

**FINANCE, LICENSE & REGULATION COMMITTEE**  
**MONDAY, JULY 11, 2011 - 6:00PM**  
**COUNCIL CHAMBERS, CITY HALL**

Chairman Krause called the meeting to order at 6:01pm.

Roll Call. Present: Aldermen Krohn, O'Neill, Hartz, Marsala, and Krause. Also Present: Administrator Jordan, Comptroller Pollitt, City Attorney Draper, and City Clerk Reale.

Marsala/O'Neill motion to approve Finance, License and Regulation Committee minutes of June 27, 2011 as distributed. Unanimously carried.

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.

**RESOLUTIONS**

**Resolution 11-R47, establishing ward boundaries for the City of Lake Geneva to reflect population changes according to the 2010 Census of Population**

City Clerk Reale provided an overview of the process employed in the reconfiguration of ward boundaries for the City. He noted that municipalities were required to redraw ward boundaries following each decennial census to reflect shifts in population, as there were certain statutory criteria that each ward must meet with respect to population, demographics, and contiguity. These criteria included: population thresholds of 300 minimum and 1,000 maximum; maintaining compact and contiguous geographic layouts; ensuring that neighborhoods and areas of common interest were kept together to the extent practicable; and providing fair opportunities for minority populations to have representation. He also commented on the fact that the ward boundaries approved by the Council would ultimately serve as the building blocks from which new aldermanic districts would be constructed.

With respect to the upcoming redistricting of aldermanic districts, City Clerk Reale stated that City officials would need to create districts of approximately equivalent population. Given that the census had placed the City's total population at 7,651, this would translate to roughly 1,912 residents per aldermanic district. City Clerk Reale noted that the crux of the redistricting issue would revolve around the fact that ten-year population growth trends in the Third District had far outpaced the other areas of the City, meaning that approximately 800 residents would need to be shifted from the Third District to the remaining aldermanic districts to achieve the required balance. He informed the members of the committee that, after fashioning the ward boundaries, he did have a concept in mind as to how new aldermanic districts would be configured. Under the vision espoused by City Clerk Reale, the First District boundary would shift a few blocks northward along Broad Street and pick up areas currently in the Fourth District. The neighborhood including Water, Walworth, Spring and Haskins Streets would then be moved from the Third District into the Fourth District. Finally, the area south of Townline Road and east of Wells Street would be removed from the Third District and merged within the Second District. He noted that this scenario would provide for an aldermanic district plan in which the variance between the most and least populated districts would be a total of thirteen residents. As the districts were currently configured, this variance was over 1,200 residents.

City Clerk Reale acknowledged that this tentative concept for aldermanic redistricting would result in three sitting aldermen – Krohn, Marsala, and O'Neill – residing within the same district. He stated that, while he would have preferred to avoid such a situation, following the statutory guidelines in recreating boundaries made it extremely difficult to develop a plan otherwise. He noted that any changes in district boundaries would not impact the aldermen during the course of their current terms. For example, Alderman Krohn would continue to serve as alderman for the Third District for the remainder of her current elected term (to April 2013), even though she might technically reside in the Fourth District when new boundaries become effective in 2012.

O'Neill/Marsala motion to forward to Council with recommendation for approval. Motion carried by vote of 4 to 1, Alderman Krohn opposed.

## LICENSES & PERMITS

### **Street Use Permit application filed by Southwind Prairie Apartments for Southwind Prairie Block Party on July 30, 2011, from 10:00am to 10:00pm**

Hartz/Marsala motion to forward to Council with recommendation for approval. Alderman Hartz noted that the applicant's corresponding Public Assembly Permit application had indicated a request to have a fire truck on site during a portion of the event for demonstration purposes. Administrator Jordan stated that he had spoken to Chief Connelly after reviewing the application. Chief Connelly had indicated that he had not yet been contacted by the applicant with respect to this request; however, he noted that the department typically tried to accommodate requests to have equipment available for special events with children.

Hartz/Marsala motion to suspend the rules to permit John Parisi to address the committee on behalf of the applicant. Unanimously carried. Mr. Parisi discussed the plans for the neighborhood block party. With respect to the request for the fire truck, he told the committee that the organizers had been interested in possibly getting a fire truck or police squad vehicle on site for a demo; however, the times and availability of the equipment would be at the discretion of the departments.

Original motion unanimously carried.

### **Request for Temporary Extension of Licensed Premises filed by Popeye's, to include the parking lot area between the hours of 12:00pm and 8:00pm on the following dates: July 23, 24, 30, and 31; August 6, 7, 13, and 14; and September 4 and 5, 2011**

Marsala/Krohn motion to forward to Council with recommendation for approval.

City Clerk Reale explained that all liquor licenses are approved to include a description of the premises upon which alcohol is to be stored or sold. For special events, a licensee could request an extension of those described premises; however, such an extension was subject to the approval of the Council, as an amendment to the liquor license was technically required. He noted that the request had been forwarded to Chief Rasmussen upon receipt in the City Clerk's office and, after a security plan had been addressed by the applicant, Chief Rasmussen had signified his approval of the request. Alderman O'Neill noted that request covered ten dates and asked if there was a precedent for extending a premise for that length of time. City Attorney Draper responded that the City had granted temporary extensions in the past; however, he was not certain that there was a precedent for the length of time in question. He noted that these dates coincided with an approved temporary use for outdoor entertainment granted by the Building and Zoning Administrator, which was within the scope of City ordinances. Alderman Hartz sought additional clarification about the measures to be employed by the licensee in separating the lot area in which alcohol would be served from the other areas designated for children and family entertainment.

Hartz/Marsala motion to suspend the rules to permit Michael Anagnos to address the committee on behalf of the applicant. Unanimously carried. Mr. Anagnos stated that all alcoholic beverages would be relegated to a designated area under a 20' x 30' tent, which would be sectioned off by stanchions and secured to ensure no admittance for any persons under the age of twenty-one. Additional precautions would include dispensing alcohol only in designated and clearly identifiable cups and prohibiting anyone from taking alcoholic beverages outside of the tent area. Mr. Anagnos noted that Popeye's was simply looking at ways to cater to visiting families by offering additional outdoor entertainment during the summer months.

Original motion unanimously carried.

### **Request for Temporary Extension of Licensed Premises filed by American Legion Post 24, to include the fenced outdoor yard area between the hours of 9:00am and 6:00pm on July 30, 2011**

Marsala/Hartz motion to forward to Council with recommendation for approval. Chairman Krause noted that this had been an annual event for some years, and there was no apparent change in the description from previous extensions approved by the Council. Alderman Hartz expressed some concern about the general possibility of alcoholic beverages being handed over the fence to individuals on the outside of the premises, asking whether any conditions were placed upon a license to address this sort of issue. City Attorney Draper responded that it would be a police enforcement issue to cite any individuals who were in possession of alcohol on public property. With respect to the

licensee, he noted that the license could possibly be suspended or revoked for certain enforcement problems upon complaint; however, there were statutory bases and due process considerations that would have to be taken into account. It was clarified that these concerns were general in nature and did not reflect upon the applicant in question, as there had never been issues with the American Legion in the past.

Motion unanimously carried.

### **2011-2012 Renewal Operator License applications**

Marsala/Hartz motion to forward to Council with recommendation for approval of the thirty-four renewal applications, as listed in the Council packet. Alderman Hartz referenced an electronic mail message that had been sent to the members of the Council from a citizen inquiring about any requirements that a licensed operator remain sober while selling or serving alcoholic beverages. City Attorney Draper responded that the qualifications for holding an operator's license were set forth in statute, adding that there was very little latitude that the City had in denying licenses to individuals who met those qualifications. He noted that the statutes did not address the issue of operator sobriety. It was mentioned that City ordinance prohibited the sale of alcoholic beverages to intoxicated persons; however, there was no language concerning consumption or sobriety for the operators. Chairman Krause suggested that this might be an issue that the Council should address in the ordinance.

Motion unanimously carried.

### **Original 2011-2012 Operator License applications filed by Andrea Miller, Paige Lewis, Stefanie Zeihen, Henri Lorenzi, April Ellison, Klaus Nitsch, Susan Rediger, Daniel Schroeder, Jessica Regester, Joyce Grzeczka, Demetrius Argiropoulos, Gina Blaziewske, and Maria Stechkober**

Hartz/Marsala motion to forward to Council with recommendation for approval. Unanimously carried.

### **Discussion/Recommendation on award of bid for Riviera roof copper valley replacement project**

Administrator Jordan reported that three bids had been received, with the lowest bid being submitted by Renaissance Roofing, which had completed previous roof tile repairs to the building. The low base bid in the amount of \$58,948.00 would provide for the replacement of four copper valleys to help alleviate leakage problems at the Riviera. An additional alternate in the amount of \$5,000.00 had been included to provide a twenty-year warranty for the work, rather than the five-year warranty specified in the base bid. It was noted that there was a significant variance among the bids received, with one bid coming in at over \$220,000.00 including the alternate. With the alternate provided by Renaissance, the total amount would be \$63,948.00, which would still be lower than the base bid provided by the second lowest bidder on the project.

Subsequent discussion focused on the variation in the bid amounts, with several committee members expressing a desire to review the language of the RFP and proposed contract before acting on the bid. Alderman Hartz particularly questioned whether prevailing wage requirements would apply to this project and, if so, whether all bidders had been made aware of that fact. Administrator Jordan noted that prevailing wage requirements would apply to any single contractor project exceeding \$48,000.00, adding that he was confident that DPW Winkler would have included language regarding prevailing wage requirements in the RFP documents. The consensus of the committee was to continue the item so the members would have additional time to review the RFP documents and proposed contract with Renaissance.

Hartz/Marsala motion to continue to the July 25, 2011 meeting. Unanimously carried.

### **Discussion/Recommendation on award of bid for Maple Park sidewalk replacement project**

Administrator Jordan reported that two bids had been received for the sidewalk project, with Humphrey's Contracting submitting the lowest responsible bid. The base bid, totaling \$21,637.50, involved replacement of the east-west sidewalk along Geneva Street and the north-south sidewalk along Madison Street. An alternate bid had also been solicited for the previously-approved sidewalk extension project at Seminary Park. Including the alternate, the total bid provided by Humphrey's would be \$24,277.50.

Alderman Hartz reiterated concerns that he had previously raised with respect to the same contractor repeatedly being awarded paving contracts, as he wondered whether the City was losing out on potential bidders because contractors were reluctant to bid on these projects due to an apparent tendency toward Humphrey's. He noted that there was not a significant difference between the two bid amounts and asked if it might be prudent to go with the other bid, simply to demonstrate to contractors that the City did not have an inclination toward one firm. Administrator Jordan responded that he was uncertain as to why more bids had not been received, although he suggested that some contractors may have resisted bidding because of mobilization issues, given the relatively small size of the project.

Marsala/O'Neill motion to forward to Council with recommendation for award of bid to Humphreys Contracting, including alternate for Seminary Park sidewalk extension, totaling \$24,277.50. Motion carried by vote of 4 to 1, Alderman Hartz opposed.

#### **Discussion/Recommendation on award of bid for Maple Park fencing replacement project**

Administrator Jordan reported that two bids had been received for the project, with Century Fence providing the most favorable base bid of \$19,464.00 and alternate total of \$23,971.00. Where the base bid would provide for regular chain link fencing, while the alternate would include a black vinyl coating over the chain link material. Administrator Jordan stated that it had been recommended to use a decorative post with ornamental finial in conjunction with the chain link fencing, to ensure that the design was in keeping with the character of the neighborhood.

Hartz/Marsala motion to forward to Council with recommendation for award of bid to Century Fence, including alternate for black vinyl fencing material, totaling \$23,971.00. Alderman Hartz once again broached the issue of prevailing wage, questioning whether RFP packages issued by the City were sufficiently clear as to whether or not prevailing wage requirements would apply to the projects. He noted that he had spoken with representatives from companies who indicated that they generally declined to bid on public works projects simply because they were unable to afford the prevailing wage rates. He speculated that the City might receive more bids and proposals if it was made very clear in the bidding documents when prevailing wage requirements did not apply. It was also clarified that the Maple Park projects involving the sidewalk and fencing would be funded from TIF.

Motion unanimously carried.

#### **Discussion/Recommendation on engineering design proposal from Crispell-Snyder for 2011 Street Maintenance Program**

Chairman Krause asked City Attorney Draper to discuss some of the issues he had with the proposed agreement. City Attorney Draper noted his concerns with certain provisions in the agreement, including the limitation of liability clause, indemnification provision, and statute of limitations. He stated that he had spoken with Sue Barker of Crispell-Snyder regarding these concerns and it had been agreed to delete the limitation of liability clause. He added that he did not believe the indemnification clause was necessary since the City would have municipal immunity and preferred to see standard statute of limitation language of three years for negligence and six years for contract. His recommendation was therefore to approve the contract, subject to his review and approval of the terms.

Marsala/Hartz motion to forward to Council with recommendation for approval in an amount not to exceed \$24,000.00, subject to the City Attorney approving of the terms and form of the contract. The committee briefly discussed the priority list for street improvements. Alderman Hartz noted that he was concerned about the placement of Rolling Road on the list, as it appeared to be in as poor condition as some of the roadways rated as higher priorities. Administrator Jordan responded that the priorities were based upon ratings of the streets; however, the Council could always use its discretion in changing the list of priorities if it so desired. Alderman O'Neill inquired about the progress on getting improvements to County-controlled streets located within the City, such as George Street. Administrator Jordan stated that City officials had discussed these concerns with the County, adding that the County was looking into the possibility of bringing these roadways up to standards and then turning the maintenance responsibilities over to the City. He estimated that it would probably be early 2012 before any decision would be made on this. Alderman Krohn asked what recourse motorists would have for any vehicle damage sustained as a result of the poor condition of these County-controlled roads. Administrator Jordan responded that the County should be contacted in that event.

Motion carried by vote of 4 to 1, Alderman Krohn opposed.

**Discussion/Recommendation on authorization for the sale of 1988 aerial fire truck**

Administrator Jordan noted that Council authorization was required for the sale or disposal of City property. At this juncture, staff was seeking permission to advertise the truck for sale upon delivery of the new Pierce aerial truck, with a target price of \$100,000.00 or best offer for the old equipment. Chairman Krause noted that delivery of the new truck had been scheduled for late August 2011. He also clarified that all proceeds from the sale of the current truck would be returned to the General Fund. Alderman Hartz remarked that he had come across a website advertising the sale of various used fire trucks, with asking prices listed between \$59,000.00 and \$300,000.00. To that point, he asked how the City had arrived at an asking price of \$100,000.00 for this vehicle. Administrator Jordan responded that Chief Connelly had recently learned of a similar apparatus selling for approximately \$80,000.00, and had thus recommended setting a price at \$100,000.00 or best offer. Alderman Krohn inquired as to the acceptable minimum threshold for constituting a best offer on the equipment. Administrator Jordan noted that the Council would ultimately have final approval of any sale; therefore, it would be in its discretion to reject any unreasonably low offer.

Hartz/Krause motion to forward to Council with recommendation to authorize the sale upon delivery of the new Pierce aerial truck. Unanimously carried.

**Presentation of Accounts, Alderman Krause.**

Purchase Orders. None.

Hartz/Marsala motion to recommend approval of Prepaid Bills in the amount of \$818.88. Unanimously carried.

Marsala/Krohn motion to recommend approval of Regular Bills in the amount of \$117,149.21. Alderman Hartz noted a bill for landscaping work provided by Humphrey's Contracting, questioning whether or not this work was part of a contract. Administrator Jordan stated that the work in question involved landscaping in the Wrigley Bridge area, as the City had previously agreed to replace the landscape materials at Geneva Towers that had been encroached upon during the bridge reconstruction project. Alderman Hartz also inquired about a reimbursement to the Utility Commission for bush replacements. Administrator Jordan responded that DPW Winkler had purchased the landscape materials to be installed by Humphrey's as part of the Wrigley Bridge project. In order to expedite the procurement of the materials, the bushes and landscape materials had been purchased through the Utility Commission. Unanimously carried.

**Adjournment**

Hartz/Krohn motion to adjourn at 7:11pm. Unanimously Carried.

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/s/ Jeremy A. Reale, City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED  
BY THE FINANCE, LICENSE & REGULATION COMMITTEE**