

**REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 28, 2016 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

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

The Pledge of Allegiance was led by City Administrator Oborn.

Roll Call. Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund. Absent: Alderman Howell. Also Present: City Attorney Draper, City Administrator Oborn 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.

James Wilson, 1120 Park Row, Lake Geneva spoke about the appointment and believes it should wait until the new mayor steps in. He commented that he does not believe the current company doing the Hillmoor study is a good choice.

Sean Payne, 127 Sumner Genoa City, spoke on behalf of Horticultural Hall. He requested the council waive the parking stall fees during Thursday mornings of the Farmers Market.

Maureen Marks, 834 Dodge Street, was against the over the line violation as if one person parks over the line, multiple cars couple potentially park over the line as well. She commented the Farmers Market is a great asset to Lake Geneva and is in favor of their request for free parking. She encouraged a positive response to the feasibility study.

Chris Geasie, 520 Sage Street, thanked the Lake Geneva Police Dept., Fire Dept., Walworth Co. Sheriff's Dept. and DEA for taking out the meth lab across the street from the school.

Acknowledgement of Correspondence.

City Clerk Waswo stated the City received an email from Luke Staplemann on March 25, 2016 in support of Ms. Patzfahl of Treasurer Cove. The City received an email on March 25, 2016 from Thomas Anthony recommending the Council approve the funding for the proposed Hillmoor property feasibility analysis.

Approval of Minutes. Wall/Kordus motion to approve the Regular City Council Meeting minutes of March 14, 2016, as prepared and distributed. Motion carried 7 to 0.

Consent Agenda

Alderman Hill recused herself from the consent agenda.

Street Use Permit application filed by Horticultural Hall Farmers Market using the alley to the south of Horticultural Hall (330 Broad St.) on Thursday's from May 5th to October 27th 7:30am to 1:30pm

Parking Stall Bag request filed by Horticultural Hall Farmers Market to use 13 stalls on the west side of Broad Street on Thursday's from May 5th to October 27th (26 days) 9:00am to 2:00pm with waiver of all parking stall bag fees

Kordus/Wall motion to approve.

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund voting "yes." Motion carried 6 to 0 with Alderman Hill "abstaining."

Items removed from the Consent Agenda. None.

Kordus/Gelting motion to approve Ordinance 16-1 amending Chapter 74, Section 74-210, Parking Regulations, Section 74-226, Loading and Unloading Zones, and Section 74-234, Limited Time Parking Zones (*second reading*)

Gelting/Kupsik motion an amendment to adjust the 5 parking stalls on the east side of Madison Street from south curblin of Wisconsin Street towards Geneva Street with a limit of one hour from Monday through Friday on school days from 8:00am to 4:00pm, and on the 5 parking stalls on the west side of Cook Street from the south curblin of Wisconsin Street towards Geneva Street to have a limit of one hour from Monday through Friday on school days from 8:00am to 4:00pm, and return the 6 stalls in front of the Theatre back to no parking.

Mayor Connors noted the parking stalls in front of the theatre had previously been a fire lane requested by the Fire Department. Discussion followed on removing the stalls but not until occupancy has been granted.

Kupsik/Hill motion an amendment to the amendment to remove the parking spaces created in front of the theatre after occupancy. Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Roll Call on Amendment with Second Amendment: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Roll Call on Main Motion with Amendments: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Kupsik

First reading of Ordinance 16-02, amending Chapter 90, Waterways, Article II, Lakes and Beaches, Division 2, Lake Regulations, adding Section 90-61, careless, reckless, or negligent operators

Kupsik/Kordus motion to suspend the rules and go to second reading.

Mayor Connors noted this is identical to the State Statute with the exception of the words of Geneva Lake rather than of the State. This allows a local citation to be written rather on the State Statute.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Kupsik motion to approve Ordinance 16-02, amending Chapter 90, Waterways, Article II, Lakes and Beaches, Division 2, Lake Regulations, adding Section 90-61, careless, reckless, or negligent operators

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on a draft ordinance for Parking Lot Naming (*Public Works Committee approved on March 17, 2016*)

Kupsik/Gelting motion to instruct City Attorney to draft an ordinance and bring back as a first reading.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Wall motion to approve Resolution 16-R13, amending the Schedule of Fees to include an over the line fee and a business sticker increase. Alderman Gelting said they discussed this at Parking Commission at length. People were intentionally taking up two spaces and there was no ability for Parking Enforcement to do anything about it. It was really implemented for that situation. There is nothing saying you have to park crooked when someone else does, you can choose to park somewhere else. Alderman Chappell questioned if this will be posted so people know they will received a ticket. Ms. Hill feels the lines denote themselves. City Attorney Draper explained there is already a state statute that describes parallel parking but this is a refinement of that statute.

Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

Resolution 16-R15, authorizing the 2014 transfer of monies from the Undesignated Fund Balance account to the Designated Fund Balance-Grants account in the amount of \$3,500

Kupsik/Gelting motion to approve 2015 transfer of monies from the Designated Fund Balance-Grants account to the Undesignated Fund Balance account in the amount of \$3,500

Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

Kupsik/Wall motion to approve Resolution 16-R17, authorizing the transfer of \$528,452.63 from the Lakefront Special Revenue Fund and an amount of \$705,100.21 from the Parking Special Revenue Fund to the General Fund at year end 2015 which will leave a \$75,000 addition to the fund balance in each of these funds

It was noted these are the audited numbers. Per resolution this leaves an additional \$75,000 in the funds. Ms. Hill pointed out these monies are redirected to the general fund for all the things necessary to keep the city running and directly offsets the tax levy. Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Hill motion to approve Resolution 16-R18, authorizing the transfer from the Unreserved Fund Balance to the Designated Fund Balance-OPEB in the amount of \$200,000. This is a closing entry for the 2015 financial statements and is for post retirement health benefits. Staff will check with the auditors to see if this should be a budget item in 2017. The idea is to have the money to meet the obligation if the city were to shutdown. It is reported in our financial statements and clearly underfunded; however, the city is not mandated to be fully funded. It makes sense, when money is available, to move in the direction of funding it.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on award of contract to Humphreys Contracting for the Main Street Sidewalk Replacement project in the amount of \$44,826.96; and if the contractor is agreeable, to accept his unit pricing for additional work which may take place in 2016 funded by the TIF4 (*Public Works Committee recommended on March 17, 2016*)

Kupsik/Kordus motion to approve including the unit price for work for anywhere in the city, not just in the TIF.

Ms. Hill appreciates asking to extend the unit price; but by default they are contracting this company for all of 2016 when they bid for this specific project. She questioned if the RFP was written as such. Mr. Kordus explained it was discussed at Public Works and they are not contracting them for 2016. If there is another large project, it can go out for bid. It was not included in the bid but as they were the low bid, we asked if we had additional funds if they would do additional work and they agreed. There is sidewalk work within and outside the TIF district that could be done if there is extra funding. The unit price would extend to these items. Mayor Connors noted this has been done in the past.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve award of contract to Payne & Dolan for the Main Street Widening project in the amount of \$183,218.17 funded by TIF4 (*Public Works Committee recommended on March 17, 2016*)

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on Wisconsin Power and Light Company (Alliant Energy) agreement for the undergrounding of the overhead wires on Main Street in the estimated amount of \$630,000 funded by TIF4 (*Public Works Committee recommended on March 17, 2016*).

Kupsik/Kordus motion to approve contingent upon the Attorney reviewing the contract.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve award of contract to Wil-Surge Electric for the Driehaus Plaza Electrical Installation in the amount of \$7,650 funded by TIF4 (*Public Works Committee recommended on March 17, 2016*)

Alderman Wall questioned at FLR why it did not go through public works. Mr. Kordus stated as chair of Public Works he agreed to push it through to the agenda as the bid was opened after the last Public Works meeting. This is the same contractor that did the lights on Main Street.

Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

Kupsik/Wall motion to approve acceptance of the Lake Geneva Jaycees Tool donation to the Street Department (*Public Works Committee recommended on March 17, 2016*). Alderman Wall appreciates all the donations this year and in the past the Jaycees have given to the city. Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

Discussion/Action on employee compensation policy and employee performance evaluation form (*Personnel Committee recommended on March 24, 2016*). This was sent to the council without recommendation from FLR. Mr. Oborn explained the policy. This goes along with the implementation of the compensation study. Pay adjustments would be correlated with performance evaluations. The goal is to implement the evaluations by March 31st and again annually in November. There

will be two different types of pay rate adjustments, annually with a cost of living adjustment and a performance based adjustment.

Alderman Kordus questioned the step advancement section. If an employee is at their minimum rate, as they perform better, over time they will move toward the midpoint. There should be no rush to move anyone to midpoint. You are hired at the rate you come in based on experience. If the anticipation is giving an across the board 1% COLA increase, and then on top of that give a merit increase, the goal should be to move to a strictly performance based pay scale. The step advancement and COLA does not belong in there except to adjust the pay rates not the employee pay scale.

Alderman Hill is not a fan of the process and does not want to refer to it as a bible for all employees. It appears we are in fact moving that direction by using some very specific terms. She stated they now have fully incorporated the exact recommendations of the compensation study. If she had full confidence in the study, she would have full confidence in the recommendation, but she does not. This is the way they should be moving but is not comfortable with adopting this exact language. She would like to hear from other department heads on how this will be incorporated.

Mr. Oborn noted for implementation purposes the goal would be to get it done before November, earlier would be better as structurally you have to know what the COLA is by July. Management needs to know how to implement the performance based increases. The County does not do the raises in November, but they estimate the raises for the budget.

Mr. Kordus is assuming the COLA adjustments are going to the pay ranges, not necessarily the employees. Pay study ranges are usually good for up to 5 years; there should not be an assumption that every year the pay scale will be adjusted to cost of living. Those scales are based on market conditions as opposed to economic. He feels COLA does not belong in the discussion as it is union language.

Mr. Oborn presented the performance based increase split between management and technical employees to the Personnel Committee. Technical employees would get the full amount if they were satisfactory and was prorated if they were above grade. Management would be performance based regardless of where they are in the rate scale. The recommendation from Personnel was to modify those two and put them into one, which was done here.

Hill/Wall motion to refer item back to Personnel's next regular scheduled meeting. Ms. Hill would like this policy distributed to other department heads with feedback to the Personnel Committee. Ms. Chappell does not think it needs to be sent back to Personnel.

Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 6 to 1 with Alderman Chappell voting "no."

Kordus/Kupsik motion to approve Resolution 16-R19, creating Street Department Seasonal Lead position and corresponding organizational chart change (Personnel Committee recommended on March 24, 2016)

This was sent to the council without recommendation from FLR.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 7 to 0.

Discussion/Action on Home Depot park sculpture agreements

This was sent to the council without recommendation from FLR. City Attorney Draper needs some parameters on how to write up the policy. Mr. Kupsik asked if this could fall under the current policy for monuments and donated items. Ms. Chappell pointed out it is not donated art. They are temporary sculptures rotated in and out on an annual basis. She noted they need a contract with the artist regarding their responsibility on maintenance. Mr. Draper said the monument policy really is a guidance to determine if the city wants to accept it, whether it is donated or not.

Mr. Kordus questioned if the citizens sculpture park committee should be appointed by the Mayor and asked what Ms. Chappell was recommending. The Hopkins agreement had a citizens committee including a representative from Public Works and the Zoning Commission. He feels the committee should have City Council, Beautification Committee and Park Board Committee representation. Ms. Chappell had problems with the Park Board not fully understanding art. Ms. Hill is in favor of the arts. She feels Park Board should be the lead and does not want to create another committee.

Kordus/Chappell motion to instruct City Attorney to incorporate the existing monument policy with the Hopkins contract, along with a citizens art committee making an annual recommendation of 3 temporarily displayed statues to the Park

Board. It was discussed people could park wherever they wanted, walk or bike as the bike path does go to that location. They are looking at potentially putting the park and ride in that location as well.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Plan Commission Recommendations – Alderman Kupsik

Kupsik/Kordus motion to approve an application for Land Division Review for a Certified Survey Map to combine two parcels submitted by Jeffrey Kimps, agent for Carrie Kielty Trust, P.O. Box 322, Lake Geneva, WI 53147, for land located at 411 Center Street, Tax Key Nos. ZOP 00127 & ZXRR 00005 including staff recommendations and any recorded easements to be identified on the survey (*Plan Commission recommended on March 21, 2016*)

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve an application for Land Division Review for a Certified Survey Map to clarify and correct the overlapping legal descriptions submitted by David & Cheryl Hawkins, 1205 W. Main Street and Barbara Lucksinger, 222 Maxwell Street, Lake Geneva, WI 53147, Tax Key Nos. ZOP 00209 and ZOP 00211 (*Plan Commission recommended on March 21, 2016*). Both applicants came up with this agreement to correct conflicting information.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve an application for Land Division Review for a Removal of Restriction submitted by Salvatore & Donna DeSimone, 184 South Street, Elmhurst, IL 60126, for land located in the Town of Linn Extra-territorial Jurisdiction Boundary, at N1769 Wildwood Drive, Lake Geneva, WI 53147, Tax Key Nos. ITE 00034A (*Plan Commission recommended on March 21, 2016*)

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve an application for Land Division Review for a Certified Survey Map submitted by Lake Geneva Development Corp., c/o Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI 53147 for land located at Tax Key Nos. ZOP 00154 & ZOP 00155 contingent on approval of the Planned Development (*Plan Commission recommended on March 21, 2016*). This makes the parcel larger to facilitate development of the old Traver Hotel site.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Hill motion to approve a Planned Development (PD), Precise Implementation Plan (PIP) submitted by Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI for the Lake Geneva Development Corp., on behalf of Paul and Allison Page at 726 Wisconsin Street, current Tax Key No. ZOP 000154 including staff recommendations, finding of facts and the 3 flexibilities (*Plan Commission recommended on March 21, 2016*)

This allows them to become consistent in the current zoning code. The flexibilities are side yard setback on the existing house of .81 feet on the front, rear setback 25 feet to 10 feet and the front setback 25 feet to 14.7 feet, which is the existing house. The property on Wisconsin Street would continue with the zoning as general business and the property on Broad Street remains central business.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Alderman Hill recused herself from the next two items related to the Lake Geneva Tennis Club.

Kupsik/Kordus motion to approve Resolution 16-R16, authorizing the issuance of a Conditional Use Application filed by Paul Lauterbach, 914 Bennett Ct. Walworth, WI 53184 on behalf of Lake Geneva Tennis Club, to operate an Indoor Tennis Club (Physical Activity Studio) in the Planned Business Park (PBP) zoning district in a proposed building on Veterans Parkway Tax Key No’s ZLGBP 200029 including staff recommendations and findings of fact (*Plan Commission recommended on March 21, 2016*). This project would require a PIP to come back to council.

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Hill “abstaining.”

Kupsik/Kordus motion to approve a General Development Plan (GDP) Application filed by Paul Lauterbach, 914 Bennett Ct. Walworth, WI 53184 on behalf of Lake Geneva Tennis Club, for a new commercial building (Tennis Club) in the Planned Business Park (PBP) zoning district in a proposed building on Veterans Parkway Tax Key No’s ZLGBP 200029 including all staff recommendations and identification of the bike rack and path (*Plan Commission recommended on March 21, 2016*)

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Hill “abstaining.”

Discussion/Action on a \$20.00 sticker violation fine (*Finance, License & Regulation recommended on March 14, 2016*)

Kordus/Kupsik motion to instruct City Attorney to draft an ordinance and update the fee schedule. In discussion with the Parking Manager there have been issues with people transferring vehicle stickers. It is clear when distributing the stickers they are registered to a specific vehicle and specific VIN number. This will add a \$20 fine if the sticker is transferred to another vehicle or improperly displayed.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on feasibility study proposal from Vandewalle and Associates regarding the former Hillmoor Golf Course property. Mr. Oborn stated the council requested this came back with a formal proposal, which is what is in the packet. Vandewalle has a long history with the city; they are the current city planner and have done the zoning ordinance. It makes sense for them to do the study. Typically this is a property analysis study that property owners would normally do.

Kordus/Wall motion not to proceed on the study proposal from Vandewalle and Associates regarding the former Hillmoor Golf Course property. Mr. Kordus does not feel there is any point to move forward on the item. Ms. Chappell asked if there are any other grouping of things they could provide for \$15,000 or do they provide ala carte items. Mr. Oborn stated Vandewalle wanted to do a comprehensive study which they are proposed here. They do not want to do ala carte. Mr. Kupsik said the problem he has is that the city does not own this property. This proposal and type of study would be geared towards someone who is actually buying the property, looking to buy the property or owns the property. He does not feel right spending \$15,000 on a study on land the city does not own.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Presentation of Accounts – Alderman Kupsik

Purchase Orders. None.

Kupsik/Gelting motion to approve Prepaid Bills in the amount of \$122,786.85

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Gelting motion to approve Regular Bills in the amount of \$3,462,061.89

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Kupsik/Gelting motion to approve Treasurer’s Report for January and February 2016

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Mayoral Appointments.

Kupsik/Hill motion to accept resignation of Sarah Adams from the Plan Commission

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 7 to 0.

Wall/Kordus motion to approve appointment of Tom Hartz to the Plan Commission for the balance of Sara Adams’ term expiring May 1, 2017. Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

Closed Session

Hill/Kordus motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and pursuant to Wis. Stat. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (City Attorney Draper and Mr. Gulya)

- a. **Information of the investigations conducted by James M. Lewis LLC and Racine County Sheriff's Department involving complaints filed involving police department personnel;**
- b. **Grievances filed by Officer Dennis Dyon regarding Holiday Pay and Scheduled Vacation**

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 7 to 0.

Council entered into closed session at 9:00pm

Hill/Kordus 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: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 7 to 0.

Council entered into open session at 11:18pm

Hill/Kordus motion to take no action on item 18a.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 7 to 0.

Hill/Wall motion to instruct staff to take the negotiations as recommended in closed session to the Police and Fire Commission. Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund voting "yes." Motion carried 7 to 0.

Adjournment. Kordus/Gelting motion to adjourn at 11:20p.m. Motion carried 7 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL