

REGULAR CITY COUNCIL MEETING

MONDAY, APRIL 23, 2012 – 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 Kehoe.

Roll Call. Present: Aldermen Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill. Also present: Administrator Jordan, City Attorney Draper, DPW Winkler and City Clerk Hawes.

Awards, Presentations, and Proclamations.

Mayor Connors announced the Riviera beach dredging project would be commencing shortly.

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 be limited to 5 minutes. None.

Acknowledgement of Correspondence.

City Clerk Hawes acknowledged correspondence received from the sixth graders at St. Francis de Sales, thanking the City for allowing them to use the courtroom for their mock trial. A copy of this correspondence is kept on file in the City Clerk's office.

Approval of Minutes

Mott/Kehoe motion to approve the Regular City Council Meeting minutes of April 9, 2012 and City Council Organizational Meeting minutes of April 17, 2012, as published and distributed. Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Hill

Hill/Kupsik motion to suspend the rules and consider item 10-B as the next item of business. Unanimously carried.

Discussion/Action on Veteran's Park South Soccer Field Repair Proposal (*recommended by Public Works Committee 4/12/12*)

Hill/Mott motion to approve, contingent upon approval of Resolution 12-R39. Alderman Hill said the restoration of the Veteran's Park south soccer field would be funded by the park impact fees. She said the City received a quote from Reinders for the materials and the restoration work itself would be performed by Street Department personnel. DPW Winkler said approving the project at this time would allow sufficient time to work this project into the Street Department's spring/summer schedule. Alderman Krohn expressed concern with the requested amount of \$5,000.00 because it is not consistent with the quote from Reinders in the amount of \$2,896.38. Mayor Connors said staff is requesting \$5,000.00 because they may need to rent the aeration equipment needed to complete the project. Alderman Kehoe asked if the south field was the only one needing to be restored. DPW Winkler said there are five soccer fields in total; the south field is in the most need for work. He suggested that this be the first step in restoring each of the fields. Mr. Winkler noted the YMCA would temporarily move the soccer field posts and nets to a temporary location. Alderman Kehoe asked if YMCA is involved with financing the field restoration work. DPW Winkler said this is a City facility and YMCA is not a financial contributor. Alderman Mott noted the south soccer field is really in need of repair.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and O'Neill voted "yes." Krohn voted "no." Motion carried 7 to 1.

RESOLUTIONS

Resolution 12-R39, a budget amendment creating a Budget in the Impact Fees Fund for reconditioning of the Veteran's Park South Soccer Field totaling \$5,000.

Hill/Kupsik motion to approve. Alderman Hill said Resolution 12-R39 would transfer the funding necessary to complete the soccer field restoration project. Alderman Mott said this is the first time this field will be worked on. He said it is the City's responsibility to take care of all its recreation facilities. He noted the other fields need repair and this work should be done on a rotation basis to keep costs down.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and O'Neill voted "yes." Krohn voted "no." Motion carried 7 to 1.

LICENSES & PERMITS

Original Class "B" Fermented Malt Beverage and "Class C" Wine License Application for the Lake Geneva Creperie Inc., 234 Broad Street, Lake Geneva, Ralph Kennedy, Agent

Hill/Kupsik motion to approve. Alderman Hill said City Clerk Hawes explained at the Finance, License and Regulation Committee meeting the Lake Geneva Creperie is a new restaurant that is eligible for both the Class "B" beer license and "Class C" wine license. She noted there is no quota on these licenses. Alderman O'Neill asked how we are able to verify that they are eligible for the "Class C" wine license. City Clerk Hawes said they provided a copy of a seller's permit from the State and they are a full-service restaurant. As long as over 50% of their sales are from prepared food they are eligible for the license to serve wine. Unanimously carried.

Amendment of "Class B"/Class "B" Intoxicating Liquor and Fermented Malt Beverage License for sidewalk café premises extension filed by Harborside Café, 100 Broad Street, Spyro Condos, Agent

Hill/Kupsik motion to approve, with alcohol not to be served or consumed in this area at 9 p.m. or later, with the condition that alcohol is not served on the three tables along Broad Street. Alderman Mott asked why alcohol should not be served on the sidewalk along Broad Street. City Attorney Draper said it is a matter of control. He said Harborside will be roping off the café area along Wrigley Drive and providing staffing to control this area. Alderman Wall commented that Harborside has done a great job with their tables and chairs. He asked if businesses can have anything they want on the umbrellas and chairs. Mayor Connors said the businesses need to bring the tables and chairs inside each night. He said the umbrellas and other café furniture cannot have signage, such as beer company logos, per City ordinances. Alderman Hill asked about the start date of the sidewalk café period. Mayor Connors said the sidewalk café season begins May 1st. Alderman O'Neill noted that Harborside was already approved to have tables and chairs near the right-of-way for public use but the restaurant has not served food or beverages to this area to this point. Unanimously carried.

Street Use Permit Application filed by Horticultural Hall for a Farmers Market using the alleyway between Broad and Cook Streets on the south side of Horticultural Hall on Thursdays from May 10 to October 25, 2012 from 7 a.m. to 1:30 p.m.

Alderman Hill said she serves on the board for the Horticultural Hall and is recusing herself from this item. Kupsik/Kehoe motion to approve. Alderman Kehoe suggested the applicant extend the hours to 2 p.m. to allow extra time for the vendors to break down and clean up. Kupsik/Wall motion to suspend the rules and allow Sean Payne, representing Horticultural Hall, to address the Council. Unanimously carried.

Mr. Payne said 1 p.m. is usually when the vendors start breaking down tables. Alderman Kehoe asked if Mr. Payne would like to request use of the alleyway until 2 p.m. Mr. Payne agreed that 2 p.m. would allow them more time to close up the farmer's market.

Alderman Wall asked if the Police Chief approved the application. Mayor Connors noted the application is signed off by the Police Chief. Alderman Kehoe asked what time the parking meter bags would be removed from the parking meters. Administrator Jordan said the applicant controls the bagging and will be responsible for removing the bags by 2 p.m.

Aldermen Kupsik and Kehoe agreed to change motion to approve Street Use Permit for the hours 7 a.m. to 2 p.m., including bagging of meters during said time. Motion carried by vote of 7 to 0, Alderman Hill abstained.

Original Operator License applications filed by Andrew Carlson, Jessica Pacholczak, Michael Deutsch IV, Tom Gentili

Hill/Kupsik motion to approve, including that the City Clerk verify employers as listed on the report. Unanimously carried.

Discussion/Recommendation on purchase and installation of new parking signs (*recommended by Public Works Committee 4/12/12*)

Hill/Wall motion to approve purchase and installation of new “free parking” signs, in the amount not to exceed \$3,000.00. Alderman Hill said the purpose of installing the larger signs is that they would be easier to read to visitors. Alderman Wall said in his experience as a Parking Meter Attendant he was often asked where the parking lots were. He said this is a good idea.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O’Neill voted “yes.” Unanimously carried.

Discussion/Recommendation on removal and relaying of downtown parking lot island brick (*recommended by Public Works Committee 4/12/12*)

Hill/Mott motion to approve for the amount not to exceed \$5,400.00. Alderman Hill referenced photographs from the packet, explaining that the island bricks in the parking lot on Geneva Street are cracked and upheaved. She said the condition of the bricks present a safety issue and staff is recommending the bricks be replaced as part of the current downtown concrete work. DPW Winkler said Humphreys Contracting is already doing work in the downtown area for the City and has offered to replace the brick at the cost of \$6.00 per square foot for about 840 total square feet. He said the total request is \$5,400.00. He indicated this is a favorable price to the City.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O’Neill voted “yes.” Unanimously carried.

Personnel Committee Recommendations – Alderman Kupsik

Discussion/Action on temporary hiring to assist with City Hall front counter

Kupsik/Hall motion to approve. Alderman Kupsik said staff is requesting extra help at the City Hall front counter due to seasonal needs. Due to the elections in April, May and June, the Deputy Clerk is unable to assist as much at the counter. Alderman Kupsik said the request is for the amount not to exceed \$3,000.00, which would be 250 hours at the rate of \$12.00 per hour. He said staff is requesting that City Treasurer Klein carry out this assistance because she is familiar with the front counter duties. Alderman O’Neill suggested there is an ethical problem with hiring an elected individual to carry out this work. Administrator Jordan said the City Treasurer was hired to provide seasonal help last year. He said the duties of the Treasurer’s Office are kept separate from the front counter duties. Alderman Kupsik said the City Attorney advised that it was okay for the City Treasurer to provide this assistance; he said there would be an ethical problem if an alderman was hired because the Council oversees the City staff. Alderman Kehoe said she didn’t doubt that City Treasurer Klein is qualified to help at the front counter, but suggested that the work be publically posted and recruited. Administrator Jordan said the City doesn’t typically advertise for temporary positions. Alderman Krohn asked how the City Treasurer would be compensated for the work. Mr. Jordan said she will be paid separately at the rate of \$12.00 per hour. Alderman O’Neill reiterated that he believed it was special treatment to hire the City Treasurer for this work. City Clerk Hawes said staff is requesting to use someone within the organization because the help would be provided on an as-needed basis. He said it would be difficult to post and hire someone to the position without having any guarantee of hours. Mr. Hawes said the City has a policy that department heads have discretion to hire seasonal employees within their budget. Alderman Mott said this item was discussed to great length at the Personnel Committee meeting and most of these same questions were addressed.

Roll Call: Hougen, Wall, Mott, Hill and Kupsik voted “yes.” Krohn and O’Neill voted “no.” Motion carried by vote of 5 to 2, Alderman Kehoe abstained.

Plan Commission Recommendations – Alderman Hougen

Resolution 12-R36, authorizing the issuance of a Conditional Use Permit filed by Geneva Bay Market and Gifts, 252 Center Street, Lake Geneva, WI 53147 for Outdoor Commercial Entertainment (grilling/serving area) on the existing outdoor patio at 252 Center Street, Lake Geneva, WI 53147, Tax Key Number ZOP 00258, including all staff recommendations and, specifically, that a grease hood be used over the grill

Hougen/Kehoe motion approve, including all staff recommendations and specifically, that a grease hood be used over the grill. Alderman O'Neill said this type of request has been rejected in the past. He said that Popeye's Restaurant has cooking in the parking lot but they are an actual restaurant. He cautioned that the Council needs to be fair and uniform in its decisions. He said he has no problems with allowing this applicant to continue grilling brats and selling them for 12 times per year, but he has concerns with this being a regular use.

Alderman Hougen said the Plan Commission addressed their concerns with this type of use and recommended its approval. Alderman Mott asked what the vote was on the item at Plan Commission. Alderman Hougen said it was 4 to 3. Alderman Hill noted the applicant does have a full restaurant license. She agreed with Alderman O'Neill that there is precedence for the City not allowing this type of activity. She asked if one business is granted permission where will it end? Alderman Krohn asked how the health inspections would be handled. Mayor Connors said health inspections are under the jurisdiction of the Health Department. Alderman Hill noted there would be a hand-washing sink set up outside.

Wall/Hougen motion to offer an amendment that the conditional use be reviewed by the Plan Commission at its November 2012 meeting. Roll Call on the amendment: Hougen, Wall, Hill, Kehoe, Kupsik and Krohn voted "yes." Mott voted "no." Motion carried by vote of 6 to 1, Alderman O'Neill abstained.

Roll Call on the amended motion: Hougen, Wall, Kehoe and Kupsik voted "yes." Mott, Hill and O'Neill voted "no." Motion carried by vote of 4 to 3, Alderman Krohn abstained.

Resolution 12-R37, authorizing the issuance of a Conditional Use Permit filed by Covenant Harbor Bible Camp, 1724 W. Main Street, Lake Geneva, WI 53147, for the installation of an additional pier, with twelve slips, at 1724 W. Main Street, Lake Geneva, WI 53147, Tax Key Number ZA2546 00001, including all staff recommendations, as well as any DNR or Army Core of Engineers conditions that may be presented

Hougen/Hill motion to approve. Alderman Hougen explained the application. He noted that the applicant received approval from the DNR for the pier a couple of years ago but the funds were not available at the time to complete the project. Mayor Connors said the applicant would again be applying for approval from the DNR or Army Core of Engineers.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and O'Neill voted "yes." Motion carried by vote of 7 to 0, Alderman Krohn abstained.

Resolution 12-R38, authorizing the issuance of a Conditional Use Permit filed by Leo and Janie Wilken, 404 S. First Street, West Dundee, IL 60118 for Indoor Sales and Service at 911 W. Main Street, Lake Geneva, WI 53147, Tax Key Number ZOP 00242, including all staff recommendations and, specifically, that this approval be limited to this owner and also that within the ten-year timeframe of this Conditional Use the home be returned to a single-family home as depicted on the Comprehensive Plan

Hougen/Kupsik motion to approve. Alderman O'Neill asked what happens if the current owner sells the property. Mayor Connors said the new owner would need to reapply for the conditional use.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

Discussion/Action on a Precise Implementation Plan (PIP) Amendment, filed by Dave Herbeck, 2601 E. Gatewood Drive, Appleton, WI 54915 to construct an automotive parts retail store adjacent to 200 Interchange North, Lake Geneva, WI 53147, Tax Key Number ZA4159 00001 and ZA4159 00003, including all staff recommendations and the recommendations included in the Crispell Snyder letter dated April 13, 2012

Hougen/Mott motion to approve. Alderman Hougen said the request is to downsize the lot and construct an automotive supply store. Mayor Connors said the initial approval was for auto repair shop and now it is for a retail store. Alderman Kupsik asked what the proposal includes for signage. Mayor Connors stated a monument sign is proposed for a location south of their entrance.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

Presentation of Accounts – Alderman Hill

Hill/Kupsik motion to recommend approval of Prepaid Bills in the amount of \$1,645.56.
Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

Hill/Wall motion to recommend approval of Regular Bills in the amount of \$497,133.99.
Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

Hill/Kupsik motion to recommend acceptance the Monthly Treasurer's Report for the month of February 2012.
Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

Mayoral Appointments – Mayor Connors

Citizen Appointments to Boards, Committees and Commissions:

- Parking Commission:
 - Reappointment of Dennis Swangstu to May 1, 2014
 - Reappointment of Kevin Fleming to May 1, 2014
- Historic Preservation Commission:
 - Reappointment of Jackie Getzen to May 1, 2015
- Board of Park Commissioners:
 - Reappointment of Barbara Phillips to May 1, 2015
 - Reappointment of Peggy Schneider to May 1, 2015
- Tree Board:
 - Reappointment of Dan Andersen to May 1, 2015
 - Reappointment of Clara Jacobs to May 1, 2015
- Plan Commission:
 - Reappointment of Kristen Olson to May 1, 2015
- Cemetery Commission:
 - Reappointment of Clarence Read to May 1, 2015
- Zoning Board of Appeals:
 - Reappointment of Ellyn Kehoe to May 1, 2015
- Library Board:
 - Reappointment of Duanne Lafrenz to May 1, 2015
- Police & Fire Commission
 - Appointment of Lynelle Gramm to May 1, 2017

Kupsik/Kehoe motion to approve. Unanimously carried.

Closed Session

Kupsik/Krohn motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation which it is or is likely to become involved in re: Peller Investments, LLC (City Attorney Draper).

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

The Council entered into Closed Session at 8:35 p.m. Also present: Administrator Jordan, City Attorney Draper and City Clerk Hawes.

Kehoe/Krohn 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: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and O'Neill voted "yes." Unanimously carried.

The Council reconvened in open session at 9:00 p.m.

Mott/Kupsik motion to direct the City Attorney to continue negotiations as discussed in closed session. Motion carried by vote of 7 to 1, with Alderman O'Neill opposed.

Adjournment

Kehoe/Hill motion to adjourn at 9:01 p.m. Unanimously carried.

/s/ Michael D. Hawes, City Clerk

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