

**REGULAR CITY COUNCIL MEETING  
MONDAY, FEBRUARY 22, 2016 – 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 Kupsik.

**Roll Call.** Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell. Also Present: City Attorney Draper, City Administrator Oborn, Director of Public Works Winkler and City Clerk Waswo.

**Awards, Presentations, and Proclamations.**

City Clerk Waswo stated metered parking will begin March 1<sup>st</sup> and stickers are available at City Hall.

**Re-consider business from previous meeting.**

Kordus/Kupsik motion to reconsider the Art in the Park application and set on next council agenda.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting “yes.” 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 to be limited to 5 minutes.**

Terry O’Neill, 954 George St., thanked Aldermen Chappell and Howell for putting the Hillmoor feasibility study on the agenda. He asked all Aldermen to hear the details of the study before making a decision on the future of Hillmoor.

Maureen Marks, 834 Dodge St., thanked the Aldermen who put the feasibility study on the agenda. She is a strong supporter of the study. She stated the landscaping in front of the Riviera is not overgrown; it’s mature and needs to be maintained. She had crab trees in her yard and feels they are terrible as they drew bees and dropped apples that stained the sidewalk. She feels the trees should not be flowering trees. She said the drawing looks very contemporary and does not fit in with the Riviera.

Mary Jo Fesenmaier, 955 George St., thanked the two Aldermen who put the agenda item on. She hopes the Council gives the City Administrator time to explain where the numbers come from and how this will help the City. When this was voted down at Planning Commission the members were begging the Council to look at options for this property. She feels the City Administrator is in the best position to put a list of options together for public, private and a public/private combination. It’s important to vote yes on this for such little cost relative to the people in the community who are begging the Council to look at the property to decide what’s best for all of us. She urged the Council to vote yes.

**Acknowledgement of Correspondence.**

City Clerk Waswo stated the City received emails on Feb. 20 from Judith Salmon and Maureen Marks requesting the Council approve the Hillmoor feasibility study. The City received an email from George Dewey on Feb. 21 with parking suggestions. The City received emails on Feb. 22, from Don Ogden, Maureen Allenstein, Tanya Martinez, and Thomas Anthony requesting the Council approve the Hillmoor feasibility study.

**Approval of Minutes.** Wall/Gelting motion to approve the Regular City Council Meeting minutes of February 8, 2016, as prepared and distributed. Unanimously carried.

**Consent Agenda**

**Temporary “Class B”/Class “B” Wine and Fermented Malt Beverage License application filed by Melissa Bochniak on behalf of Badger High School for the sale of fermented malt beverages and wine at the Geneva Lake Museum, 255 Mill Street, Lake Geneva for a Casino Night Fundraiser event on March 19, 2016, 5:00pm to 10:00pm**

**Temporary Operator License application filed by Kevin Polheber on behalf of Badger High School for a Casino Night Fundraiser event on March 19, 2016**

**Original 2015-2016 Operator's (Bartender) License applications filed by Damon Highland and Amber Wampole**

Kordus/Chappell motion to approve. Unanimously carried.

**Items removed from the Consent Agenda.**

**Finance, License and Regulation Committee Recommendations – Alderman Kupsik**

**Kupsik/Gelting motion to approve purchase of 1999 pick-up truck from Utility Commission for \$1,000 funded from the Cemetery fund budget and declare present vehicle surplus for disposal (*Public Works recommended on Feb. 11, 2016*).** DPW Winkler stated the Utility Commission had a vehicle available that could serve the needs of the Cemetery. It was agreed at the Public Works meeting the best option is to purchase the pick-up truck from the Utility Commission and remove the other vehicle.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting “yes.” Unanimously carried.

**Discussion/Action on the following parking ordinance changes:**

- **Eliminate limited time zone for angled parking stalls on east side of Cook Street, north of curblineline of Wisconsin Street**
- **Change existing (5) marked parking stalls on west side of Cook Street from south curblineline of Wisconsin Street to Maximum 1 hour parking from 8:00am to 4:00pm on school days only**
- **Change existing (5) marked parked stalls on east side of Madison Street from south curblineline of Wisconsin Street to Maximum 1 hour parking from 8:00am to 4:00pm on school days only**
- **Eliminate no parking zone from 8:00am to 5:00pm on school days for marked stalls on west side of Madison Street, north of curblineline of Wisconsin Street**
- **Create no parking zone from 8:00am to 4:00pm on school days only on south side of Dodge Street from curblineline of Madison Street to Cook Street**
- **Curb cut at schools expense on East side of Madison Street from north curblineline of Wisconsin Street to alley**
- **Eliminate two parking stalls on Main Street between Center and Mill Street for street reconfiguration (*recommended by the Parking Commission on Dec. 17, 2015 and Public Works on Feb. 11, 2016*)**

Kupsik/Gelting motion to instruct the City Attorney to amend the ordinance and bring back as a first reading. Alderman Chappell was not in favor of eliminating the two parking stalls as she feels it may make it difficult for retail shops from a business standpoint. Mayor Connors thought the process behind that was to allow for the City to put in the right turn lane down the entire block. Also, people coming off of Mill Street would be able to make a right turn. With the proposed change to the continuous left turn lane coming down the hill into Lake Geneva it would allow for the use of the new configuration better. Alderman Hedlund noted they are only talking about 2 parking stalls and there is a free lot less than 300 feet from those 2 parking stalls.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting “yes.” Unanimously carried.

**Discussion/Action on motion to conduct \$15,000 Hillmoor property feasibility study by Vandewalle and Associates with funding from TIF#4 contingency (*requested by Alderman Chappell and Alderman Howell*)**

This was sent to City Council without a recommendation from FLR. Alderman Howell stated the idea behind the feasibility study was to give the City information. They don't know what it would cost to do anything and what the City would gain from it. They might want to send this to Vandewalle for a proposal to tell them exactly what they will do.

He feels they need information, and cannot make a good decision if they don't know what they are deciding and what it will cost or gain. Alderman Chappell agreed with Mr. Howell. She is not a fan of the \$15,000 and is not sure why the study would cost this much.

City Administrator Oborn had a conversation with the City Planner from Vandewalle and Associates. He provided the amount for a comprehensive study, but didn't ask for a scope. Mr. Oborn does think it will address a lot of the issues being discussed. Vandewalle is in a good position to do the study, as it would be difficult to do in-house.

Alderman Hill appreciates the need and desire for more information. She feels challenged because she does have knowledge of the property as 3 years ago she wrote a 6 page broker's opinion of valuation on the property. She noted everyone has to remember we do not own this property. It's in private hands and should be left in private hands. It sounds like an ideal project for Lake Geneva Economic Development Corporation. Ms. Hill stated she would vote no on the feasibility study.

Alderman Kordus stated it's very clear that we don't own this property. For the City to do a feasibility study for what somebody can do with a private piece of land is bordering on eminent domain issues. He doesn't think the City ought to be diving into that. The options are the City buys the property, a private individual buys the property and donates it to the City, or a developer buys the property and does something with it.

Alderman Kupsik stated a feasibility study would be beating around the bush of things they are already familiar with. If there is an interest in a feasibility study, he suggests a detailed proposal from Vandewalle as to what the \$15,000 would cover. Ms. Chappell understands the City does not own the property. The feasibility study would help to see what can be done if they were to purchase it. She would like to see it be something that makes some money and pays for itself.

Alderman Hedlund stated the City doesn't own the property and questioned where they would get the money to purchase the property. He asked how much it would cost the average taxpayer and does not believe they would get that information from a feasibility study. He doesn't know what a study would accomplish and would want to have the means before buying the property. Mr. Howell stated the public needs to know all of this. They are guessing what the cost would be and the study would provide the information which is the whole idea.

Howell/Chappell motion to ask Vandewalle and Associates for a detail of what the study would encompass.

Alderman Kupsik asked if the City would be required to send this out for multiple bids. Mayor Connors answered it is for professional services, so they are allowed to solicit proposals. Mr. Oborn will come back with a more detailed scope of services that Vandewalle will render. He will check if there is a charge, but noted a scope is usually done for free.

The property is currently listed for \$5 million. Mr. Oborn noted he has experience in acquiring property through eminent domain. Usually you pay top dollar and around a half million dollars in improvements. A 10 year loan at 2% interest is \$613,000 a year, which is almost a 9% increase in the annual debt in the tax rate. Additional maintenance on the low end would be \$122,000, almost 2%. Preliminary numbers show a possibility of an 11% to 15% tax increase. The high estimate includes minimal improvements.

Alderman Chappell stated there is a gentleman that wants to create a dirt park at four seasons. This is the type of information she would like to gain from a feasibility study. Ms. Hill stated they won't get anything out of Vandewalle like that. Alderman Wall doesn't think the taxpayers will want to pay 9% or more in taxes. He suggested to the small amount of people who want this feasibility study, to get donations and put it together themselves.

Mr. Gelting said once the TIF is closed, the revenue is \$400,000 a year. He questioned how that will be handled. Mr. Oborn stated it can be compensated with future borrowing and bring it back up. We have not used all of our debt service on our levy limit so we have some room.

Alderman Hill noted the purchase would have to go to referendum. City Attorney Draper said it is public improvement so it is different. Mr. Hedlund asked for clarification that the \$500,000 is not all improvement, some of that would be

making the property viable again. It's not improvements like repairing cart paths, bathrooms, and lighting. This amount is just making the property safe. Mr. Oborn stated it's a really rough estimate. The Public Works Director did do a very barebones estimate of \$122,000. Mr. Howell noted this information is what they would get from doing the study. If Vandewalle does it or we do it ourselves, the point is we get the information out there.

Mayor Connors said with eminent domain, the seller could come back within 2 years and say the property is worth more than the current price, so it could become substantially higher. If this were to be City owned, it would have to be purchased by someone else and donated to the City. This is typically how parks are done. It could certainly be \$185 per household. He has already seen people upset over the water rate increase which was less than this amount. If someone wanted to buy it and donate it to the City, they wouldn't be subject to the eminent domain.

City Attorney Draper explained one of the rules is that private people can go out and make deals, but municipalities may not. They are restricted by eminent domain rules which say there has to be appraisals and agreements. They have the right to come back in 2 years and challenge it for more money. Mr. Kordus doesn't see the point of going forward with the feasibility study unless the City or other people are seriously considering purchasing this property.

Mr. Kupsik said it's not going to cost anything for Vandewalle to provide a detailed proposal. Depending on how we all stand it would benefit everyone to see a proposal and make a final decision on whether or not to move forward. He questioned what harm it could do to have a written proposal from Vandewalle. Mr. Kordus questioned if they start going down this road, are they crossing a fine line of eminent domain. Mr. Draper did not think they were getting to that point. The fear is if there would be a competing interest.

Roll Call: Motion carried 5 to 3 with Chappell, Gelting, Kupsik, Hedlund, Howell voting "yes" and Wall, Kordus, Hill voting "no".

**Kupsik/Gelting motion to approve Nielsen Madsen & Barber SC for design review services agreement for Symphony Bay development funded by developer (Plan Commission recommended on Feb. 15, 2016)**

The engineering contract is for the stormwater and streets. It is to avoid any conflict of interest with Kapur who did the original sewer, stormwater and street engineering prior to them becoming the City Engineers. Plan Commission suggested another engineering firm double check everything and the developer agreed to that and to pay for it.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Discussion/Action on TIF#4 advance to Lake Geneva Joint 1 School District for \$1,861,043.91 and Lake Geneva-Genoa City Union School District for \$1,297,717.22 subject to an acceptable agreement between the parties for the same.** This was sent to the City Council without recommendation from FLR. Mr. Oborn stated when doing the budget, the City set aside \$6,000,000 for advances given there is an ample amount of funds in the TIF. The calculation was based upon the assessed value. This is refunding about 70%. The school district has been very forthcoming to receive this advance. Mr. Oborn estimated closing the TIF in November.

Kordus/Wall motion to approve. Mr. Kordus stated they all agreed to this in the budget process. This is the first step to getting the TIF shutdown. Mr. Gelting asked if they should approve advancing the funds back to all the taxing jurisdictions at the same time. Mr. Oborn stated they haven't requested them yet.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Plan Commission – Alderman Kupsik**

**Discussion/Action on Application for Site Plan Review for landscape alteration filed by Dan Winkler, City of Lake Geneva, 626 Geneva Street, Lake Geneva, WI 53147 for the front lawn and fountain area at the Riviera, 812 Wrigley Drive (Plan Commission recommended on Feb. 15, 2016).** City Attorney Draper stated this was placed on the agenda based on a memo that was sent out. Site Plan Review is approved by the Plan Commission. It doesn't have any City Council approval. The next step is for Public Works to bid the project and bring the contract back. The Council will approve the funding. No action required.

**Kupsik/Wall motion to approve Resolution 16-R5, authorizing the issuance of a Conditional Use Application filed by Liquid Capital dba Melges Car Wash, 1100 S Edwards Blvd., Lake Geneva, WI 53147, for the installation of an electronic message center on a freestanding monument sign located at 1100 S Edwards Blvd., Tax Key No. ZA456600003 including all staff recommendations and adopting the Planning Commission's finding of fact (*Plan Commission recommended on Feb. 15, 2016*). The sign meets all the requirements of the ordinance. The applicant is aware the message can't change more than once per minute. The size of the new sign is going to be 32 square feet and the ordinance allows 50 square feet. It will also be moved further away from the highway than the previous sign.**  
Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Kupsik/Wall motion to approve Application for Land Division Review for a Certified Survey Map submitted by GPC Real Estate LLC, PO Box 400, Libertyville, IL 60048 for land located on Wells Street and North Bloomfield Road, Lake Geneva, WI 53147, Tax Key Nos. ZGM 00001 thru ZGM 00109 (*Plan Commission recommended on Feb. 15, 2016*). The purpose of this application was to consolidate prior condos into one tax parcel including an existing unplatted land and lot 2 of CSM 1784.**

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Hill/Gelting motion to approve Resolution 16-R4, authorizing the Lake Geneva Fire Department use of the lower level of Host Drive Water Tower as Fire Station No. 2 (*approved by Police and Fire Commission on Jan. 7, 2016 and Utility Commission on Jan. 21, 2016*). Mr. Oborn stated there was an informal agreement in 1996 when Fire Station 2 went into the water tower; however, there was no record on file of an agreement. The PFC requested we develop an agreement, which Mr. Oborn mediated between the PFC and Utility Commission. Both commissions have approved the agreement and recommended it be done as a resolution. The Fire Department continues the use at a cost of \$1 and covers the utility costs in the lower area as well as the lighting. Mr. Oborn feels it is a win win for both organizations to share the building.**

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

#### **Presentation of Accounts – Alderman Kupsik**

Purchase Orders. None.

#### **Kupsik/Gelting motion to approve Prepaid Bills in the amount of \$62,615.80**

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Kupsik/Gelting motion to approve Regular Bills in the amount of \$112,184.21.** Alderman Gelting questioned if the rest of the Traver expense will come in on the next agenda. Mr. Oborn was unsure, there needs to be a lien put on the property. We will pay this one but won't pay anymore until the lien is put on the property.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

#### **Kupsik/Gelting motion to approve Treasurer's Report for October 2015**

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

#### **Mayoral Appointments.**

Hill/Wall motion to approve appointment of Todd Krause to Zoning Board of Appeals, term expiring May 1, 2018.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Adjournment.** Kordus/Gelting motion to adjourn at 8:12 p.m. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

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