

**REGULAR CITY COUNCIL MEETING  
MONDAY, DECEMBER 14, 2015 – 7:00 PM  
COUNCIL CHAMBERS, CITY HALL**

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

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

The Pledge of Allegiance was led by Alderman Wall.

**Awards, Presentations, and Proclamations.** Mayor Connors thanked everyone who helped with the Electric Light Parade on behalf of the Chamber and City.

**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.**

David Williams spoke on the Hillmoor project stating there were lies and false statements made to residents about the project such as running the lake through the sewer system. They did not propose a big box store and never intend to. He gave the application to Mr. Slavney to verify they were asking for the right comprehensive plan category before submitting to the City, who agreed they were. If he thought something else was better, Mr. Slavney would have presented it.

Mary Jo Fesenmaier, 955 George Street, acknowledged the Plan Commission's vote of denial and encouraged the Council to vote unanimously to deny it as well. The City changes its planning map when there is a wrong estimate, which has not happened. She noted there are several approved developments that have not been fully developed; and there is no justification to change the comprehensive map.

Sherri Ames, 603 Center Street, agreed with Ms. Fesenmaier. She commented on Mr. Williams' statements, saying nobody twisted her arm to sign a petition or put a sign in her yard. She hopes the Council votes on what the constituents want and requested they vote no.

Penny Roehrer, 951 S. Lake Shore Drive, commented the developer's agreement says Lake Geneva Development Corporation which doesn't exist. On item 13 the Smart Growth Comprehensive Master Plan adopted in 2009 included the Hillmoor property as private recreation with rural holding. It should remain that way as the proposed development is not a compelling enough reason to change it. She hopes the Council values the public input and Plan Commission's decision to not make the change, but wait for something that is right.

Maureen Marks, 834 Dodge Street, is a proponent to maintain the comprehensive map plan the way it is with no change in planning or zoning. The improvement of Hillmoor as some type of citizens' group might actually help the current developers sell their lots. She feels Lake Geneva is overbuilt. The desire for increased tax revenue is a systemic problem in the City. She stated the property should have been put on the historic national register.

Dick Malmin, N1991 S. Lake Shore Drive, lives in the extraterritorial zone of Lake Geneva. He challenged what Mr. Williams said in regards to the lake system, stating it would have to use either City sewer or the White River. The lake would collect toxic storm water and must be flushed. He questioned if it would be dumped in the White River.

**Acknowledgement of Correspondence.** The City received an email on Dec. 3 from James Good hoping the rejection of the Hillmoor rezone will be the final outcome for this matter, on Dec. 14 a letter from Daniel Dooley in support of the Tempo Development, an email from Michael Ford requesting the use described be modified to Neighborhood Mixed use

from Planned Mixed use, and an email from Tanya Martinez and Charlene Klein in opposition of the Comprehensive plan change.

**Approval of Minutes.** Kordus/Kupsik motion to approve the Regular City Council Meeting minutes of November 23, 2015, and Special Council Meeting minutes of December 2, 2015, as prepared and distributed. Unanimously carried.

### **Consent Agenda**

**Original 2015-2016 Operator's (Bartender) License application filed by Sindee Benson, Andrea Brabazon, Carrie Brockmeyer, Danielle Jansen, Sabrina Mace, Anthony Mutter, and Amy Yachik**  
Kupsik/Wall motion to approve. Unanimously carried.

**Items removed from the Consent Agenda.** None.

**Gelting/Chappell motion to approve Ordinance 15-15 adding a stop sign on Lake View Drive at the first intersection with Orchard Lane.**

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

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

**Kupsik/Gelting motion to approve Amended Resolution 15-R58, correcting scriveners' error in the County Supervisory District.** This is correcting the County Supervisory District from 1 to 11.

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

**Kupsik/Hill motion to approve Resolution 15-R59, a resolution implementing position wage grades and pay increases.** This resolution implements raises and the wage scale. Alderman Wall questioned the wage grades of the Fire Chief, Police Chief, Comptroller, and Assistant Police Chief. Mr. Oborn initially proposed the Fire Chief as a grade 18 and the Personnel Committee recommended it be a 17 as the position is part-time. Mr. Wall respectfully disagreed. He questioned the disparity between the City Clerk graded as a 13 and the Assistant City Clerk as a 6; they should be more comparable. Alderman Hill agreed and felt the Assistant City Clerk is not half. Alderman Chappell said the pay scale grades mean nothing as within those grades there are ranges. They are not paid that much different depending where they are paid within those ranges. The grade scale does not mean they are qualified, it is an arbitrary number associated with a wide pay range. The Springsted Study's initial grade was a 5, and Mr. Oborn recommended it be raised to a 6. Ms. Hill has been very critical of the Springsted Study but feels they have to start somewhere. Mr. Oborn confirmed he discussed all the position grades with Department Heads who had conversations with their subordinates.

There was discussion on the WMCA survey of Deputy Clerk positions. Mr. Kordus stated just because the job is ranked at a 6 and another job is ranked at a 12 doesn't mean it's an exact proportion. It does not mean double the responsibility and double the salary. Ms. Chappell thinks it may be taken the next step further in Personnel over time. Right now it doesn't necessarily represent the complexity of the job.

Kupsik/Kordus motion an amendment to implement City Administrator rate change effective on his one year anniversary, May 24, 2016. Mr. Kupsik noted in the past most raises were granted to employees after one year of being employed. Ms. Hill questioned the step increases asking if the City Clerk should be removed from the motion. Mr. Draper stated this resolution could be approved with an amended resolution at the next meeting. Mr. Kordus asked if anything is specified in the employment contract regarding increases for the Administrator position. Mr. Draper answered he didn't believe steps were established in that specific contract. He is subject to review. Discussion followed relating to policies and past practice for employee raises before their one year anniversary. It was questioned if the Personnel Committee is intending to do this for all positions on an annual basis on the anniversary of hire. The understanding has been the first year employee would receive an increase on their first year anniversary and then annually on the first of the year after that. Mr. Oborn would get an increase on May 24 and get the annual increase on January, 2017. Mayor Connors noted this is an arbitrary decision and is not documented anywhere. Ms. Hill asked Mr. Oborn to discuss the policy on paying out increases relating to anniversary dates with the Comptroller and report

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

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

**Kupsik/Wall motion to approve award of Bid to Peck & Weis of Elkhorn, Wisconsin for the current ceiling heating system repairs in the 1065 and 1070 Carey Street buildings in the amount of \$15,444 funded from capital (Recommended Dec. 10, 2015 by Public Works).** The Assistant Director of Public Works went out for bids as the heating system is repairable. There was a previous approved expenditure that evaluated upgrading versus new. This amount came in under budget. It is actually two phases. They added air exchangers to remove the diesel and truck fumes from the building, and they had enough money left over to address the problems with the heating system.

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

**Kupsik/Kordus motion to approve award of Bid to Dan Larsen Landscaping of Cedarburg, Wisconsin for the 2015 Fall Tree Planting in the amount of \$29,651 funded from TIF#4 (Recommended Dec. 10, 2015 by Public Works)**

Alderman Kupsik explained Dan Larsen Landscaping is highly recommended and had the low bid.

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

#### **Discussion/Action on TIF Grant and Developer’s Agreement for demolition of Traver Hotel**

Kupsik/Wall motion to approve not to exceed \$150,000. Mayor Connors stated a draft agreement was included in the packet. The Council received an amended agreement with corrections. City Attorney Draper stated the changes were based upon negotiations with Mr. Torhorst who represents Lake Geneva Economic Development Corporation. He did forget to put Economic in the name. Essentially the agreement would give them a grant to demolish the building, regrade it, and reseed the property. There will be a lien against the property for \$150,000. In the event they do not build a project there worth at least \$500,000 within 5 years, they will be deemed to have defaulted on the agreement. In which case, we can foreclose that lien and receive the property back. Ms. Chappell questioned why grant the money versus loaning which gives some kind of insurance. Mr. Draper said they wouldn’t have time to get a loan with the TIF closing.

The recourse is the City would get the property back, not the money. Mr. Draper confirmed it is a first lien position mortgage. Mr. Gelting questioned if the development corporation would sell the lot is there a clause that we would recover excess proceeds of what they spent on the property. Mr. Draper replied no; most likely they are going to transfer the project to someone who will put it up. The lien will continue with the next buyer. The offer to purchase is contingent on TIF funds.

Alderman Hill questioned if asbestos is going to be part of the abatement. Mayor Connors said an independent firm was hired to go through the building. They came back with a preliminary report which was submitted to the DNR. The DNR asked them to test for a couple more substances, which they did. They brought in some abatement firms with two bids submitted. There were multiple bids on the demolition of the property. There was also a bid from an independent abatement firm offering to do an inspection to make sure everything was done correctly during the abatement and demolition. Tentatively what the development corporation recommended was the lowest priced firm on the abatement, the lowest priced firm on the demolition, and hiring an independent third party to supervise that no asbestos or other products were present. After the demolition there will be a vacant lot with grass on it. The current utilities will be capped off during the demolition and disconnected. As part of the demolition permit, they are required to do certain things to restore the property back to a proper condition. The property is currently zoned as general business.

Mr. Draper stated the reason the grant is being given is there would be nothing done to the property without it because of the expense of the property and demolition. There is no way to restore it ‘but for’ this particular grant; no one will jump into this structure. Ms. Hill questioned why they were not able to condemn the property. Mr. Draper stated the previous Building Inspector indicated there was not enough loss of value as a result of the condition of the structure to get a condemnation action. Mayor Connors added condemnation and raising a building is a long process they went through before on Marshall.

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

## **Plan Commission Recommendations – Alderman Kupsik**

**Kupsik/Kordus motion to deny Amendment to the Comprehensive Plan on five parcels of land located at Tax Key No's. ZOP 00001, ZYUP 00001A, ZYUP 00001C, ZYUP 00131 & ZYUP 00153, Lake Geneva, Wisconsin, from Private Recreation Facilities to Planned Mixed Use. The change in the Comprehensive Plan may allow a change in Zoning from Rural Holding to Planned Development (PD).** *(Recommended for Denial by Plan Commission on Nov. 30, 2015).* Ms. Hill recused herself as she has a professional relationship with potential buyers for the property. Mr. Kupsik went over comments from Plan Commission members and the public hearing as noted in the joint Plan Commission minutes. Mr. Kordus feels there is a better use for the property and this development was a bit of a stretch. Mr. Wall is uncomfortable with the planned mixed use. He doesn't think the plan itself is that bad, but certainly is against the City purchasing the property. Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0 with Alderman Hill "abstaining."

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

Purchase Orders. None.

## **Kupsik/Wall motion to approve Prepaid Bills in the amount of \$11,834.08.**

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

## **Kupsik/Kordus motion to approve Regular Bills in the amount of \$190,677.09.**

Alderman Hill questioned if the Cemetery tractor cab was a capital item in the 2015 budget. Mr. Oborn believes it was funded all out of the Cemetery. Mr. Kordus stated it was budgeted and paid for this year.

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

## **Kupsik/Kordus motion to acceptance of Monthly Treasurer's Report for June 2015.**

Alderman Hill commented it is difficult to budget when you are not sure how your current year is performing. She is curious when they will close out the year. Roll Call: Chappell, Wall, Kordus, Gelting, Hill, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

**Mayoral Appointments.** Kupsik/Wall motion to appoint Linda Boilini to the Library Board as the Joint #1 Board representative, replacing Barb Dinan. Mayor Connors thanked Ms. Dinan for her work. Unanimously carried.

**Closed Session.** Kupsik/Kordus motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of public employee Municipal Court Clerk Deanna Crisman, City Clerk Sabrina Waswo and Comptroller Peggy Pollitt over which the governmental body has jurisdiction or exercises responsibility.

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

The Council entered into closed session at 8:18 pm.

**Return to Open Session.** Hill/Howell 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, Gelting, Hill, Kupsik, Hedlund, Howell voting "yes." Unanimously carried.

The Council reconvened in open session at 8:46 p.m.

**Hill/Kordus motion to instruct staff to move forward with Comptroller Peggy Pollitt's contract as presented in closed session and authorize the Mayor's signature for approval.**

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

**Adjournment.** Kordus/Gelting motion to adjourn at 8:48 p.m. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

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