

COMMITTEE OF THE WHOLE
MONDAY, AUGUST 6, 2012 - 6:30PM
CITY HALL BUILDING, COUNCIL CHAMBERS

Council President Kupsik calls the meeting to order at 6:30pm.

Pledge of Allegiance led by Alderman Kupsik.

Roll Call. Present: Aldermen Hougen, Wall, Hill, Kehoe, Kupsik and Tolar. Absent: Aldermen Mott and Krohn, excused. Also present: City Administrator Jordan.

Tolar/Kehoe motion for approval of Minutes from the July 2, 2012 Committee of the Whole Meeting as distributed. Unanimously carried.

Comments from the public as allowed by Wis. Stats. §19.84(2), except for public hearing items.

Beverly Leonard, 1504 Dodge Street, commented on the items discussed at the Piers & Harbors meeting concerning the use of the lake for dogs swimming. It is a minimal use at a quiet time when there is no boat traffic. There have been frequent phone calls to the police which she feels puts unnecessary stress on our police department. She also objects to the posting of a no swimming sign and moving the kayak racks.

Penny Jones, 1321 Dodge Street also objected to the proposed changes and strictly enforcing the ordinance. There is no blockage or obstruction of piers at the west end. Our dog owners are courteous and respectful of others and clean up not only dog waste but other trash. Banning dogs would be catering to the wishes of one or two people who have a reputation of constant complaints. These swimming dogs of Lake Geneva do no harm. She asked that they rewrite or amend the ordinance to allow dogs to swim unleashed between the west end pier and fishing pier.

Jim Gee, N2454 Forest Rest Lane, President of the Lake Geneva Museum Board, gave an update on museum activities in the last six months. It is becoming a destination; they have promotions in Chicago and Milwaukee and already about a third of the coupons have been redeemed. They have added a huge number of exhibits; the Ceylon Court exhibit is about 90% done and there are exhibits on Black Point, the Frank Lloyd Wright Hotel, Yerkes, Lionel Train, Melgas Sailing display and several others. It has been coined as the Little Smithsonian by the Lake.

Mary Ann Moeller-Gunderson, 395 Oakwood Lane, wants this to be a community that continues to welcome dog owners, kayakers, sailors and swimmers.

Tara Trent, 1103 Geneva Street, said she is an active boater and took her dog to swim as therapy in his last days. She has never witnessed a problem except the occasional nasty comment from one particular gentleman. There is a real sense of community between the dog owners, boaters and spectators.

Andrew Newcomb, N2922 Marshall Lane, also takes his arthritic black lab down to swim. The group that comes down is a great group of people. He feels the DNR regulates swimming.

Nancy Lehman, N2846 Hidden Valley Lane, chose this area to live for the very reason they could walk their dogs, have a cup of coffee and socialize. She also encouraged an off-leash rule for dogs in a specific area of the lake.

Terese Kenest, 707 S. Lakeshore Drive, she spends a lot of time at the lake with her dogs. She thinks maybe a few boaters should have a leash because of their behavior. The lake is a public trust and that means it is here for all of us to enjoy.

George Hubner, from Town of Delavan, comes here several times a week for therapy and asked that the lights at Broad and Main be synchronized to facilitate better traffic flow.

Ron Forbis, 1201 W. Main Street, sees the comings and goings at the lakefront and sees no problem down there because there is no other place for dogs to go.

Candy Kirtchburg, 917 Marshall Street, said most of the people she knows here is because of her dogs. Dog owners want to get along with everybody and are peace loving people.

Terry O'Neill, 954 George Street, spoke on the attorney fees for the four aldermen. This is not just about covering the attorney expenses incurred by these four aldermen but a method needs to be set up to protect future aldermen as well as committee members.

Mary Jo Fesenmaier, 415 Haskins Street spoke in favor of saving Hillmoor. She was delighted to read that City Staff is considering Eminent Domain for the property. Using this procedure to acquire for the community's use this green space would ensure transparency and fairness in determining the fair market value as required; the funding is there thorough TIF4. She also addressed the issue of the four aldermen who were suspended and asked that this Council schedule reimbursement at the next meeting to correct this issue that she feels is a black mark on this community.

Richard Malmin, N1991 S. Lakeshore Drive, read a lengthy statement critical of the mayor three years ago for his unprecedented actions and ruthless behavior. He urged the Council to express their sensitivity to the plight of these four aldermen.

Penny Roehrer, 951 S. Lakeshore Drive, commented on her suspension in September of 2009 and clarified that the District Attorney did investigate the open meeting violation and found nothing. She said people have to feel free to serve and hopes this will never happen again; in case it does, there should be a mechanism in place to cover it. She also hopes the kayak racks will not be moved.

Rachel Forbis, 1201 W. Main Street, said the dog activity at the lake brings a lot of joy to most of the community and hopes the Council makes the right decision for the community.

Candace Finnegan, 660 High Street, said she and her husband walk their dogs at the lake early in the mornings and spend their money visiting businesses downtown afterwards. We all pay taxes; we all should be able to benefit from the lake.

Discussion and recommendation on ordinance for swimming activity of dogs.

Alderman Hougen said he requested this item to be put on the agenda. He attended the Piers and Harbors meeting and heard some of the concerns expressed at the meeting such as swimmers may be injured by boats, dogs can jostle boaters on the catwalk, jumping dogs leave the catwalk wet which is a slipping hazard, and picnickers camping out on the catwalks. Suggested solutions were to swim at your own risk, use common sense, not allowing aggressive behavior toward other water users, limiting dog swimming hours, painting non-skid paint on the cat walks, waiting for a White River dog park, or directing dog owners to the Big Foot area. The water is a resource for everybody to use. Alderman Tolar feels this should go back to Piers & Harbors. Alderman Wall added that the reason they want to enforce this is that there are two ordinances; one is about dogs on a 5-foot leash and swimmers can only swim on the beach proper. We need to either change the ordinances or enforce them. Alderman Hill opined that, from a legislative perspective, it is not our responsibility to demand what ordinances the Police Department enforces. They are the professionals best able to evaluate security and safety concerns and any possible breaking of ordinances. She thinks the Council should take into account what folks are saying and change the ordinance to allow dogs to swim and possibly do away with the first row of slips and create a dog park. Aldermen Kehoe, Tolar and Kupsik all felt this matter could be worked out, thanked everyone for their comments and recommended sending this back to the Piers, Harbors and Lakefront Committee .

Discussion and recommendation on heat ordinance for horses.

Alderman Hougen said this item stems from a complaint about a horse that collapsed on July 8 in front of the post office and related to the heat. He learned from experts that horses should not work when the heat stress

index reaches 180. On July 8, the heat stress index was only 83 and the horse's owner confirmed that this was not a heat issue but that the horse slipped. It was decided not to pursue this ordinance.

Discussion and recommendation on attorney fees for aldermen.

Alderman Hougen explained that the Council has received City Attorney Draper's excellent opinion. It appears that the legalities of the matter are proper; based on the record, there was no malfeasance, failure on the part of the city administration or impropriety by the insurer. He called the League of Municipalities Council; it appears that the mayor was within in the law when dismissing the city officials and aldermen are indeed city officials. However, Alderman Hougen felt it was more a matter of public trust which is intrinsic to the nature of public office. Elected officials must not abuse the public trust as by taking a bribe or engaging in a conflict of interest. He thinks we need to address this and pay for the legal expenses incurred by the four dismissed alderman; he was not sure where the money would come from. Aldermen Hill and Kupsik noted that this would require a budget resolution by a super majority. Alderman Kupsik explained that this item had made its rounds quite a few times. There was a settlement; the insurance company agreed on a payment to the four aldermen in question; that was supposed to bring a close to this matter. A lengthy discussion followed on whether this needs to be reconsidered. Alderman Hill, Wall and Kupsik felt this issue needs to be closed and put behind us.

Standing Committee Reports:

Finance, License & Regulation Committee, Alderman Hill

Personnel Committee, Alderman Kupsik

Public Works Committee, Administrator Jordan and Mayor Connors

Piers, Harbors, & Lakefront Committee, Alderman Wall

There was discussion on eliminating some of the dinghy ramps. The Mayor also commented that Administrator Jordan has started the process to add ten more slips as allowed by the DNR, removing the equivalent number of buoys which would also cut down on the number of dinghy ramps needed.

Committee, Commission and Board Reports:

Utility Commission, Aldermen Hougen and Wall

Tree Board, Alderman Kupsik

No meeting, no report.

Police & Fire Commission, Alderman Hill

Planning Commission, Alderman Hougen

Board of Park Commissioners, Alderman Kupsik

Library Board, Alderman Wall

Historic Preservation, Alderman Kehoe

Cemetery, Alderman Krohn

No meeting, no report.

Parking Commission, Alderman Hill

Communications Committee, Alderman Hill

No meeting, no report.

Avian Committee, Alderman Wall

Council Representatives Serving on Other Boards and Committees.

Chamber of Commerce, Alderman Hill

Lake Geneva Museum, Alderman Kupsik reported for Alderman Mott

Lake Geneva Economic Development Corporation, Aldermen Hougen & Kupsik

Geneva Lake Environmental Agency, Alderman Wall

No report.

Wall/Hill motion to adjourn at 8:52pm. Unanimously carried.

Transcribed from audio tape.

/s/ Artis Roenspies, Deputy Clerk

THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMITTEE OF THE WHOLE