

# **REGULAR CITY COUNCIL MEETING**

## **MONDAY, JUNE 25, 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 Hougen.

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

**Awards, Presentations, and Proclamations.** None.

**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 reported the City received a letter from Michael Keefe on behalf of KC Northgate, LLC dated June 21, 2012 requesting the Council to grant a five-year extension of the General Development Plan for the North Gate Retail Center planned development project.

The City also received a letter from Terry O'Neill, 954 George Street, Lake Geneva on June 22, 2012 asking the City Council to provide additional parking accommodations for people with disabilities and senior citizens.

#### **Approval of Minutes**

Wall/Kehoe motion to approve the Regular City Council Meeting minutes of June 11, 2012, as published and distributed. Unanimously carried.

#### **Consent Agenda**

Original "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Application for H&P Enterprises LLC d/b/a Geneva Liquors, 797 Wells Street, Lake Geneva, Kanwal B. Singh, Agent

Change of Agent Application filed by Meriden Homeowners Association d/b/a Bella Vista Suites, 335 Wrigley Drive, Lake Geneva, to Charles Lorenzi, 1540 West Main Street, Lake Geneva

Park Permit Application filed by George Hennerley on behalf of the Geneva Lake Area Chamber of Commerce for Antique Tractor Ride at Flat Iron Park on July 21, 2012 from 10:30 a.m. to 1:45 p.m. (*recommended by Board of Park Commissioners 6/6/12*)

Renewal Massage Establishment License applications filed by the following:

- 1) Lake Geneva Massage Therapy, 905 Marshall Street, Lake Geneva, WI
- 2) Jasmine Salon & Spa, LLC, 251 Cook Street, Lake Geneva, WI
- 3) Element Massage Studio, 647 Main Street, Suite 800, Lake Geneva
- 4) Healing Muscle Therapies, 201 Broad Street, Ste 1-D, Lake Geneva, WI
- 5) Salon 180, 706 W. Main Street, Lake Geneva, WI

Renewal Taxi Company License applications filed by the following, contingent upon City Attorney approval of liability insurance requirement:

- 1) N & T Enterprises, Inc., d/b/a Lakes Area Taxi, P.O. Box 382, Delavan, WI
- 2) A1 Limousine & Taxi, 515 Prairie View Road, Williams Bay, WI
- 3) Senior Cab Plus, LLC, W3099 Krueger Road, Lake Geneva, WI

- 4) Yellow Cab of Walworth/Hailey Transport LLC, 722 Faryl Avenue #8, Delavan, WI
- 5) All Star Cab, W1044 Evergreen Road, Pell Lake, WI
- 6) Lakefront Shuttle & Services, W3746 Lake View Drive, Geneva, WI

Renewal Carriage Company License application filed by Field Stone Farm Carriage & Pony LLC, 6913 Womack Lane, Burlington, WI

Original 2012-2013 Operator License applications filed by Navninder Toor, Michelle Steadman, Carrin Bowman, Heather Shepperack, Ashwinkumar Patel, Brittany Fish, Jay Bieszk, Randy Horch, LauraAnn Coder, Kaleen Dunn, Caitlin Richert, Rhonda Holden, Lana Marjanovic, Ashley Feest, Tai Spangler, Scott Lindbloom, Myles Mitchell, Danielle Zitzler, Joshua Hughes, Rio Norton, Laura Baldwin, Mary Gagliardi, David Kuhl, Raiyn Wilkinson, Shannon Vavrosa and Ashley Auclair

Renewal Taxi/Trolley Driver License applications filed by Richard Skipper Sr., Ronald Skipper Jr., Ronald Skipper Sr., Larry Rygielski, Goldie Stacey, Kimberly Yanke, Keith Woods, Russell Ford, Martin Blackmore, Thomas Rock, Nancy Rock, Brian Koszykowski, John Albert, Daniel Turner, Jeff Robbins, Nina Thompson, Robert McAllister, Vito Gieron, Marta Gieron, Martin Lee, Jack Gerblich and Gurjit Singh (*approved by the Police Chief; information only*)

Hougen/Hill motion to approve the items on the consent agenda, pending all outstanding liabilities to the City being paid prior to issuance of any licenses. Unanimously carried.

#### **Items Removed from the Consent Agenda**

**Fireworks Permit Application filed by Mark Wankowski and J & M Displays, Inc. for the use of fireworks on the barges in front of the Riviera for a wedding reception on July 21, 2012, contingent upon approval of an agreed staging area**

Kupsik/Hill motion to approve, contingent upon a staging area being approved by the Police Chief, Fire Chief and Geneva Lake Law Enforcement Agency.

Hill/Mott motion suspend rules to allow Bryan Olson from J & M Displays, Inc. to approach the Council. Unanimously carried. Mr. Olson stated the fireworks would be set off as early after dusk as possible. He said it would be a small display and it would last shorter than 10 minutes.

Unanimously carried.

#### **2012-2013 Renewal Operator License applications**

Hill/Kupsik motion to recommend approval, pending all outstanding liabilities to the City being paid, except for renewal applications filed by Danielle Bradi and Sophia Sakellariadis. Alderman Mott asked why the two individuals weren't recommended for approval. City Clerk Hawes said the Police Chief has recommended denial of these two applicants based on their background checks. Unanimously carried.

#### **Discussion/Action on the extension of the General Development Plan (GDP) for the North Gate Retail Center planned development filed by KC Northgate, LLC (*Public hearing held 6/11/12*)**

Hougen/Wall motion to approve a five-year extension of the General Development Plan (GDP) for the North Gate Retail Center planned development filed by KC Northgate, LLC. Alderman Hougen said he saw no reason why the extension should not be granted. He said the developer will have completed the first two phases of the development during a tough economic period. Mr. Hougen suggested the developer deserved some extra time to complete the third phase. Unanimously carried.

#### **Public hearing on denial of Taxi Driver License renewal application filed by Brian Swaney**

City Attorney Draper announced that this item was withdrawn because the current ordinances do not provide the City with enough options for denying a taxi driver license.

#### **Discussion/Action on Taxi Driver License renewal application filed by Brian Swaney**

City Attorney Draper announced that this item was withdrawn because the current ordinances do not provide the City with enough options for denying a taxi driver license.

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

### **RESOLUTIONS**

#### **Resolution 12-R47, amending the Fee Schedule to reflect an increase in parking lot permit fees, increase to Walworth County parking permit fees, update to parking ticket late fee period and addition of the fireworks permit**

Hill/Kupsik motion to approve. Chairperson Hill said the proposed resolution would increase the parking lot permit fees and Walworth County parking permit fees to be consistent with the hourly rate of the meters which were increased for 2012. The resolution would also change the parking ticket late fee period to 10 days to be consistent with the ordinance. Chairperson Hill noted the fireworks permit is already on the fee schedule and isn't being changed at this time.

Hougen/Kehoe motion to amend the motion to keep the parking lot permit fees at \$200.00 for seniors age 65 or older. Alderman Hougen asserted that seniors need more parking options. Alderman Hill said she appreciated this concern, but said that she does not agree with the amendment as a way of dealing with a larger problem. Alderman Hill asked how many parking lot permits have been sold this year at the current rate of \$200.00. Administrator Jordan said 11 permits have been sold to date. Alderman Tolar noted the parking ordinances were discussed at the last meeting, but the discussion of senior parking did not come up. Motion failed by vote of 3 to 5, with Aldermen Mott, Hill, Kupsik, Krohn and Tolar opposed.

Roll Call on original motion: Hougen, Wall, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted "yes." Unanimously carried.

#### **First reading of Ordinance 12-13, amending Chapter 74, Traffic and Vehicles, regarding limited parking time zone hours**

Kupsik/Mott motion to suspend the rules and proceed to second reading of Ordinance 12-13.

Roll Call: Hougen, Wall, Mott, Kupsik and Tolar voted "yes." Hill, Kehoe and Krohn voted "no." The required supermajority for passage having not been achieved, the motion failed by vote of 5 to 3.

First reading only; no action taken.

#### **Discussion/Action on renewal of Health Insurance Plan**

Hill/Kupsik motion to approve renewal of the Health Insurance Plan as recommended by Administrator Jordan. Alderman Hill said the City has had a bad year in terms of the number of high claims that were submitted. As a result, the reinsurance policy is set to increase by \$136,788.24. The City budgeted \$425,000.00 for 2012 and will have to add \$91,156.96 to the 2013 budget to cover the increase.

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

#### **Discussion/Action on award of EMS medical billing contract with EMS Medical Billing Associates, LLC. (recommended by Police and Fire Commission 6/12/12)**

Hill/Mott motion to approve. Alderman Hill said the Police and Fire Commission discussed the proposed contract in detail at its special meeting. She noted that City Attorney Draper was involved with reviewing the contract.

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

#### **Discussion/Action on repairing drainage problem at Dunn Field in the amount not to exceed \$3,000.00 (recommended by Public Works Committee 6/14/12)**

Hill/Kupsik motion to approve, in an amount not to exceed \$3,000.00, funded by TID #4, subject to approval of a budget resolution. DPW Winkler said there is an ongoing drainage problem at Dunn Field resulting in standing water whenever it rains. He explained the work that would be completed to rectify the issue. Alderman Hougen asked if female or minority owned businesses are typically considered when contracting projects like this. DPW Winkler said there are requirements for considering female and minority owned contractors for larger projects but not for smaller projects like this. Alderman Kupsik expressed support for repairing the drainage problem, noting it has been an issue for quite a while. Alderman Mott agreed.

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

**Discussion/Action on emerald ash borer treatment program in the amount not to exceed \$10,000.00 (recommended by Public Works Committee 6/14/12 and Tree Board 6/21/12)**

Hill/Kupsik motion to approve the emerald ash borer treatment program funded by contingency in an amount not to exceed \$10,000, subject to approval of a budget resolution. Alderman Hill said that as a community that cares about its trees this is a worthy expense to treat the 204 identified ash trees. She noted that the City could apply for grants in future years to help fund this program. Alderman Mott agreed that it is important for the City to treat the trees as opposed to simply removing them. Alderman Kehoe asked if the treatment should be done in the Fall or Spring. DPW Winkler said the City Arborist’s recommendation is to treat the trees in the Fall. Alderman Wall asked if treatment would take place on a yearly basis. DPW Winkler said the treatment is designed to last two years, but the City would investigate the success rate of applying the treatment every three years. Alderman Wall asked if the City has planted any ash trees in recent years. DPW Winkler said the City has not planted any ash trees since the emerald ash borer was identified in the U.S. Mayor Connors asked if the urban forestry grant were available to help fund the treatment program. DPW Winkler said there are matching grants available but it is a matter of timing. He said the grant application is due in October and the grant recipients are announced in December. If the City wished to begin the treatment program this Fall, the grant funding would not be available in time for this year.

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

**Plan Commission Recommendations – Alderman Hougen**

**Resolution 12-R48, authorizing the issuance of a Conditional Use Permit filed by Michael and Dimitri Anagnos on behalf of Popeye’s Restaurant, 811 Wrigley Drive, Lake Geneva, WI 53147, to add outdoor seating with food and beverage service (Outdoor Commercial Entertainment) at 811 Wrigley Drive, Lake Geneva, WI 53147 Tax Key Numbers ZOP 00341, ZOP 00342, ZOP 00343, ZOP 00344 and ZOP 00345 including all staff recommendations and a sunset date after two seasons (expire after December 31, 2013)**

Hougen/Hill motion to approve. Alderman Hougen said there was concern about the use of the trailer in the parking lot. He said the trailer would be used to hold the food, not for cooking. Alderman Hill asked about the purpose for the sunset date. Mayor Connors said the purpose for the sunset date is to give the applicant time to figure out how the new dining area could be incorporated into the property’s overall design. He added that it would give them a season and a half to design a more permanent set-up. Unanimously carried.

**Resolution 12-R49, authorizing the issuance of a Conditional Use Permit filed by Michael Raymond Custom Homes, 300 Cardinal Drive Suite 100, St. Charles, IL 60175 for an addition of a screen porch to an existing residence in the ER-I District using setback requirements of the SR-4 District at 1641 N. Lake Shore Drive, Lake Geneva, WI 53147 Tax Key Number ZLM 00019 including all staff recommendations**

Hougen/Kehoe motion to approve. Alderman Hougen noted the Plan Commission had a favorable view on the application. Unanimously carried.

**Resolution 12-R50, authorizing the issuance of a Conditional Use Permit filed by David Biegemann, 155 Forest Street, Lake Geneva, WI 53147 to allow for food and beverage consumption on the existing patio (Outdoor Commercial Entertainment) at 615-617 W. Main Street, Lake Geneva, WI 53147 Tax Key Number ZOP 00291 including all staff recommendations**

Hougen/Hill motion to approve. Mayor Connors stated that the Conditional Use Permit would include the specific hours that were identified in the application. Alderman Hougen noted this is a for a small patio area located west of the building. Unanimously carried.

**Resolution 12-R51, authorizing the issuance of a Conditional Use Permit filed by Lyle and Lisa Fitterer, 1040 San Jose Drive, Elm Grove, WI 52122 for construction of a new single family residence in the ER-I District using the setback requirements of the SR-4 District at 63 Hillside Drive, Lake Geneva, WI 53147 Tax Key Number ZYUP 000941 including all staff recommendations**

Mayor Connors said the resolution should be revised to reflect the Plan Commission's motion that a second Conditional Use Permit would need to be issued for the final design of the home. Hougen/Wall motion to approve, with the requirement that an additional Conditional Use Permit is required for the final design of the home. Unanimously carried.

**Public Works Committee – Alderman Mott**

**Discussion/Action on rebidding Maple Park and Dunn Field tennis courts construction projects**

Alderman Mott said the Public Works Committee has recommended rebidding the tennis courts with the fencing listed as an alternate bid. He said the City first solicited bids for the project in the Fall, but only one bid was received. He said the Committee is recommending rebidding the project with the hopes of getting three bids. Alderman Hill asked why only one bid was received. DPW Winkler said he believed it was because it was an asphalt project and there are not many nearby businesses that do asphalt work. He added that it is often not practical for asphalt companies located far outside of town to bid. Mr. Winkler said he is hoping to generate more interest from contractors this time around. Alderman Kupsik said he supported rebidding the project because the courts are over 25 years old and have not undergone any major repairs. Alderman Wall asked if Mr. Winkler believed the bids would be less than the initial bid the City received in the Fall. DPW Winkler said the bids could be higher this time due to the increased cost of oil.

Hill/Kupsik motion to instruct staff to rebid the project. City Attorney Draper noted the Council would need six votes to reject the bids.

Roll Call: Hougen, Mott, Hill, Kehoe, Kupsik, Krohn and Tolar voted "yes." Wall voted "no." Motion carried by vote of 7 to 1.

**Presentation of Accounts**

Hill/Kupsik motion to approve Prepaid Bills in the amount of \$1,782.05.

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

Hill/Kupsik motion to approve Regular Bills in the amount of \$104,203.91.

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

**Mayoral Appointments – Mayor Connors**

Appointment of Ron Berndt to the Communications Committee for the term expiring May 1, 2013.

Kupsik/Mott motion to approve. Unanimously carried.

**Closed Session**

Mott/Kehoe motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Kyle Schultz 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).

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

The Council entered into Closed Session at 8:17 p.m. Also present: Administrator Jordan, City Attorney Draper and City Clerk Hawes.

Kehoe/Tolar 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 Tolar voted “yes.” Unanimously carried. The Council reconvened in open session at 8:34 p.m.

Kupsik/Wall motion to deny the Operator License application filed by Kyle Schultz.

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

**Adjournment**

Hill/Mott motion to adjourn at 8:36 p.m. Unanimously carried.

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/s/ Michael D. Hawes, City Clerk

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