



REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 25, 2013 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL

MINUTES

- 1. Mayor Connors calls the meeting to order at 7:01pm**
- 2. Pledge of Allegiance**
Alderman Wall led the meeting with the Pledge of Allegiance
- 3. Roll Call**
Present: Connors, Hougen, Mott, Wall, Hill, Kehoe, Taggart, Kupsik, Lyon
- 4. Awards, Presentations, and Proclamations**
None
- 5. Re-consider business from previous meeting**
None
- 6. 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.**
Richard Malmin, 1991 S. Lake Shore Drive, claimed a couple weeks back the Plan Commission decided on something in the best interest of citizens; however, he felt City officials did not respect their vote. He claimed the City Council steamrolled the Plan Commission.

Terry O'Neil, 954 George St, said Resolution 13-R69 binds future Councils to spending plans made by the current Councils. He claimed the fund will be used other than how the City Council intends.

Tom Kaczmarek, 605 Williams Street, said he was disheartened that the fact finding was wrong. He claimed Kwik Trip would have no adverse effects to surrounding properties; however, he said the site plan would cause traffic and congestion in the entrances and exits, lights would shine into the homes of surrounding properties, and their site plan has a lot of inconsistencies.

Mary Jo Fessenmaier, 955 George Street, said the proposed conditional use is not in harmony with the comprehensive plan, ordinances, or land use plans. She urged the Council to vote no on the Kwik Trip.

Jacqueline Brower, 9220 Liberty Hill Court, Cincinnati, OH, informed the Council her Clark station has top of the line monitoring systems, double lined tanks, and planned to upgrade her pumps. She asked if the Council received a traffic study or a plan for Kwik Trip's fume removal system. She added the property has contamination too.

Tom Langraff, owner of Kwik Trip prop, said the property has an existing 40,000 square foot warehouse, travel agency, and body shop. He said there is not a significant amount of contamination as it was cleaned in the past. Furthermore, there is not enough parking, no green space, and limited maneuverability. Due to the cost to convert the building, it is difficult to find tenants. He added Kwik Trip is a three million dollar investment in a LEED certified building and surrounding property owners are in support.

7. Acknowledgement of Correspondence

Clerk Neubeck acknowledged the City received two letters in support of the Kwik Trip Conditional Use Permit and two letters against the City granting the Permit.

8. Approve Regular City Council Meeting minutes of November 11, 2013, as prepared and distributed

Motion #1: Alderman Wall moved to approve Regular City Council Meeting minutes of November 11, 2013, as prepared and distributed, Alderman Kupsik seconded, and the motion passed unanimously.

9. Approve Special City Council Meeting minutes of November 18, 2013, as prepared and distributed

Motion #2: Alderman Kupsik moved to approve Special City Council Meeting minutes of November 18, 2013, as prepared and distributed and Alderman Lyon seconded.

Alderman Wall stated he was indeed present for the Meeting, but his name was absent from the roll.

The motion carried unanimously.

10. CONSENT AGENDA. Any item listed on the consent agenda may be removed at the request of any member of the Council. The request requires no second, is not discussed, and is not voted upon.

- A. Original 2013-2014 Operator (Bartender) License applications filed by Cariese M. Hayden, Zachary N. Swangstu, Trevor A. Gillett, Sara J. Lesch, Shahana Syed, and Jonathan A. Mueller

Motion #3: Alderman Kehoe moved to approve the Original 2013-2014 Operator (Bartender) License applications filed by Cariese M. Hayden, Zachary N. Swangstu, Trevor A. Gillett, Sara J. Lesch, Shahana Syed, and Jonathan A. Mueller; Alderman Kupsik seconded, and the motion passed unanimously.

11. Items removed from the Consent Agenda

None

12. Discussion/Action on an Event Permit Application for Carrie Swatek for the Lake Geneva Hope Walk on September 27, 2014

Motion #4: Alderman Taggart moved to approve an Event Permit Application for Carrie Swatek for the Lake Geneva Hope Walk on September 27, 2014, Alderman Hill seconded and the motion passed unanimously.

13. Discussion/Action on an Event Permit Application for Nikki Marsicano for the Geneva Lake Art Association's Art in the Park on August 9 & 10, 2014

Motion #5: Alderman Taggart moved to approve an Event Permit Application for Nikki Marsicano for the Geneva Lake Art Association's Art in the Park on August 9 & 10, 2014, Alderman Kehoe seconded, and the motion passed 7-0-1 with Alderman Hougen abstaining from the vote.

14. First Reading of Ordinance

None

15. Finance, License and Regulation Committee Recommendations – Alderman Hill

- A. **Discussion/Action on Resolution 13-R59 - 2014 West End Pier, Lagoon Slip, Buoy, Dinghy and Kayak Rack Rates**

Motion #6: Alderman Hill moved to approve Resolution 13-R59 - 2014 West End Pier, Lagoon Slip, Buoy, Dinghy and Kayak Rack Rates; and Alderman Wall seconded.

Alderman Hill noted rate increases did not occur for the past two years. She added it is a three percent increase to get closer to other lake municipalities.

The motion passed unanimously.

B. Discussion/Action on Resolution 13-R67 to amend the 2013 Capital Projects Budget to include additional street improvements

Motion #7: Alderman Hill moved to approve Resolution 13-R67 to amend the 2013 Capital Projects Budget to include additional street improvements, and Alderman Kupsik seconded.

Alderman Hill said this is a budget amendment resolution for additional work that has already been completed.

The motion passed unanimously.

C. Discussion/Action on Resolution 13-R68 to Create an Equipment Replacement Fund

Motion #8: Alderman Hill moved to approve Resolution 13-R68 to Create an Equipment Replacement Fund, and Alderman Hougen seconded.

Alderman Hill said the process started last year to designate funds with the hope of being a self-sufficient fund without having to borrow. Administrator Jordan and Director Winkler assembled a list of vehicles to be replaced over the next twenty years. She added the list provided in the packet is not exhaustive.

Alderman Kehoe asked if a Resolution is passed does it lock the City in to replace only the vehicles on the list.

Mayor Connors said no, and the list is a living document and not a part of the Resolution.

The motion passed unanimously.

D. Discussion/Action on Sidewalk Repairs – Safe Step Proposal

Motion #9: Alderman Hill moved to approve the Safe Step Proposal for sidewalk repairs, and Alderman Wall seconded.

Alderman Hill noted the repairs funding is divided equally for each ward which will have its own priorities.

The motion passed unanimously.

E. Discussion/Action on Riviera Concrete Replacement & 2014 Sidewalk Replacement Bids

Motion #10: Alderman Hill moved to approve the Riviera Concrete Replacement & 2014 Sidewalk Replacement Bids, and Alderman Lyon seconded.

Alderman Hill stated some areas are worse than others at the Riviera, but it will be prudent to redo most of the horseshoe area. There is a potential to expand the brick paving by the Beautification Committee, but that does not have to be decided on now.

The motion passed unanimously.

F. Discussion/Action on Fire Station Exhaust Bids

Alderman Hill explained this includes the base bid plus an alternative bid. She added the project will be funded with fire impact fees.

Motion #11: Alderman Hill moved to approve the bid submitted by Rossman Enterprises, Inc. in the amount of \$59,475.50, Alderman Kupsik seconded, and the motion passed unanimously.

16. Public Works Committee – Alderman Mott

A. Discussion/Action on removal of parking spaces on Main Street

Alderman Mott said this removal includes four west stalls by the Center Street and Main Street intersection, and it passed in committee five to zero.

Motion #12: Alderman Mott moved to remove the four parking spaces on Main Street, Alderman Hill seconded, and the motion passed unanimously.

Mayor Connors informed the Council this action would result in lengthening the right hand turn lane on Main Street.

17. Plan Commission Recommendations – Alderman Hougen

- A. **Resolution 13-R69, authorizing the issuance of a Conditional Use Permit to Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 51601, for In-Vehicle Sales and Services (vehicular fuel station and car wash) incidental to on-site principle land use (convenience store) at the following locations. Tax Key No's. ZA1776 00001(630 and 700 Williams St.), ZA1776 00002, ZA1776 00003, ZA1776 00004 and ZRA 00037A (612 Williams St.)**

Alderman Hougen reminded the Council this was approved at the last Plan Commission meeting and this Conditional Use Permit includes 14 items included in the staff report.

Motion #13: Alderman Hougen moved to approve Resolution 13-R69, authorizing the issuance of a Conditional Use Permit to Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 51601, for In-Vehicle Sales and Services (vehicular fuel station and car wash) incidental to on-site principle land use (convenience store) at the following locations. Tax Key No's. ZA1776 00001(630 and 700 Williams St.), ZA1776 00002, ZA1776 00003, ZA1776 00004 and ZRA 00037A (612 Williams St.), and Alderman Wall seconded.

Alderman Hougen said this issue has been discussed quite extensively and appreciates all input. Is the application in harmony with the comprehensive plan? Yes because of Wisconsin's smart planning laws which necessitate developing underused property first before developing on the periphery. He said there may be an economic impact on local gas stations; however, the City cannot regulate the number of gas stations in town. He added that land use regulations are not the same as regulating liquor licenses. Furthermore, the applicant has been willing to alter their plan according to residents' and the City's requests.

Alderman Taggart said he has been involved in projects in the past which were controversial; however, changes to the community are still meant to be a service to all.

Alderman Hill expressed her opinion that the City Council cannot dictate what competition its local businesses have. She added this project would address the blight in the area, and thanked Kwik Trip for their work on this.

Alderman Lyon said this particular infill redevelopment will revitalize the area.

Alderman Mott said the people in his district, District 3, overwhelmingly support this project without any objections. Thus, he wholeheartedly supports this project.

Alderman Kehoe said local business owners should focus on building their own businesses rather than shooting down new businesses.

The motion passed unanimously.

Alderman Taggart was excused from the meeting at 8:28pm.

- B. **Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted on behalf of Philip W. Hagenah c/o John L. Maier, Jr., Sweet & Maier, S.C., 114 N. Church Street, Elkhorn, WI 53121 for land located in the extra-territorial plat review area at W3199 Snake Road, Lake Geneva, WI 53147**

Motion #14: Alderman Hougen moved to approve an Application for Land Division Review for a Certified Survey Map submitted on behalf of Philip W. Hagenah c/o John L. Maier, Jr., Sweet & Maier,

S.C., 114 N. Church Street, Elkhorn, WI 53121 for land located in the extra-territorial plat review area at W3199 Snake Road, Lake Geneva, WI 53147, and Alderman Kupsik seconded.

Alderman Hougen said a condominium would like to enlarge a portion of the units. It would not add any new units.

The motion passed unanimously.

- C. Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted on behalf of David Flitcroft & Randall Smith c/o Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area known as Certified Survey Map 1425 and lands located in the NE ¼ of the NE ¼ of Section 23, Town 1 North, Range 17 East, Town of Linn, Walworth County, WI**

Motion #15: Alderman Hougen moved to approve an Application for Land Division Review for a Certified Survey Map submitted on behalf of David Flitcroft & Randall Smith c/o Richard W. Torhorst, P.O. Box 1300, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area known as Certified Survey Map 1425 and lands located in the NE ¼ of the NE ¼ of Section 23, Town 1 North, Range 17 East, Town of Linn, Walworth County, WI, Alderman Kupsik seconded, and the motion passed unanimously.

- D. Resolution 13-R70, authorizing the issuance of a Conditional Use Permit to Sonia M. Nicia, 943 Henry Street, Lake Geneva, WI 53147, to operate a Family Child Care Business for up to 15 children in a Single-family Residential (SR-4) zoning district at 943 Henry Street, Lake Geneva, WI 53147, Tax Key No. ZRA 00006**

Motion #16: Alderman Hougen moved to approve Resolution 13-R70, authorizing the issuance of a Conditional Use Permit to Sonia M. Nicia, 943 Henry Street, Lake Geneva, WI 53147, to operate a Family Child Care Business for up to 15 children in a Single-family Residential (SR-4) zoning district at 943 Henry Street, Lake Geneva, WI 53147, Tax Key No. ZRA 00006, and Alderman Lyon seconded.

Alderman Hougen explained the location is a current childcare center that wishes to expand its operation.

The motion passed 6-0-1 with Alderman Kehoe seconded.

- E. Discussion/Action on an Application for Site Plan Review for landscape alteration filled by Geneva Business Centre, LLC c/o Roger Wolff, 751 Geneva Parkway Blvd., Lake Geneva, WI 53147 for land located at 751 Geneva Parkway Blvd, Lake Geneva, WI 53147, Tax Key No. ZGBC 00001**

Motion #17: Alderman Hougen moved to approve an Application for Site Plan Review for landscape alteration filled by Geneva Business Centre, LLC c/o Roger Wolff, 751 Geneva Parkway Blvd., Lake Geneva, WI 53147 for land located at 751 Geneva Parkway Blvd, Lake Geneva, WI 53147, Tax Key No. ZGBC 00001, and Alderman Wall seconded.

Alderman Hougen explained Geneva Business Centre plans to shave down a berm to the equivalent of surrounding berms.

The motion passed unanimously.

- F. Resolution 13-R71, authorizing the issuance of a Conditional Use Permit filed by Anthony Scalzitti on behalf of Maria Karvunidis, 512 Wells Street, Lake Geneva, WI 53147, to operate a Commercial Indoor Lodging facility in a Planned Business (PB) zoning district located at 512 Wells Street, Tax Key No. ZS 00002**

Motion #18: Alderman Hougen moved to approve Resolution 13-R71, authorizing the issuance of a Conditional Use Permit filed by Anthony Scalzitti on behalf of Maria Karvunidis, 512 Wells Street, Lake Geneva, WI 53147, to operate a Commercial Indoor Lodging facility in a Planned Business (PB) zoning district located at 512 Wells Street, Tax Key No. ZS 00002, Alderman Hill seconded, and the motion passed unanimously.

18. Presentation of Accounts – Alderman Hill

A. Purchase Orders

None

B. Prepaid Bills in the amount of \$1,213.16

Motion #19: Alderman Hill moved to approve Prepaid Bills in the amount of \$1,213.16, Alderman Lyon seconded, and the motion passed unanimously.

C. Regular Bills in the amount of \$288,668.16

Motion #20: Alderman Hill moved to approve Regular Bills in the amount of \$288,668.16, Alderman Lyon seconded, and the motion passed unanimously.

19. Mayoral Appointments – Mayor Connors

20. Closed Session - Motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Shannon M. Nehlsen by a board or commission or the investigation of charges against such person and the taking of formal action on any such matter (City Attorney Draper)

Motion #21: Alderman Kupsik moved to go into Closed Session, Alderman Hougen seconded, and the motion passed unanimously.

The meeting adjourned into closed session at 8:54pm.

21. Motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in Closed Session

The meeting returned from closed session at 8:58pm.

Motion #22: Alderman Kupsik moved to deny Shannon M. Nehlsen an Operator's License, Alderman Hill seconded, and the motion passed unanimously.

22. Adjournment

Motion #23: Alderman Mott moved to adjourn, Alderman Kehoe seconded, and the motion passed unanimously.

Tim Neubeck, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL