

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

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

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

Hartz/O'Neill motion to approve Finance, License and Regulation Committee minutes of September 26, 2011, 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-R57, opposing Assembly Bill 260, amendment of Wis. Stats. 59.69(3)(b)

Administrator Jordan reported that Assembly Bill 260 had been introduced in the Ways and Means Committee, and many cities and villages in the State had been passing resolutions to make lawmakers aware of their opposition to the proposed amendment. As proposed, the bill would eliminate the requirement that County development plans take into account the master plans adopted by any cities or villages located therein, and would have the affect of stripping these municipalities of control over land use and development within their borders and the adjacent unincorporated areas.

Alderman O'Neill stated that he had read Assembly Bill 260, and urged his colleagues to likewise read the legislation before acting upon any local resolution to oppose it. His understanding was that the legislation was primarily targeting extra-territorial zoning and would not impact zoning control within the city's boundaries. Administrator Jordan commented on the broader implications of the bill, as it represented another attempt by the legislature to further the erosion of municipal control. There was additional discussion regarding the current status of the City's control over extra-territorial zoning. City Attorney Draper informed the Committee that the City lacked any control over zoning in adjacent township areas because it did not have an extra-territorial zoning ordinance in place. Absent that, the City's jurisdiction was limited in scope to extra-territorial platting only. Chairman Krause suggested that extra-territorial zoning ordinances should be a topic for discussion at future meetings.

Marsala/Krohn motion to forward to Council without recommendation. Unanimously carried.

Resolution 11-R58, adopting the 2011 Tax Increment District #4 Fund Budget for the City of Lake Geneva

Administrator Jordan reported that the subject resolution would establish a budget for the various projects included in the TID fund for the 2011 budget year, the total of which amounted to \$3,014,000.00. Alderman O'Neill questioned some of the amounts listed for the delineated projects. Comptroller Pollitt clarified that this resolution merely established a budget and did not necessarily reflect the actual amounts that had been or would be expended within each account. It was further confirmed that this resolution would not authorize any expenses that had not already been authorized by previous actions of the Council. Alderman Hartz asked that the Council members be provided with periodic updates on the statuses of the various projects and associated payments included within the TID budget.

Hartz/Marsala motion to forward to Council with recommendation to approve Resolution 11-R58. Unanimously carried.

Resolution 11-R59, adopting an employee grievance procedure pursuant to Section 66.0509, Wisconsin Statutes

Administrator Jordan stated that Resolution 11-R59 had been drafted in response to the enactment of Acts 10 and 32, which required the adoption of local procedures to address employee termination grievances and workplace safety issues in light of the prospect that union contracts would eventually become obsolete. At the present time, the City's grievance procedure would only apply to exempt employees. Once the current union agreements expired, the procedures would then apply to all City employees, excepting police and fire department personnel.

Alderman Hartz raised questions about the provisions for a hearing examiner and the apparent lack of Personnel Committee involvement in the procedures, as specified in the resolution. Administrator Jordan responded that nothing had been finalized in terms of who would serve in the capacity of hearing examiner, adding that there had been ongoing discussions among his professional colleagues about the possibility of administrators serving as hearing examiners for other municipalities. With respect to the Personnel Committee, Alderman Hartz suggested that the procedures appeared to usurp the authority vested in the committee by ordinance to address all grievances. The general consensus of the Committee was that the grievance procedure should reflect the current practice of channeling grievances through the Personnel Committee.

Krause/Hartz motion to continue to the next regular meeting of October 24, 2011. Unanimously carried.

Resolution 11-R60, amending the 2011 budget to transfer \$16,721.00 from the Contingency Account to the Street Vehicle/Equipment Maintenance Account for the repair of Truck #25

Administrator Jordan reported that the condition of the box on Street Department Truck #25 had deteriorated considerably and was in serious need of replacement prior to the upcoming winter season, as it was one of the regular vehicles used for snow plowing. Monroe Truck Equipment had provided a repair quote of \$16,721.00, which would include a new stainless steel box with an anticipated life expectancy of roughly twenty years. It was noted that the stainless steel box could be converted to any new truck chassis purchased when Truck #25 was scheduled to be replaced in another eight to ten years.

Aldermen Marsala and Hartz expressed concern about using contingency funds for this item, as such long-term deterioration should have been observed earlier when repair funding could have been included in the budget. DPW Winkler responded that the Street Department personnel had been aware of the condition of the truck, and had obtained a repair quote from Monroe during the previous April with the intent to have the truck repaired after the winter season had concluded. Based upon that information, \$4,000.00 had been included in the previous budget for the repair of the old box. Upon more recent inspection, however, Monroe had determined that additional work would be needed to fully address the problems with the truck. After investigating alternatives, staff was recommending replacement of the current box as a more cost effective solution. Alderman O'Neill agreed that the stainless steel box was the most sensible option; however, he too stated that he was uncomfortable with depleting the contingency account, the balance of which would be reduced to approximately \$10,800.00. Administrator Jordan suggested that the Council could alternatively use the balance of the \$145,000.00 capital allocation for the purchase of the new Street Department truck, which was expected to be approximately \$17,000.00. Alderman Hartz added that some of the repair costs could also be charged to the DPW maintenance account; although the current balance in that account would need to be verified before a determination could be made as to an acceptable amount to be taken. Comptroller Pollitt confirmed that using capital funds toward this truck would be acceptable without a budget amendment.

Krause/Marsala motion to continue to the next regular meeting of October 24, 2011. Unanimously carried.

ORDINANCES

First Reading of Ordinance 11-30, amending Chapter 50, Offenses and Miscellaneous Provisions, of the Lake Geneva Municipal Code, prohibiting firearms and weapons in City-owned structures

Administrator Jordan noted that Ordinance 11-30 had been prepared in response to a new state law permitting the carrying of concealed firearms with an appropriate permit. The subject ordinance would prohibit the carrying of weapons in City-owned structures, with mandated signage to be posted at any such location. While there was nothing within the purview of the City that would provide the authority to restrict the concealed carrying of firearms by licensed individuals in parks and open spaces, the prohibition would apply to structures within those City parks such as restroom facilities, gazebos, tents for special events, and the like. There was a considerable amount of discussion among the Committee members about enforcement issues, particularly in light of the fact that enforcement of the ordinance would require signage to be posted at each structure subject to the ban. Chairman Krause stated that he would be reluctant to put additional ordinances on the books if they weren't going to be enforced. Alderman Marsala noted that the responsibility for knowing local ordinances would ultimately fall to each individual licensed to carry firearms.

LICENSES & PERMITS

Park Permit application filed by the Geneva Lake Art Association for “32nd Annual Art in the Park” event at Flat Iron Park, from 6:00pm on August 10, 2012 to 6:00pm on August 12, 2012 (recommended by Board of Park Commissioners on 10/5/11)

Hartz/Krohn motion to forward to Council with recommendation for approval. Unanimously carried.

Park Permit application filed by Lake Geneva Sports, LLC, for “Lake Geneva Marathon” using Library Park on May 12, 2012, from 7:00am to 3:00pm (recommended by Board of Park Commissioners on 10/5/11)

Hartz/Marsala motion to forward to Council with recommendation for approval, subject to applicant obtaining a street use permit. Unanimously carried.

Park Permit application filed by Lake Geneva Sports, LLC, for “Winterfest Road Races” using Library Park on February 4, 2012, from 9:30am to 11:00am (recommended by Board of Park Commissioners on 10/5/11)

Hartz/Marsala motion to forward to Council with recommendation for approval. Unanimously carried.

Original Operator License applications filed by Jacqui Knapp, Katelyn Kruse, Jaclyn Humphrey, and Timothy Stinebrink

Marsala/Krohn motion to forward to Council with recommendation for approval. Unanimously carried.

2012 Budget Update

Chairman Krause announced that there was no updated information on the budget proposal since the previous budget workshop on October 6, 2011. At the present time, City officials were still discussing ways to make up an approximately \$39,000.00 shortfall for the 2012 budget year. The next budget meeting was scheduled for 6:00pm on October 18, 2011; at that time the Council would consider further expenditure cuts or means to generating additional revenue streams.

Discussion/Recommendation on RFP for banking services

Comptroller Pollitt distributed a chart delineating the various fees contained within the proposals offered by the seven respondent financial institutions. Fees for accounts, deposits, checks and other items varied among the different banks, with only Walworth State Bank offering a proposal that contained no additional fees for the majority of these items. Because Walworth State Bank had no location available within the City, she suggested that the Council would need to come to some consensus as to whether it would be willing to take its banking business outside of Lake Geneva; otherwise, officials would need closely examine the additional fees proposed by the remaining banks. It was noted that the City projected a total of \$8,000.00 in bank fees would be spent by the close of the current budget year. Chairman Krause asked that the item be continued to the next Committee meeting, to allow Comptroller Pollitt time to put together figures detailing to total anticipated costs to be incurred by the City for each of the proposals.

Krause/Marsala motion to continue to the next regular meeting of October 24, 2011. Unanimously carried.

Discussion/Recommendation on employment agreement for City Clerk

Hartz/Marsala motion to forward to Council with recommendation for approval of employment agreement with Michael Hawes, as amended to specify under Section 1 (Duties) that duties would be as specified in Sections 2-96 and 2-97 of the Municipal Code, and under Section 7 (Insurance After Retirement) that the benefit would be available after twenty years of employment with the City. Unanimously carried.

Discussion/Recommendation on temporary extension of employment for Jeremy Reale

Administrator Jordan stated that staff was proposing extending the employment of Mr. Reale for a period of up to three weeks after his service as City Clerk concluded on October 21, 2011. During this extension, he would be working on several administrative projects that would otherwise be too time-consuming for administrative personnel to complete in addition to their regular responsibilities. Among the projects proposed for Mr. Reale were: the completion of the City’s policy manual; drafting an employee handbook and grievance procedure; and organizing the City’s various leases and agreements. Funding for the extended term would be available from the line items for part-time help in the Clerk and Comptroller departmental budgets.

Marsala/Hartz motion to forward to Council with recommendation to approve extension of employment for term not to exceed three weeks from original termination date of October 21, 2011. Unanimously carried.

Discussion/Recommendation on directing the City Administrator to notify property owners abutting private drives that the City will no longer be providing snow plowing, street sweeping, pavement maintenance, leaf and brush collection, or garbage collection services on private drives unless they are brought up to City standards and dedicated to the City *(continued from 9/26/11)*

Chairman Krause suggested that this item should be referred back to the Public Works Committee for additional discussion. Administrator Jordan noted that he had contacted former City Administrator Jim Stadler to ascertain whether the City had put together any hold harmless agreements for some of the affected drives in the 1990s, as had been suggested at the previous meeting. Mr. Stadler had indicated that no such agreements had been made.

Marsala/Krohn motion to refer to the Public Works Committee. Unanimously carried.

Discussion/Recommendation on having the Street Department shovel delinquent snow-covered sidewalks *(continued from 9/26/11)*

Hartz/Marsala motion to refer to the Public Works Committee. Unanimously carried.

Discussion/Recommendation on award of bid for Street Department dump truck

DPW Winkler reported that bids had been solicited for the replacement of Truck #23. Truck Country, of Oak Creek, had supplied the low bid for both the Freightliner chassis (\$75,860.00) and the plow and box (\$52,629.00), with the total coming in at \$128,489.00. A total of \$145,000.00 had been earmarked for the new truck in the 2011 Capital budget. DPW Winkler noted that the department planned to continue using Truck #23 through the upcoming winter season, as it was not anticipated that the new truck would be in service before February 2012.

Hartz/Marsala motion to forward to Council with recommendation to authorize award of bid to Truck Country for the total amount of \$128,489.00, to be funded from Capital Projects Fund. Unanimously carried.

Discussion/Recommendation on repair of dump truck box for Street Department vehicle #25

Krause/Marsala motion to continue to the next regular meeting of October 24, 2011. Unanimously carried.

Discussion/Recommendation on recommended disallowance of claim for personal injury filed by Ruth Johnson pursuant to Wis. Stats. 893.80(1g)

Administrator Jordan reported that a claim had been filed after the claimant sustained some injuries to her face resulting from tripping over a barricade that had been erected for the temporary closure of Wrigley Drive during Venetian Fest. The City's insurance provider had investigated the circumstances surrounding the claim, and had subsequently recommended that the claim be disallowed.

Marsala/Hartz motion to forward to Council with recommendation to disallow the claim. Unanimously carried.

Presentation of Accounts, Alderman Krause.

Purchase Orders. None.

Hartz/Marsala motion to recommend approval of Prepaid Bills in the amount of \$4,195.76. Unanimously carried.

Marsala/Hartz motion to recommend approval of Regular Bills in the amount of \$279,164.44, excluding bill for Del's Service. Unanimously carried.

Hartz/Marsala motion to recommend approval of Regular Bill for Del's Service in the amount of \$100.00. Motion carried by vote of 4 to 0, with Alderman Krohn abstaining.

Adjournment

Hartz/Krohn motion to adjourn at 7:13pm. Unanimously Carried.

/s/ Jeremy A. Reale, City Clerk

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BY THE FINANCE, LICENSE & REGULATION COMMITTEE**