors, Aldermen Chappell, Kordus, Kehoe, Hedlund, Hill, Kupsik and Lyon. Absent (excused): Alderman Wall. Also present: City Administrator Jordan, City Attorney Draper, and City Clerk Waswo.

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 to be limited to 5 minutes.

Alistair Cummings, W3423 McDonald Rd, owner of Sopra Restaurant was concerned with the Demerit Point System ordinance. He believes the ordinance is too restrictive and does not provide enough clarity on the restrictions. He questioned if the ordinance would deter businesses from calling the police when there are incidents. Mr. Cummings requested taking out the word “shall” and replacing it with “may” to allow the Police Chief and Mayor some discretion.

Greg Bush, owner of Champs, 747 Main Street, was also concerned with the Demerit Point System ordinance and the standard point system. Mr. Bush gave an example of an incident at his establishment. He stated that the situation was handled correctly by his employees, however, under the proposed ordinance; the employees and business would have received demerit points. He believes the current system in practice for years is working. He also wanted to address the underlying issue regarding suspension of employees. He noted a 10 day suspension for an employee who lives paycheck to paycheck will make it difficult for them to make ends meet; and a 60 day suspension will cause employees to look for another job. The establishment is then left to hire and train another employee.

Chad Bittner, 2116 Heather Drive, represents Next Door Pub and Pizzeria. Mr. Bittner was shocked by the Demerit Point System ordinance. He stated every one of these businesses could potentially be taken away in 5 minutes by an accident or sabotage. Mr. Bittner believes this violates civil liberty. He questioned if the Riviera is subject to this ordinance or would it be the establishment/person that is utilizing the license. He questioned if Walmart would be part of this system. He stated there are a lot of gray areas in this matter and wanted to know why the businesses weren't included in this decision. Mr. Bittner stated that his employees were very upset and scared that they could lose their jobs. He requested the council consider the gross ramifications of this ordinance.

Eric Dawson, owner of Thumps Up, 460 Broad Street, spoke on the same concerns. He believes everything outlined in the ordinance can currently be handled by the existing Chapter 125. He feels he has a good relationship with the Police Department and that this drives a wedge between them. He stated there are a million ways a business could have their liquor license revoked forever according to the proposed ordinance. He and his partner are greatly opposed to this ordinance and have worked hard to try and turn around their business into a pillar of the community.

Frank Guske, owner of Lake Geneva Lanes, 192 E Main Street, is strongly opposed to this ordinance. He has invested his life and savings into his business. He is concerned for his employees and stated they are very concerned as well.

Alicia Gerish, 1086 S. Wells Street, has worked as a cocktail waitress, bartender, managed restaurants, as well as worked on events. She does not see the benefit of the Demerit System. She believes it may deter people from choosing Lake Geneva for events or weddings. She thanked the Business owners for bringing up how the system would impact employees and requested the Council think about the impact the new ordinance would have on bartenders and their future in the city.

Jay McNulty, representing Medusa Grill and Bistro located at 501 Broad Street, stated everyone at Medusa's is opposed to Ordinance 15-01. Mr. McNulty stated as a Manager, he ensures that all his employees know and follow the laws of

Chapter 125 as closely as possible. He stated he feels the City is assuming they are not doing their jobs. He feels that if there were problems, the businesses should have been notified.

Linda Chironis, Operator at Hogs and Kisses located at 149 Broad Street, stated that this year Hogs and Kisses will be in business for 35 years. The proposed ordinance makes her feel like they are under attack. It creates an adversarial tone and threatens her livelihood. Ms. Chironis stated that the local businesses provide jobs for returning students and supplemental income for others. She stated she has had problems at Hogs and Kisses but she's done everything in her power to correct those problems. She specifically asked what problems the Council is trying to solve and what measures need to be taken so the ordinance isn't needed. Ms. Chironis would prefer to be a community working together rather than torn apart by an adversarial ordinance.

Rick Bittner, 259 Sky Lane, is a Senior Partner at Next Door Pub and Pizzeria as well as a member of the Police and Fire Commission. The ordinance states after 300 points in a 24 month period, the City Council "shall" revoke the license. Mr. Bittner stated he is not totally opposed to some kind of measure, but one incident can put a whole business at risk. He doesn't feel this is right.

Dave Baluck, 1325 Park Row, questioned what's to stop people from paying someone to create a ruckus at establishments where they don't like the owners. He thinks this could be a real problem. He also feels that this may deter people from calling the Police when there is an issue because they are afraid of getting demerit points.

Rob Gerske, from Tuscan Tavern and Grill located at 430 N Broad Street, stated everyone who has spoken feels the exact same. He stated he has 55 employees, and this is frightening for them and they are all worried. Mr. Gerske asked the Council to please make the right decision.

Dan Caravette, 642 W Main St, stated he is the owner of Carvetti's. He has been coming here as a tourist for 42 years, and 11 years ago, he decided to open a business. Mr. Caravette bought a bar that had been a disgrace and has invested his life to making it a positive asset for the City. He believes he has invested in a city that is fair to businesses and business owners. He said Carvetti's donates money back to the community by purchasing presents for the homeless and people who cannot buy gifts for their children. He feels it is unfair to let a few bad apples take away his livelihood and the livelihood of others. He stated he would like to sit on the board to come to a professional resolution if they have to put a program like this in place.

Sean Payne, 127 Sumner Genoa City, stated he was born and raised here and has worked in the bar industry. Mr. Payne feels the Council is putting unfair handcuffs on the businesses that do a great job. He wants the Council to think this through before a decision is made.

Acknowledgement of Correspondence. None.

Approval of Minutes

Kupsik/Lyon motion to approve the Regular City Council Meeting minutes of January 26, 2015, with amendment to the CD renewal for Community Bank to state "Mayor Connors noted he believes the merger has already taken place; and since we have no money invested in Town Bank, we will not exceed the FDIC limit." Motion carried 7 to 0.

Consent Agenda

Riviera Beach Use application filed by Nick Nottestad for the Duffy Nottestad Fishing Derby at the beach, held on Saturday, February 28, 2015 from 9am to 2pm and setup on Friday evening with fees waived (*Recommended by Piers, Harbors and Lakefront on January 29, 2015*)

Temporary Class "B" License application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees for the sale of fermented malt beverages at Flat Iron Park parking lot, 100 block of Center St., Lake Geneva, for Venetian Festival on August 18-24, 2015

Temporary Class "B"/"Class B" License application for the sale of fermented malt beverages and wine at St. Francis de Sales Church, 148 W. Main Street, Lake Geneva, for Italian Fest on February 21, 2015

Temporary Operator License application filed by Nicholas Vorpapel on behalf of St. Francis de Sales Church for the Italian Fest on February 21, 2015

Original Massage Establishment License application filed by Mia Faccia LLC d/b/a Mia Faccia Salon and Day Spa, 235 Broad Street, Lake Geneva

Renewal of 2014-2015 Operator's (Bartender) License application filed by Cheyanne Lehman

Original of 2014-2015 Operator's (Bartender) License application filed by Kayla Shulka

Kupsik/Kordus motion to approve the consent agenda. Motion carried 7 to 0.

Items Removed from the Consent Agenda

Park Permit application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees to use Flat Iron, Library and Seminary Parks for the Venetian Festival on August 17-24, 2015 (recommended by Board of Park Commissioners on 2/4/15. City has received the \$25 application fee and \$105 park reservation fee)

Kupsik/Kordus motion to approve. Alderman Hill stated this is entirely inconsistent. She stated in the minutes from Park Board, Mayor Connors offered an amendment to charge the \$105 Park Use Fee but waived the Security Deposit. Ms. Hill stated this application is supposed to be charged per day per park, the fact that just one day was picked from one of the three parks listed is inconsistent. She knows they do great work, but she is not in the business of judging non-profits and contributions back to the community by way of subsidizing events through taxpayer dollars. Alderman Kehoe wondered if there are opportunities to stay in one area to be a more understanding with parents who bring their children. Alderman Lyon asked what the counter proposal would be as the Park Board has made their stipulation. Mayor Connors explained that 2 years ago Application Fees were not charged. He noted this event has long standing success it has been tough for the Park Board to be consistent and charge everyone. Alderman Kupsik stated the Park Board has discretion on the security deposit. Ms. Hill said her point being that we are only charging one Park Use Fee for one day and there are three parks for numerous days. She questioned why bother charging \$105 when it should have been upward to \$2000.

Chappell/Hill motion an amendment to alter the application to have the Jaycees pay \$105 per day per park. Alderman Hill stated she appreciates Ms. Chappell her putting her neck out but it probably won't pass as the Jaycees and this event carry a tremendous weight in this community. Ms. Hill has been attempting to garner some sort of consistency with every major event in the City and have been unsuccessful. Without major discussion and involvement with the Jaycees, Ms. Hill believes it will never happen. Ms. Chappell felt that the council has the deciding factor. Alderman Kordus stated the Jaycees donated barricades for the City. He noted a number were stolen at the Christmas parade and he believes we will ask them to purchase more for the City. If we are taking money out of their right pocket and putting it our left pocket, it all comes out in the wash.

Roll Call: Lyon, Hedlund, Kupsik, Hill, Kordus voted "no." Chappell and Kehoe voted "yes." Motion failed.

Motion to approve the Park Permit application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees to use Flat Iron, Library and Seminary Parks for the Venetian Festival on August 17-24, 2015

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted "yes." Motion carried 7 to 0.

Street Use Permit application submitted by Ryan Stelzer on behalf of Lake Geneva Jaycees for the use and closure of Wrigley Dr. from Center St. to Broad St. for Venetian Festival on August 17-24, 2015.

Hill/Kupsik motion to approve. Alderman Hill asked City Attorney Draper why the permits were listed separately on the agenda and questioned if the event be approved as one item. City Attorney stated that one is a Park Permit and the other is a Street Use Permit so they have to be listed separately. Ms. Hill also stated that they haven't been charged an Application Fee. Mayor Connors stated that the Application Fee has been rolled into one for simplicity for the applicant and the staff.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted "yes." Motion carried 7 to 0.

Park Permit application filed by Penny Erickson on behalf of the First Congregational United Church of Christ to use Seminary Park for an Easter Sunrise Worship Service on April 5, 2015 (recommended by Board of Park Commissioners 2/4/15)

Hill/Kupsik motion to approve. Ms. Hill noted there are no consistencies as this small event is being charged whereas other larger events are not. Mayor Connors stated we cannot differentiate between religious organizations and members of the public.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted “yes.” Motion carried 7 to 0.

Second Reading of Ordinance 15-01, an Ordinance Amending Chapter 6, Alcohol and Beverages, to establish a Demerit Point System for Liquor License Establishments.

Kordus/Lyon motion to create and refer to an Ad Hoc Committee with citizen involvement for review. Alderman Kordus stated that in light of everything that was heard today, there appears to be a few holes in the ordinance and there may be discrepancies in some interpretation issues. It is important to get the business owners involved in how this system is set up if it is to move forward. Alderman Chappell noted that when the Ad Hoc Committee is created, business owners should attend. Alderman Hill stated she is not in favor of creating another committee and has spoken against the idea from the beginning. She noted that this ordinance did not just pop up as it had been discussed in prior meetings that are on Channel 25 and it was also in the paper. She said she was also concerned with the word “shall” in the proposed ordinance. She felt there should have been some formal discussion from the beginning. Ms. Hill said she fully understands the importance and value of these licenses and is not sure why this is needed as there is already a renewal process in place. She stated that the nervousness and apprehension that is being heard is very real. There are very few situations where the Council has the ability to dangle someone’s livelihood in front of their face. Ms. Hill stated that the Council did not do their due diligence from an Administrative perspective as they handed only one demerit system example to the City Attorney.

Alderman Kehoe stated she appreciates the people who have spoken out on the issue wanted to thank everyone for coming and providing good points. Alderman Chappell feels this is a really important issue and noted that the word “shall” is imposing. Ms. Chappell questioned who proposed this legislation. City Attorney Draper stated he brought an example of an ordinance that was adopted in Grafton and was instructed by the council to draft an ordinance along these lines. He stated many other municipalities have this ordinance and like to use this system because it provides some consistency. Ms. Chappell questioned if the council is supposed to be drafting legislation for liquor licenses. Mayor Connors stated typically alderman do research, come forth with an idea and it is worked through in many drafts and corrections.

Hill/Kordus motion an amendment to postpone indefinitely. Motion carried 7 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Lyon

First Reading of Ordinance 15-02, an Ordinance Amending Chapter 74, Traffic and Vehicles, Sections 74-210, 74-221, 74-234, and 74-67.

First reading only; no action taken. Alderman Kordus asked for an amendment to February 28 to the last day of February to accommodate the leap year. Mayor Connors stated it was a first reading only, and the amendment can be made at the next reading.

Resolution 15-R03, authorizing a step increase for Dispatcher Rita Moore.

Lyon/Hill motion to approve. Alderman Kordus stated as part of Act 10, on a principle level he opposes this, but will vote for it.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus voted “yes” with Alderman Chappell abstaining. Motion carried 6 to 1.

Discussion/Action on renewal of CDARS in the amount of \$600,000.00, maturing on February 19, 2015 from Community Bank of Delavan.

Lyon/Kordus motion to approve the transfer of the money to the Government Investment Pool.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted “yes.” Motion carried 7 to 0.

Presentation of Accounts – Alderman Lyon

Purchase Orders. None.

Lyon/Hedlund motion to approve Prepaid Bills in the amount of \$74.50.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted “yes.” Motion carried 7 to 0.

Lyon/Hill motion to approve Regular Bills in the amount of \$178,400.58. Alderman Hill questioned if the Gray’s Inc. plow cutting edges is part of a contract. Administrator Jordan stated it was for plow repairs. Ms. Hill asked if the Healthcheck 360 bill for almost \$14,000.00 for flu shots. Mr. Jordan stated as part of the wellness plan all of the employees and spouses have to give blood and this amount was for the lab testing. Mr. Jordan stated as health insurance is skyrocketing, this program helps to catch issues up front.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Chappell voted “yes.” Motion carried 7 to 0.

Mayoral Appointments. None.

Adjournment

Kordus/Hill motion to adjourn at 8:23 p.m. Motion carried 7 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL