

REGULAR CITY COUNCIL MEETING

TUESDAY, MAY 29, 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 Krohn.

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

Awards, Presentations, and Proclamations.

Mayor Connors recognized the work of various City departments and staff for a successful Memorial Day weekend and opening of the beach. He also congratulated the American Legion Post #24 for a successful Memorial Day parade event.

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.

Terry O'Neill, 954 George Street, Lake Geneva, commented that the annual financial audit was not published on the City website until 9:30 a.m. this morning. He asserted this is not ample time for the public to review the audit.

Kevin Fleming, 1032 Wisconsin Street, Lake Geneva, spoke on Item #16 regarding a study for a parking structure. Mr. Fleming urged the Council to proceed with the necessary steps to complete a parking study. He said there is a need for additional parking downtown and he suggested the City consider a parking structure development with first-floor retail space.

Martin Smith, 330 Oakwood Lane, Lake Geneva, chair of the Parking Commission, spoke on Item #16, urging the Council to proceed with a plan for a new parking structure. He said parking has been a challenging issue in the City for a long time. He referenced a study by the Southeastern Wisconsin Regional Planning Commission that recommended additional parking in the City. Mr. Smith said a parking lot near Eastview school was added but it is not within close enough proximity to meet the parking demand downtown. He said there continues to be a need for safe, convenient and low-cost parking for downtown employees. Mr. Smith added that the Parking Commission unanimously voted to recommend a new parking study. He said TIF is a possibility for funding the study. Mr. Smith further stated there is a need for library staff parking.

Acknowledgement of Correspondence.

City Clerk Hawes reported that the City received copies of canvass results submitted by the Friends of Geneva Theater on May 14, 2012. The canvass results included signatures from 68 individuals and 37 letters from downtown businesses in support of using TIF funds to purchase the Geneva Theater building and using donations to renovate the building for use as a cultural arts center.

The City received a letter of resignation from Robert Flemming from the Cemetery Commission, dated May 16, 2012.

The City received a Summary Report of Walleye Hatchery Operations on Geneva Lake dated April-May 2012, submitted by Brian H. Simon, Chairman of the Walworth County Chapter of Walleyes for Tomorrow.

City Clerk Hawes said that copies of correspondence are on file in the City Clerk's office.

Approval of Minutes

Kehoe/Hill motion to approve the Regular City Council Meeting minutes of May 14, 2012, as published and distributed. Motion carried by vote of 7 to 0.

Presentation of 2011 Financial Audit by David Maccoux, CPA of Schenck SC

David Maccoux presented the 2011 Financial Audit final report for the year ending December 31, 2011. Mr. Maccoux said the statement of net assets shows that on a historical cost basis, the City's total assets are about \$90.7 million. He said this includes capital assets and infrastructure as well as the City's cash and tax roll. He reported the City's total liabilities is \$19.7 million. The City's net ownership is currently about \$71.0 million; about \$58.0 million if that is the City's investment in capital assets. Mr. Maccoux said net assets decreased \$1.3 million in 2011 due to depreciation of infrastructure.

Mr. Maccoux reported that at year-end 2011, the City had a general fund balance of \$2.6 million, with \$2.2 million unassigned. He said the City had a growth in its unassigned fund balance of about \$0.1 million. Mr. Maccoux said the fund balance represents 30% of the City's budget, which puts the City in excellent condition entering the 2012 budget year. He reported that TID #4 is in a strong position with a balance of \$5.9 million at the end of 2011.

Alderman Kehoe asked if the unrestricted fund balance could be used as a contingency account. Mr. Maccoux said the City Council may choose to allocate funds from the unrestricted fund balance on a project basis, but the unrestricted fund balance needs to be closely monitored as this is what rating agencies generally look at.

Mr. Maccoux said the auditors performed a number of sample transactions during the audit and reviewed City procedures to develop internal controls recommendations and review how the City adheres to certain laws and regulations. He said they found no violations in the conducting of the City's financial operations. Mr. Maccoux discussed a list of recommendations that the City should consider in order to strengthen its internal controls. Notably, he recommended the Council adopt a new fund balance policy. He further described some internal controls improvements that could be made to maximize segregation of duties. He noted these recommendations do not entail that any problems were identified during the audit, but they are areas of controls that could be enhanced by the City.

In concluding his presentation, Mr. Maccoux said the audit went very well and he thanked the City staff for their cooperation throughout the audit process.

Acceptance of 2011 Financial Audit, as presented by Schenck SC

Alderman Hill asked when the audit document was made available to the public. City Clerk Hawes said it was posted on the website earlier today. Alderman Hill said she would feel more comfortable continuing the acceptance of the audit to next meeting so the public has a chance to review it on the website.

Kehoe/Kupsik motion to accept the 2011 Financial Audit as presented by Schenck SC. Alderman Kupsik said he does not have an issue accepting the audit at this time because the document will be available for the public to review. He said any questions or concerns can be brought up at a later meeting. Alderman Kehoe added that Comptroller Pollitt can be contacted at any time with questions.

Alderman Wall suggested that in the future the audit presentation not be made until the audit document has been available on the website for a period of at least two weeks. Alderman Hougen said he believed the audit was professionally done and he has no reservations with going ahead with accepting it.

Administrator Jordan explained that the reason the audit was presented at this time was because of a request from the Council last year to have it presented as early in the year as possible. Alderman Mott said he agreed with the idea of allowing the public more time to view the audit online.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted "yes." Motion carried 7 to 0.

Discussion/Action on appointment of Fourth District Alderman

Mayor Connors reported the City received one application for the Fourth District Alderman vacancy from former alderman, Don Tolar.

Krohn/Kehoe motion to appoint Don Tolar to the position of Fourth District Alderman for the balance of the term. Alderman Kupsik asked when he would officially start. Mayor Connors said he could begin at the June 4th Committee of the Whole meeting.

Public Hearing on the extension of the General Development Plan (GDP) for the North Gate Retail Center planned development filed by KC Northgate, LLC

Mayor Connors said the applicant requested to reschedule the public hearing to the June 11th meeting. Hill/Wall motion to continue to the regular meeting on June 11, 2012. Motion carried 7 to 0.

Second Reading of Ordinance 12-08, a Charter Ordinance to combine the positions of Treasurer and Deputy Clerk

Wall/Mott motion to approve. Alderman Wall referenced the auditor’s internal controls report which recommended that the City change the treasurer from an elected position to an appointed position. He said the City should follow this suggestion. Administrator Jordan said most communities in Wisconsin have an appointed treasurer position, typically combined with the clerk or deputy clerk. He said it made sense to combine the treasurer with the deputy clerk because their busy seasons are in different points of the year. Alderman Krohn asked what the salary for the combined position would be. Administration Jordan said the salary would be recommended by the Personnel Committee. Mayor Connors noted the new position wouldn’t take effect until the term of the current treasurer ends in 2014.

Roll Call: Hougen, Wall, Mott, Hill and Kupsik voted “yes.” Kehoe and Krohn voted “no.” Motion carried 5 to 2.

Second Reading of Ordinance 12-09, amending Chapter 74, Traffic and Vehicles, regarding parking meters and limited time parking zones

Mayor Connors said a revised copy of Ordinance 12-09 was distributed to the Council. Alderman Hill asked the purpose behind the 25-minute parking meters. Administrator Jordan said they are short-term parking spaces intended to provide access for a quick stop. He indicated that if they were 30 minutes or longer people with handicap stickers would be allowed to park there as long as they wished. Alderman Hougen asked if the ordinance can be revised in the future. Mayor Connors said it is a living document that will be continuously reviewed. Alderman Hougen said there are a number of issues he is concerned with that he thinks should be addressed in this ordinance at a future time, including senior parking, downtown employee parking and resident complaints about parking in front of their homes. Mayor Connors said the Parking Commission will be working with staff to monitor how the new parking system is working to determine what changes will be needed.

Hill/Kupsik motion to approve, with revisions as presented at the meeting. Alderman Kehoe asked about the status of the senior parking sticker. Mayor Connors said the senior parking sticker has been removed and all Lake Geneva residents will use the same 2-hour sticker. He said seniors should stop at City Hall and pick up the resident sticker.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Hill

RESOLUTIONS

Resolution 12-R42, designating \$46,113.26 to the Reserve Park Fund in 2011

Hill/Kupsik motion to approve. Alderman Hill said the purpose of Resolution 12-R42 is to separate the impact fees from park fees. She further stated there are certain conditions that regulate how impact fees can be used. Mayor Connors noted this was a recommendation from the auditors.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

ORDINANCES

First Reading of Ordinance 12-12, amending Section 2-42 of the Municipal Code to add a consent agenda to the City Council order of business

First reading only; no action taken.

LICENSES AND PERMITS

Amendment of “Class B”/Class “B” Intoxicating Liquor and Fermented Malt Beverage License for sidewalk café premises extension filed by Anagnos Enterprises, Ltd. d/b/a Popeyes, Inc., 811 Wrigley Drive, Lake Geneva, Michael Anagnos, Agent

Hill/Wall motion to approve. Alderman Hill said the purpose of the alcohol license amendment is to extend the premises of the license to cover the approved sidewalk café area. She noted the applicant will be coming back in June to request extension of the alcohol license to a new parking lot dining area. Motion carried by vote of 7 to 0.

Renewal of “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License application filed by Medusa Grill & Bistro LLC d/b/a Medusa Grill & Bistro, 501 Broad Street, Lake Geneva, Gregory Anagnos, Agent (continued 5/14/12)

Hill/Kupsik motion to approve. Alderman Hill said the renewal of the license was continued at the May 14, 2012 meeting because the applicant was not current with their personal property taxes. She indicated the applicant is now up-to-date with their personal property taxes. Motion carried by vote of 7 to 0.

Renewal of “Class A”/Class “A” Intoxicating Liquor & Fermented Malt Beverage License application filed by Kenru LLC d/b/a Village Gourmet & World Wine Shop, 725 West Main Street, Lake Geneva, Kenneth H. Conell, Agent

Hill/Wall motion to approve. Alderman Hill said the initial alcohol license was approved for this applicant at the May 14th meeting. Due to the timing of alcohol licenses expiring June 30th, they are now requesting renewal for the license year beginning July 1, 2012. Motion carried by vote of 7 to 0.

Street Use Permit Application filed by Brandon Presern representing RAM Racing for Big Foot Triathlon using portions of West South Street, East South Street, Wells Street, Willow Road and South Lakeshore Drive on June 24, 2012 from 4 a.m. to 2 p.m.

Hill/Mott motion to approve. Administrator Jordan said this is a repeat event. Alderman Wall asked if police services will be reimbursed. Administrator Jordan said he will talk with Police Chief Rasmussen and make sure all the police services are reimbursed properly. Motion carried by vote of 7 to 0.

Street Use Permit Application filed by Tara Trent representing Maple Park Homeowner’s Association for Maple Park Block Party using Geneva Street, between Maxwell Street and Warren Street, on June 16, 2012 from 5 p.m. to 8 p.m.

Hill/Kehoe motion to approve. Motion carried by vote of 7 to 0.

Street Use Permit Application filed by George Hennerley representing Geneva Lake Area Chamber of Commerce for Oktoberfest using the 200 block of Broad Street on October 6 and October 7, 2012 from 10 a.m. to 6 p.m.

Hill/Wall motion to approve. Alderman Hill noted this is an annual event that does very well for the City. Motion carried by vote of 7 to 0.

Street Use Permit Application filed by George Hennerley representing Geneva Lake Area Chamber of Commerce for Christmas Parade using Broad Street and Main Street on December 1, 2012 from 4 p.m. to 6:30 p.m.

Hill/Kupsik motion to approve. Motion carried by vote of 7 to 0.

Discussion/Action on award of contract for Library Public Restroom Remodel to Mohr Construction in the amount of \$47,900.00

Hill/Mott motion to approve. Administrator Jordan reported the City received six bids for the project. The lowest bid was from Mohr Construction in the amount of \$47,900.00. Mr. Jordan said Mohr Construction recently completed the Chamber of Commerce restrooms and did a good job. He said staff recommends awarding the contract to them. Alderman Hill noted the project has been approved to be funded by TID #4. Mayor Connors said the work would be started as soon as possible with the hope of completing it by the 4th of July.

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

Discussion/Action on CD renewal or reinvestment

Hill/Krohn motion to approve renewing the CD at Talmer Bank in the amount of \$58,500.00 for a period of 52 weeks at the rate of 0.30%. Alderman Hill said this was the recommendation of the comptroller and was unanimously approved by the Finance, License and Regulation Committee.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 6 to 0. Alderman Wall abstained.

Parking Commission – Alderman Hill

Discussion/Action on a study for the need, cost and recommendations for a parking structure

Alderman Hill said now that the City has implemented the new parking system, we are in a massive data collection phase. She said members of the Parking Commission agreed that they do not have enough information on the cost and need for a parking structure. The last time the City had a parking study was 1996. Ms. Hill stated she felt strongly that a new comprehensive parking study was the best place to start to address parking issues.

Administrator Jordan said he will review the RFP recently put together by the City of Middleton for their parking study. He said the City should consider several different avenues—including working with the Southeastern Wisconsin Regional Planning Commission—to explore how to come up with a good final product. Alderman Hougen asked if the study would focus on the need for a parking structure or if it would cover other aspects of parking. He suggested that the study also look at the possibility of a public transit system. Mr. Hougen asserted it is not just a matter of how many available stalls we have, but we need to consider factors like age, mobility and proximity of residents to the downtown area.

Mayor Connors suggested the topic of a parking study go back to the Parking Commission for suggestions on how to request and solicit proposals.

Wall/Hill motion to direct the city administrator to work with the Parking Commission to develop an RFP to solicit proposals for a parking study. Mayor Connors said that we would not be spending any money at this point, just working to develop an RFP.

Motion carried by vote of 6 to 1, with Alderman Krohn opposed.

Public Works Committee – Alderman Mott

Discussion/Action on rebidding Downtown Traffic Signals project

Alderman Mott said the Public Works Committee recommended some changes to the bidding of the Downtown Traffic Signals project in effort to make the project more efficient. The Council proceeded to vote on each of the recommendations individually:

Mott/Wall motion to approve using 4-way stops in lieu of temporary traffic signals during the construction process. Mayor Connors noted this would result in significant cost savings. Motion carried by vote of 7 to 0.

Mott/Kupsik motion to approve having the poles painted by Ruffalo Painting on a separate contract. Motion carried by vote of 7 to 0.

Mott/Kupsik motion to approve the City purchase signal equipment directly from the manufacturer. Motion carried by vote of 7 to 0.

Mott/Wall motion to approve the City contracting the concrete work separately. Mayor Connors said the concrete work would be completed as an add-on to the current downtown concrete project being completed. Motion carried by vote of 7 to 0.

Mott/Kupsik motion to approve rebidding the downtown traffic signal project at an extended bidding period of four weeks. Motion carried by vote of 7 to 0.

Mott/Kupsik motion to approve emergency pre-emptive devices as an alternate bid. Motion carried by vote of 6 to 1, with Krohn opposed.

Plan Commission – Alderman Hougen

Resolution 12-R43, authorizing the issuance of a Conditional Use Permit filed by Reeds Construction LLC, W3199 S. Lake Shore Drive, Lake Geneva, WI 53147 for Antoinette Sottrel, 5N501 Curling Pond Road, Wayne, IL 60184, to construct a new pier at 1084 La Grange Drive, Lake Geneva, WI 53147 Tax Key Number ZLE 00003, pending DNR approval, verification of riparian rights and including all staff recommendations

Hougen/Kehoe motion to approve. Alderman Mott asked who ultimately has authority over the work. Mayor Connors indicated it is the DNR's jurisdiction, but the City has to make sure riparian rights are met. Motion carried by vote of 7 to 0.

Resolution 12-R44, authorizing the issuance of a Conditional Use Permit filed by Reeds Construction LLC, W3199 S. Lake Shore Drive, Lake Geneva, WI 53147 for John and Barbara Salyer, 1900 E. Golf Rd. Suite 1030, Schaumburg, IL 60173 for an addition to their existing pier, to extend the pier and add an additional slip at 845 Bayview Drive, Lake Geneva, WI 53147, Tax Key Number ZGB 00006, including all staff recommendations, DNR approval and conformity with the DNR regulated number of boats allowed at this location

Hougen/Hill motion to approve. Motion carried by vote of 7 to 0.

Resolution 12-R45, authorizing the issuance of a Conditional Use Permit filed by Deborah Dalzell, W3274 S. Lake Shore Drive, Lake Geneva, WI 53147 to modify an existing non-conforming pole sign by replacing the faces with new signage located at 880 W. Main Street, Lake Geneva, WI 53147, Tax Key Number ZOP 00337, including all staff recommendations, and specifically the change in the red color of the sign to burgundy

Hougen/Hill motion to approve. Alderman Mott asked why they were asked to change to burgundy when they wanted patriotic colors. Mayor Connors said downtown sign specifications don't allow black, red or yellow. Motion carried by vote of 7 to 0.

Resolution 12-R46, authorizing the issuance of a Conditional Use Permit filed by Chad Steen, 602 E. Market Street, Elkhorn, WI, 53121, for a coffee shop and Deli (Indoor and Outdoor Commercial Entertainment) at 835 Wrigley Drive, Lake Geneva, WI 53147, Tax Key Number ZOP 00339, including all staff recommendations

Hougen/Kehoe motion to approve. Alderman Kupsik asked why a large building like this does not have to meet certain ADA requirements. Mayor Connors referenced the minutes of the Plan Commission, which state that the applicant does not necessarily need to meet ADA requirements but must comply with the accessibility requirements of the building code which are substantially different. Alderman Kupsik said he is not comfortable with approving the Conditional Use Permit if it does not meet ADA requirements.

Roll Call: Hougen, Wall and Hill voted "yes." Mott, Kehoe, Kupsik and Krohn voted "no." City Attorney Draper said five votes are required to overturn the Plan Commission recommendation on a Conditional Use Permit. Having received 4 "no" votes, the Conditional Use Permit is approved.

Discussion/Action on application for a Certified Survey Map, filed by Lael Vandeburgh, N2365 Bonnie Brae, Lake Geneva, WI 53147 for land located at N2365 Bonnie Brae, Lake Geneva, WI 53147 in the Town of Linn which is also with the City's extra territorial plat review area, including all staff recommendations and the recommendation made by the Department of Administration in a letter dated May 14, 2012

Hougen/Wall motion to approve. Alderman Hougen said the applicant is subdividing the property in order to do estate planning. Motion carried by vote 7 to 0.

Discussion/Action on application for a Certified Survey Map, filed by Jeanne Allis, W3691 Snake Road, Lake Geneva, WI 53147 for land located at W3691 Snake Road, Lake Geneva, WI 53147 in the Town of Linn which is also with the City's extra territorial plat review area subject to the Department of Administration recommendations in a letter dated May 17, 2012, a recommendation by the City Engineer in a letter dated May 16, 2012 and all staff recommendations

Hougen/Hill motion to approve. Motion carried by vote of 7 to 0.

Presentation of Accounts – Alderman Hill

Hill/Wall motion to approve Prepaid Bills in the amount of \$1,255.69

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

Hill/Kupsik motion to approve Regular Bills in the amount of \$209,882.40

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

Mayoral Appointments – Mayor Connors

Reassignments to committee positions formally held by Terry O’Neill

Mayor Connors announced that due to the appointment of Don Tolar to the 4th District Alderman position, he would like to make the following committee appointments: appointment of Alderman Tolar to the Finance, License and Regulation Committee; appointment of Alderman Tolar to the Piers, Harbors and Lakefront Committee, and designating Alderman Wall as chairperson; appointment of Alderman Tolar to the Board of Review; appointment of Alderman Wall as Council liaison to the Geneva Lake Environmental Agency; and, appointment of Alderman Hill to chairperson of the Communications Committee.

Kupsik/Krohn motion to approve the Mayor’s appointments as announced. Motion carried by vote of 7 to 0.

Closed Session

Kupsik/Wall 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: Village of Bloomfield Annexation (City Attorney Draper)

Roll Call: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0.

The Council entered into Closed Session at 9:38 p.m. Also present: Administrator Jordan, City Attorney Draper and City Clerk Hawes.

Kupsik/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: Hougen, Wall, Mott, Hill, Kehoe, Kupsik and Krohn voted “yes.” Motion carried 7 to 0. The Council reconvened in open session at 9:47pm

Adjournment

Mott/Krohn motion to adjourn at 9:47pm Unanimously carried.

/s/ Michael D. Hawes, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL