

**FINANCE, LICENSE & REGULATION COMMITTEE**  
**MONDAY, MARCH 28, 2011 - 6:00PM**  
**COUNCIL CHAMBERS, CITY HALL**

In the absence of Chairman Krause, City Clerk Reale called the meeting to order at 6:00pm.

Roll Call. Present: Aldermen Krohn, Hartz, Marsala, and Fesenmaier. Absent: Alderman Krause (excused). Also Present: Administrator Jordan, Comptroller Pollitt, DPW Winkler, and City Clerk Reale.

City Clerk Reale opened the floor to any nominations for chairman pro tem. Fesenmaier/Hartz motion to nominate Alderman Marsala to serve as chairman pro tem in the absence of Chairman Krause. There being no further nominations, Fesenmaier/Krohn motion to close nominations and elect by unanimous consent Alderman Marsala. Unanimously carried. Alderman Marsala then assumed the chair.

Hartz/Krohn motion to approve Finance, License and Regulation Committee minutes of March 14, 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-R07, establishing regulations for trapping on City property, as permitted under Section 54-34 of the Lake Geneva Municipal Code (continued 2/28/11)**

Administrator Jordan requested that this item be set aside for the time being, as the City had received notification from the State that the grant which had necessitated the provision for trapping on the property would not be honored this year. Without the grant, there was no need to address regulations at the present time. He stated that the City would reapply for the grant in the future and could readdress the regulations at that time.

Hartz/Fesenmaier motion to table. Unanimously carried.

**Resolution 11-R19, establishing ward boundaries for territory recently annexed to the City of Lake Geneva (Potter/Ward 27)**

Hartz/Krohn motion to forward to Council with recommendation for approval of Resolution 11-R19. Unanimously carried.

**Resolution 11-R20, endorsing the Regional Water Supply Plan for Southeastern Wisconsin (forwarded by Plan Commission with recommendation for approval 3/21/11)**

Hartz/Krohn motion to forward to Council with recommendation for approval of Resolution 11-R20. Unanimously carried.

**Resolution 11-R21, amending the Municipal Bond Schedule**

Chairman Pro Tem Marsala noted that there were four proposed modifications to the Municipal Bond Schedule that were needed to bring the City's schedule into alignment with State statutes. Comptroller Pollitt stated that the changes would affect offenses related to unauthorized parking in handicapped stalls or by fire hydrants. Alderman Hartz inquired about the amount of revenue that the City receives from the various offenses on the bond schedule. Administrator Jordan noted that revenue account for court penalties and fees had been budgeted for \$170,000.00.

Hartz/Krohn motion to forward to Council with recommendation for approval of Resolution 11-R21. Unanimously carried.

**ORDINANCES**

**First Reading of Ordinance 11-11, amending the Lake Geneva Municipal Code by providing grounds for the suspension or revocation of licenses, permits, and certificates**

This ordinance would provide cause for the City to suspend or revoke licenses, permits and certificates issued to any entity found to be delinquent in the payment of taxes, assessments, or other claims to the City, and would be applicable to all categories of licenses, permits and certificates found in the Municipal Code.

Marsala/Fesenmaier motion to suspend the rules and proceed to Second Reading. Unanimously carried.

Hartz/Krohn motion to forward to Council with recommendation for approval of Ordinance 11-11. Unanimously carried.

**First Reading of Ordinance 11-12, amending Chapter 2 (Administration) of the Lake Geneva Municipal Code, to provide for the creation of an Avian (Bird) Committee**

Marsala/Fesenmaier motion to suspend the rules and proceed to Second Reading. Unanimously carried.

Marsala/Hartz motion to forward to Council with recommendation for approval of Ordinance 11-12. Unanimously carried.

**LICENSES & PERMITS**

Hartz/Marsala motion to forward to Council with recommendation for approval of Original "Class A"/Class "A" Retail License application filed by Lake Geneva Brewing Emporium, LLC, 640 W. Main Street, Lake Geneva, WI, Troy Anderson, Agent. City Clerk Reale noted that the applicant planned to operate a business at which home brewing equipment and supplies would be sold, in addition to the retail sale of specialty Wisconsin beers and wines. Unanimously carried.

Fesenmaier/Hartz motion to forward to Council with recommendation for approval of Change of Agent application filed by L & B Mainstreet, Inc., d/b/a Champs Sports Bar and Grill, 747 W. Main Street, Lake Geneva, WI, to Gregory Bush, 110-1 West Street, Lake Geneva, WI. Unanimously carried.

Marsala/Fesenmaier motion to continue Taxi Company License application filed by The Nautical Inn, 705 Wisconsin Street, Lake Geneva, WI, and Endless Summer Nites, 412 Wells Street, Lake Geneva, WI. Chairman Pro Tem Marsala reported that the applicant did not currently have a vehicle for the taxi operation. He added that if the Council was to approve the application pending vehicle inspection and the vehicle would ultimately fail the inspection, the applicant would have no recourse but to reapply and pay the application fees again. By continuing this item, it would give the applicant the opportunity to procure a vehicle and have it inspected.

Hartz/Krohn motion to suspend the rules to permit the applicant to address the Committee. Unanimously carried. Applicant Debbie Nelson stated that she did not want to incur the expense of purchasing a vehicle for a taxi operation until she knew that the Council would approve of the operation. She added that she would prefer to have the Council approve the application conditioned upon vehicle inspection prior to issuance, and would be willing to reapply if necessary. Alderman Hartz recommended that Ms. Nelson obtain a list of vehicle inspection specifications from the Police Department and use those specifications in purchasing an appropriate vehicle. Chairman Pro Tem Marsala stated that he believed the Council would ultimately approve the license once a vehicle had passed inspection, as Chief Rasmussen had already given conditional approval to the application. Motion to continue carried unanimously.

Fesenmaier/Krohn motion to forward to Council with recommendation for approval of Original Operator License application for Chelsea Parham-Humphrey. Unanimously carried.

**Discussion/Recommendation on reinvestment of CDs at M&I Bank totaling \$450,000.00, which matured on March 24, 2011**

Comptroller Pollitt distributed a listing of the current rates. She noted two possible options that could be recommended to Council after a review of rating data for the various financial institutions: renewing the CDs at M&I for 0.50 percent or moving the funds to First Bank of Michigan. She advised that the City would most likely not want to invest for a period any longer than six or seven months.

Hartz/Fesenmaier motion to forward to Council with recommendation to approve renewing CDs at M&I Bank for a period of six months at 0.50 percent. Unanimously carried.

**Discussion/Recommendation on installation of ornamental street light at Cook Street alley for an amount not to exceed \$3,000.00 (recommended by Public Works 3/17/11)**

DPW Winkler noted that when the alley had been converted, all overhead wires and poles had been removed including the light at the corner. Installation of a light at the location in question would provide lighting for an otherwise dark spot where the public would normally walk toward the downtown area from the theater parking lot. He stated that electric service had previously been run to the location where the fixture was to be installed. The Public Works Committee had asked that LED lamps be considered for this new fixture as a test case for LED lighting. The recommended not-to-exceed amount of \$3,000.00 would be funded through TIF#4 and would cover the costs of wiring, assembly, concrete footing, LED equipment, and any landscaping as deemed necessary. Alderman Hartz inquired if this was part of the TIF budget. DPW Winkler responded that the Council would need to approve a resolution appropriating TIF funds for the light.

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

**Discussion/Recommendation on award of bid for Flat Iron Park sidewalk, curb and gutter improvements**

DPW Winkler reported that seven bids had been received for the project, with the most favorable bid being submitted by Humphrey's Contracting in the amount of \$18,398.00. Alderman Hartz asked if it might be possible to approve the second lowest bid in this instance, given that the bids were relatively close and that Humphrey's always seemed to be the lowest bidder on these projects. He expressed concern that other firms might be reluctant to bid on future projects in an environment where it appeared that one contractor continually received the vast majority of bids. DPW Winkler responded that the purpose of competitive bidding of projects was to find the lowest qualified bid, adding that he believed that Humphrey's had provided a good bid and had a proven track record with the City. He also stated that it was a relatively small firm and that was one of the primary reasons why costs tended to be less for this contractor. Alderman Fesenmaier asked if any overruns were anticipated. DPW Winkler responded that it was a unit price project based on estimates; therefore, final costs might be slightly higher or lower. He also noted that the contractor would be working around the trees, and that the project would require the sidewalk to be pinned to the curb.

Marsala/Krohn motion to forward to Council with recommendation to award bid to Humphrey's Contracting in the amount of \$18,398.00. Motion carried by vote of 3 to 1, with Alderman Hartz opposed.

**Discussion/Recommendation on award of bid for Riviera painting and caulking improvements**

Administrator Jordan reported that when the City crafted the initial Request for Proposals for the Riviera remodeling project, items had been prioritized and selected to stay within the budgeted total of \$800,000.00. With the interior portion of the project substantially completed, it had become apparent that certain items not included in the scope of the original remodeling were in need of attention. This included painting of the columns surrounding the main floor, the elevator walls, and some minor caulking to remedy the noticeably drab appearance of these items and bring them up to the same quality as the improved features of the facility. Three proposals had been obtained, with the most favorable proposal being submitted by K&J Painting Co. for the amount of \$4,685.00. He noted that the overall project was still within budget, given that the costs associated with the new draperies and chairs were significantly less than originally estimated.

Hartz/Fesenmaier motion to forward to Council with recommendation to award bid to K&J Painting Co. for an amount not to exceed \$4,685.00. Unanimously carried.

**Discussion/Recommendation on Change Order No. 5 for Riviera remodeling project**

DPW Winkler stated that this change order would cover several items, resulting in a net deduction of \$1,114.00. Included among the items addressed were: modifications for wiring for the projection screen and sound system; modifications to elevator repairs; fire alarm system changes; insulation of the ice basin in the bar area; installation of an outside Knox Box; and installation of non-slip rubber flooring in the foyer area. Alderman Fesenmaier noted that the proposed change order resulting in a deduction for the fire alarm system upgrades did not include a reduction of

the 10 percent contractor fee. DPW Winkler stated that he would check on that, although he had requested that the contractor include a 15 percent reduction on all items. He suggested that the Council could still act on the change order, with the stipulation that staff would confirm the credit for the contractor fee.

Fesenmaier/Hartz motion to amend the change order to subtract contractor fee associated with PCO#16 in the amount of \$60.00. Unanimously carried.

Fesenmaier/Hartz motion to forward to Council with recommendation for approval, as amended, resulting in a total credit of \$1,174.00. Unanimously carried.

**Discussion/Recommendation on establishing criteria for allotting “Class B” (Quota) Liquor Licenses (Aldermen Hartz and Mott)**

Alderman Hartz stated that there had previously been some discussion as to whether or not the City should have a type of point system in the application process. He reiterated his concern that the City was not taking advantage of the economic development potential associated with these licenses in making decisions about which applications to approve. He therefore suggested that application forms should be revised to include more information related to certain economic development criteria, which could better assist the Council in making its decisions on issuing licenses to entities that would provide the greatest benefit to the City in its development goals. Alderman Fesenmaier stated that her experience as a member of the Council had been that the members were already generally considerate of these factors in making decisions on license applications. She expressed a preference for keeping the process discretionary, rather than binding the Council to certain criteria. Chairman Pro Tem Marsala and Alderman Krohn both concurred with keeping the status quo. Alderman Hartz stated that he felt applicants should be made aware of the criteria that the Council would be considering in issuing licenses, so they would have an opportunity to provide appropriate information in support of their applications. Alderman Fesenmaier noted that many applicants were already providing the Council with information needed to help the aldermen determine the quality of the business being proposed. Chairman Pro Tem Marsala felt that applicants should be allowed to submit supporting information, but did not believe that the Council could be bound by certain criteria in making final determinations on license applications. Alderman Hartz noted that applicants for conditional uses were asked to provide this type of information in support of their applications, adding that it did not seem unreasonable to ask the same of liquor license applicants. He added that having this information would allow for more rational decision-making at the Council level. Following discussion, the consensus of the majority was to maintain the current system and no action was taken.

**Presentation of Accounts, Alderman Marsala.**

Purchase Orders. None.

Hartz/Krohn motion to recommend approval of Prepaid Bills in the amount of \$678.39. Unanimously carried.

Prior to consideration of the Regular Bills, Administrator Jordan requested that the payment to the Utility Commission for TIF#4 engineering services be removed from the bill list. Staff wanted an opportunity to clarify the amount and get more information to the Council before bringing this item back at a later date. With the removal of that payment, the total for the Regular Bills would be \$42,462.84.

Marsala/Hartz motion to recommend approval of Regular Bills in the amount of \$42,462.84. Alderman Hartz questioned the reimbursement to the Utility Commission for shipping charges related to the chair samples for the Riviera. He suggested that these charges should have been paid by Public Works rather than through the Utility. DPW Winkler stated that the sample order had been placed over the internet and required credit card payment. Since he did not have a City credit card to use, DPW Winkler had used his Utility credit card to make the payment. Administrator Jordan added that this had been done as a matter of expediency to get the chair samples to the City as soon as possible for the Public Works Committee to review. Alderman Hartz asked about the maximum limit for this type of payment arrangement, suggesting that he was concerned about this making for sloppy accounting. DPW Winkler stated that he would not make that sort of payment for any purchase that would be in the hundreds of dollars.

Alderman Hartz further asked for an explanation of the Utility payment for engineering services that had been pulled from the list. Administrator Jordan noted that the payment was made for services provided by the Utility, adding that those monies had traditionally come back to the City from the Utility Commission. Alderman Fesenmaier noted for the record that she had voiced concerns about those TIF-related charges in opposing such payments during previous years.

Motion to recommend approval unanimously carried.

**Adjournment**

Fesenmaier/Krohn motion to adjourn at 7:05pm. 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**