

**REGULAR CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 28, 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 Gelting.

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

**Awards, Presentations, and Proclamations.**

City Clerk Waswo made an announcement that the clerk's office received a public hearing notice today regarding the American Transmission Company's proposed transmission line and substation. Two public hearings are scheduled on December 1<sup>st</sup> in Burlington with more information on the City's website.

**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.**

Terry O'Neill, 954 George Street, was concerned that the Riviera leases are held in closed session as it gives the appearance of favoritism and bias. He questioned if the matter is about nonrenewal of leases, why are other lease agreements discussed in the open.

Jeff Leonard, 1504 Dodge Street, Lake Geneva, stated he and his wife own Delaney Street Mercantile at the corner of Cook and Main Street. He spoke on item 12.d., the proposal of Ken Wenz to turn his property into a short term vacation rental with two upstairs units and one downstairs unit. He is concerned the building will become a party spot with loud music. He said Mr. Wenz will be absent as he is moving to Florida and the property is for sale. He did speak at Plan Commission, and part of their approval stated no noise discernible past the lot line. He requested this statement be added into the motion as part of Council approval.

Ken Wenz, 220 Cook Street, Lake Geneva, is proposing an upscale vacation rental and already agreed upon the music through the Plan Commission. He will not be an absentee landlord as he plans to be here and in Florida. He has put a lot into this building and it is not something he plans to let go. He stated the units will be one bedroom units geared towards couples as a romantic getaway.

**Acknowledgement of Correspondence**

City Clerk Waswo stated on September 14, the Clerk's office received a petition signed by 31 people requesting a stop sign at the intersection of Orchard and Lakeview Drive. The Clerk's office also received an email from Mary Jo Fesenmaier on September 21 requesting a no vote on the Hillmoor Property.

**Approval of Minutes**

Wall/Kordus motion to approve Regular City Council Meeting minutes of September 14, 2015, as prepared and distributed. Unanimously carried.

**Consent Agenda**

**Street Use Permit application filed by Lake Geneva Chamber & Convention & Visitors Bureau for the 40<sup>th</sup> Annual Electric Christmas Parade using Broad Street and Main Street on December 5, 2015 from 3:00 p.m. to 6:30 p.m. including closure of 106 parking stalls on the west side of Broad Street and north side of Main Street (recommended for approval by the Fire Chief and Police Chief, and recommended for approval and waiver of parking stall bag fees due to safety concerns by the Parking Commission on September 16, 2015)**

**Original 2015-2016 Operator's (Bartender) License applications filed by Mary Bayner, Chelsea Carney, Cierra French, Timothy Hahn and Tina Nix**

**Renewal 2015-2016 Operator's (Bartender) License applications filed by Christopher McAnally, Amanda Dudley and Scott Nalevac**

Kupsik/Hill motion to approve. Unanimously carried.

**Items removed from the Consent Agenda.**

**Fireworks Permit application filed by Badger High School and J & M Displays for the use of fireworks on the Badger High School soccer field, 220 E. South St., on October 2, 2015 from 9:00 p.m. to 9:30 p.m. with request for waiver of fees (recommended for approval by the Fire Chief and Police Chief)**

Kordus/Wall motion to approve permit upon payment of the \$50 application fee.

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

**Street Use Permit application filed by Badger High School for the temporary closure of Highway H from Badger High School to Highway 120 during the Fireworks display only on October 2, 2015 from 9:00 p.m. to 9:30 p.m. with request for waiver of fees (recommended for approval by the Fire Chief and Police Chief)**

Alderman Wall stated he is concerned with the waiver of fees as other non-for-profit organizations are assessed fees, especially the barricades. He questioned why one organization pays and one does not.

Wall/Hedlund motion to approve the permit with requirement of all fees being charged. Alderman Kupsik questioned if Mr. Wall's intent is to charge the full \$135. Alderman Wall stated that was correct. Alderman Kordus said they forgot to file this portion of the permit when they submitted their initial application. They paid the application fee once, and now are asking to amend the application. He feels we are double dipping by charging the application fee again. Mr. Wall questioned if this was correct. City Clerk Waswo stated she would view it as two separate events. The parade is at a different time and requests different street closures than the fireworks event. Mayor Connors stated the permit shows \$135 in fees with \$50 being a security deposit. Mr. Wall asked Ms. Waswo if it is two separate events. Ms. Waswo stated it would be up to the council to decide as it is all for one Homecoming event for the high school but at different times and locations. Alderman Gelting asked if the Police requested the road be closed. Ms. Waswo stated yes; it has always been closed in the past as a safety measure. Alderman Hill stated she is in agreeance with Mr. Wall. She stated it seems more and more difficult to explain these events to our constituents and neighbors. She is more apt to error on the side of waiving it because they have waived for others. Alderman Hedlund stated assuming it was treated as one event with one application fee and one permit fee, someone has to haul the barricades and pick them up from the Public Works Department. He does not feel comfortable doing that for free. Mr. Wall stated this goes back to last week's Racine Fire Bells. They came forward with a waiver of the majority of fees but did have to pay the barricade fees. They do not have any income, it is all donations. He felt it is not justified to charge them and not the school.

Roll Call: Chappell, Wall, Kordus, Kupsik, Hedlund, Howell voted "yes." Motion carried 6 to 2 with Alderman Hill and Gelting voting "no."

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

**First reading of Ordinance 15-10 amending Chapter 10 adding Section 10-67(b)(2) regarding Lake Geneva Dog Park**

Kupsik/Hedlund motion to suspend the rules and go to second reading. Alderman Wall questioned why this needs to go directly to the second reading if it is not an emergency. Alderman Kupsik stated the dog park is opening October 3 and believes it is appropriate to have the ordinance in place. Mayor Connors stated the majority of the ordinance legalizes people to have their dogs without their leash in the dog park. Alderman Kordus stated if this is not passed tonight and the dog park is opened October 3, all dogs have to be on a leash in the dog park.

Roll Call: Chappell, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Motion carried carries 7 to 1 with Alderman Wall voting "no."

Kupsik/Hedlund motion to approve **Ordinance 15-10** amending Chapter 10 adding Section 10-67(b)(2) regarding Lake Geneva Dog Park

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

**Discussion/Action on Liability, Property, Workman’s Compensation, and other related insurance renewals**

City Administrator Oborn explained the insurance. The League has come out with an alternative on the property insurance. We received a comparable price with our current vendor, Chubb. Mr. Oborn is recommending the City stay with Chubb as we have had good experience with them. Based on the prior year, overall the insurance is going down by \$6,900, which also includes adding the new pavilion to the property insurance. The majority of the savings is from the workman’s comp, with \$9,700 in savings. He explained the deductibles and recommended the no liability deductible. Lastly, the City has always rejected the Terrorism Risk Insurance. The recommendation from our broker is to continue to reject the terrorism insurance, which is what Mr. Oborn is recommending as well.

Hill/Howell motion to accept renewal of the Liability, Property, Workman’s Compensation Insurance and exclude the Terrorism Risk Insurance.

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

**Plan Commission Recommendations – Alderman Kupsik**

**Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted on behalf of Woodhill Farms Nursery, by Schmitt Engineering, 215 West Calhoun, Woodstock IL 60098 for land located in the extra-territorial plat review area at State Hwy 120 & Willow Road, Lake Geneva, WI 53147, Tax Key No. IL140009A, including all staff recommendations**

Kupsik/Wall motion to approve.

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

**Resolution 15-R45, authorizing the issuance of a Conditional Use Permit filed by Tristan Crist Magic Theatre to operate an Indoor Commercial Entertainment Facility (Magic Theater) at 609 Main Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00291**

Kupsik/Hedlund motion to approve including all staff recommendations. Alderman Hill asked if the Fire Department reviewed the property and if they are going to install a sprinkler. Alderman Kupsik stated it was reviewed. Mayor Connors stated it has 1,300 square feet and the threshold is 1,500 square feet for a sprinkler system.

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

**Resolution 15-R46, authorizing the issuance of a Conditional Use Permit filed by Monty & Patricia Enoch, 860 Maytag Road, Lake Geneva, WI 53147, for the installation of a decorative fence in excess of three feet (four feet) in the front street yard setback, on Maytag Road, at 860 Maytag Road, Lake Geneva, Tax Key No. ZCE 00012**

Kupsik/Wall motion to approve including all staff recommendations. Alderman Kupsik stated there was no objection to the 4 foot fence as this is a lakefront lot that requires the lake side of the property to be the front yard and the street side of the property to be the rear yard. They are in the process of installing an in ground swimming pool, which under the City’s zoning code requires a 4 foot fence. Therefore, to meet the City’s zoning code, a 4 foot fence needs to be installed in the front yard setback. The owner received approval from the neighboring property owner to bring the current common 3 foot fence to a 4 foot height, and install a new 4 foot fence to meet the requirements to enclose the swimming pool.

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

**Discussion/Action on a Precise Implement Plan (PIP) Amendment filed by Ken Wenz, 1131 Wisconsin Street, Lake Geneva, WI 53147 for his property to convert from a Commercial Apartment and Retail space to Commercial Indoor Lodging at 220 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00243, including all staff recommendations, and conditioned upon the existence of a bona fide lease for the additional required parking stalls. The lease term must run as long as the property is operated as the application states. The bona fide lease would show a valid consideration between the parties. It can be open ended but must continually renew in some form. It must have a valid description of the property that is subject to the lease and must be legally enforceable.**

Kupsik/Hill motion to approve including the conditions of having a bona fide lease to run the term of the rental, no outside storage, noise not discernible past the lot line, meet the state fire code, and the Commercial Indoor Lodging would be for the current owner only.

Alderman Chappell asked if the amendment is concurrent as long as it operates as the application states; meaning if it wants to go back to retail stores, this would not be applicable. City Attorney Draper stated if it were to return back to the previous state, they would have to come in with an amended Precise Implementation Plan. Alderman Hedlund questioned if the property were sold, would it go back to square one. Mr. Draper stated the new person would have to make application with this PIP and it would have to be approved. City ordinances state that Precise Implementation Plans have the same procedures as are done with Conditional Use. Alderman Hill questioned if anything is changing in the zoning. Mr. Draper said no; they are simply changing the PIP of the Planned Development that already exists.

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

**First reading of Ordinance 15-11, an ordinance providing for direct annexation by unanimous consent of electors and property owners of territory located in the Town of Lyons, Walworth County, Wisconsin, to the City of Lake Geneva, Walworth County, Wisconsin (120 Properties LLC, on the Northwest corner of the intersection of South Edwards Boulevard and Townline Road, Tax Key No. NLY 3100013A)**

**Presentation of Accounts – Alderman Kupsik**

Purchase Orders. None.

Kupsik/Wall motion to approve Prepaid Bills in the amount of \$1,671.84.

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

Kupsik/Gelting motion to approve Regular Bills in the amount of \$40,859.65.

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

Kupsik/Gelting motion to accept the Monthly Treasurer’s Report for May 2015.

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

**Mayoral Appointments.** None.

**Closed Session**

Kupsik/Hedlund motion to go into Closed Session

- a. Pursuant to Wis. Stat. 19.85(1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session concerning:
  - 1. Purchase of Luke II parking meters and allow Parking Manager Sylvia Mullally
  - 2. Riviera Concourse Lease Renewals
  
- b. 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 with concerning:
  - 1. Care for Lake Geneva Inc (Attorney Draper)

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

The Council entered into closed session at 7:47 p.m.

**Return to Open Session**

Kordus/Hill 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, Howell voted “yes.” Unanimously carried.

The Council reconvened in open session at 8:09 p.m.

**Closed Session Item15.a.1.**

Kordus/Gelting motion to instruct staff to proceed with the bid with the City of Green Bay as discussed in closed session regarding the purchase of Luke II parking meters.

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

**Closed Session Item15.a.2.**

Hill/Hedlund motion to instruct City Administrator to proceed with the two year lease renewals with the Riviera Concourse as discussed in closed session.

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

**Closed Session Item15.b.**

Hill/Kupsik motion to authorize the City Attorney to execute the settlement agreement with Care for Lake Geneva Inc as discussed in closed session provided the other party agrees, signs, and returns it, and authorizing the Mayor to sign on behalf of the City.

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

**Adjournment**

Kordus/Chappell motion to adjourn at 8:13 p.m. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

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