

**COMMITTEE OF THE WHOLE**  
**MONDAY, FEBRUARY 1, 2010 - 6:30PM**  
**CITY HALL BUILDING, COUNCIL CHAMBERS**

Council President Marsala calls the meeting to order at 6:30 p.m.

Roll Call. Present: Alderman Krause, Roehrer, Mott, Marsala, Fesenmaier, Krohn, and Tolar.

Open Meetings Law Compliance Check.

Krause/Tolar motion to approve Minutes of January 4, 2010 Committee of the Whole Meeting.  
Unanimously carried.

**Statement from the Chairman regarding comments from the public.** Please be courteous and keep comments down to five minutes.

Fesenmaier/Roehrer motion to allow public comments after the audit so the public can ask the auditor directly some questions. Motion carries 6 to 1.

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

Joanne Williams, 307 Water St., spoke to State Statute 6.883B regarding absentee ballot procedures. She said this was information from the Government Accountability Board. Absentee ballots must be opened by poll workers at the election in the same room where the votes are being cast and name announced so the public can hear and see; ballots should then be validated, placed in the proper ballot box and entered on the poll list.

Jan Beorgman, Lyons Township resident, asked the City to consider some composting options, including home rain barrels and compost bins, and explained what they are doing at Eastview School.

Barbara Hartke, 705 S. Lakeshore Dr. said we have a very important mayoral and District 2 alderman race and encouraged everyone to get out and vote.

Ellyn Kehoe, 222 Warren Street, first district, reminded everyone of the Mayoral Debate and commented on the website and TIF 4.

Richard Peterson, 308 Walnut Street, Burlington, commented on the article in the paper on the Edwards Boulevard extension and the purchase of the WE Energy Building; he was critical of the way the projects were handled and the way the Mayor and Council are handling things.

Bill Huntress, 1015 Pleasant Street, made the charge that we had uniformed firemen going around in the third district knocking on people's doors, asking them who they were going to vote for and telling them who to vote for before the special election.

Gary Milliette, 493 Wrigley Drive, said he is on the Communications Committee and asked the Council to help in putting more documents on the website by having a resolution or ordinance requiring documents to be submitted in electronic format.

Spyro Condos, 1760 Hillcrest Drive, commented on the article claiming mismanagement at City Hall and the extension of Edwards Boulevard. He said a majority of the public and he supported the extension of Edwards Boulevard, and he also voted to buy the WE Energies building; however, he has not heard anything more about the contingencies regarding contamination under ground and removal of asbestos. He wants to see a letter holding the City harmless for any contaminants in the ground and wants to know who is going to pay for the asbestos to be removed or contained. He also said cutting a check to buy the property without doing the budget resolution is against the law.

Terry O'Neill, 954 George Street, spoke on the audit and made a graph to explain the City's status. He pointed out the decreasing amount in unreserved funds. He also charged that the City is ignoring state statutes regarding spending and transferring funds. He had questions about the 2008 audit and asked if audits for 2005-2007 could be put on the website.

Bill Cousino, 302 Maxwell Street, said he sees all the turmoil that is going on and hearing dates of 2001 and 1995. Most of the lawsuits started back in 2001-2002. The 2008 audit is done and we can take a look at it; but most of these things, there is nothing that we can do about it. We are now in 2010; what's going on now. We need to consider what is best for Lake Geneva and have an attitude of respect.

Gary Swanz, Water Street, said he is upset that the Piers & Harbors Committee isn't increasing the leases for Marina Bay, Gage Marine and Lake Geneva Boat Line, yet our taxes went up. He also questioned who owns Baker Park.

Brent Connelly, 1285 Pheasant Court, addressed Mr. Huntress's accusations. He does not condone any political activity of any in the Fire Department uniform, nor does John Peters, who is the President of the Firefighters Association. He asked for proof of these accusations with names of members, dates, and times. He said that about that time of year every year, we have a smoke detector battery replacement program and go from house to house to replace batteries or install smoke detectors. If proof of these accusations is provided, they will look into it and take care of it.

**2008 Audit Presentation** by Art Tillman of Deignan and Associates (as recommended by the Common Council on 1/25/10). Mr. Deignan reminded the Council there are two parts to this report, Fixed Assets and the Budgetary Presentation and feels Pages 3 and 4 are most important for the Council's purposes. He went through the Statement of Income (Operations for the City) including the General Fund, Service Fund, the Capital Projects Fund for TIF and TIF4, and the Capital Improvements Funds. Page 4 to 40 shows how they arrived at those numbers compared to how it was budgeted. There was a positive variance of \$111,000. Their report is on the crux of the audit report per their standard auditing procedures. He also noted non-governmental funds including Cemetery, Lakefront, Parking, Library, and the BID district. He pointed out changes from prior years including Other Post Employment Benefits (OPEB). Based on the equalized value, the margin of indebtedness is \$59 million. However, contingencies do not reflect any outcome for lawsuits the City is involved in and is of concern. Alderman Roehrer asked if there was anything in the 2008 year that reflected anything that was still going on with the Library embezzlement. Tillman said if there were, there would be adjustments made; most of it was discovered in 2007. Alderman Krause asked if he had any concerns with this audit, other than the pending lawsuits. Tillman said not at all. Krause asked if there was any fraud that he could see in this audit. Tillman said not that he was aware of. Krause asked what the reserve balance in this audit was. Tillman said, as of December 31, 2008, the fund balance is \$2,668,046. Roehrer asked about the inclusion of Geneva Lake Development Corporation in the audit and Tillman agreed that should be removed from the audit. Krause asked if the Post Employment Benefits percentages alarmed him or if that is sort of a normal margin. Tillman said while it is high, he has seen much bigger numbers.

### **STANDING COMMITTEE REPORTS.**

#### **Finance, License & Regulation Committee, Alderman Krause**

Krause said they are working on what the undesignated reserve fund balance is. They have a few months to reconcile yet. The guess is it is around \$2 million. It has been very difficult for the Comptroller's job to get up to speed; they earmarked money in the budget to bring in a part-time person to help, perhaps with the reconciliations. His goal is to get current with 2009 and find out what it takes to either maintain and/or address whether we need additional personnel to maintain that position. They are hoping to use seasonal personnel because it should be just short term. They are trying to have the 2009 audit by April. Fesenmaier asked when they can expect a printed copy of the 2010 budget, now that it's February 1<sup>st</sup>. Krause/Mott motion to allow the Comptroller to speak. Unanimously carried. Comptroller Pollitt said the reason the book has not been prepared is because she was waiting for the Impact Fee budget that went to the Council at the last meeting and was tabled. If you want it to be issued without the Impact Fee budget, she can do that. Alderman Roehrer asked about the Capital Improvement Budget. Pollitt said the Council approved that when they approved the General Fund Budget; it was taken out except the Phoenix system, the roads and the squad car replacement. Krause asked Fesenmaier if she wanted the budget book right away without the Impact Fee budget; it was decided to print the book and add the Impact Fee budget later, since it will only

affect three numbers. Roehrer wondered if they had received a written report from the person who helped the Comptroller and Pollitt said it was at the November meeting in the report on internal controls. Krause said that was not discussed at the meeting and they would put that back in for discussion. Fesenmaier asked if the budget would be put on the website. Pollitt said it could be put on in a PDF form.

#### **Personnel Committee, Alderman Marsala**

Marsala said there was a meeting scheduled for February 4 at 6:00pm.

#### **Public Works Committee, Alderman Tolar**

Tolar said at the last meeting they discussed the public streets and there was no action taken. They also discussed the new state law allowing U-turns from left turn lanes at signal crossings which they decided to send to Council; the Capital Improvement planning including street maintenance and TIF4 projects; removing snow from the bike trails, which the Street Department will do if they are caught up on their regular plowing; and the 4-way stop sign at Geneva and Broad which the Police Chief felt would cause a lot of problems so they will discuss further. Marsala referred back to the U-turn issue and said the City will need to post signs prohibiting it or people will be able to do it; Attorney Draper is working on an ordinance and will draft it when he receives direction from the Council.

#### **Piers, Harbors, & Lakefront Committee, Alderman Marsala**

Marsala reported Riviera bookings so far are up about 18% in contrast to last year. They discussed non-profit organizations and decided upon a \$400 charge for all non-profits, in addition to the regular security deposit, set-up and clean-up fees and security guard fees. They also created a new sign for the boat trailer parking lot and talked about the fine with Judge Sibbing, who felt it should be raised to \$125. They are hoping to announce the kayak waitlist in the newspaper by March 1, 2010; to begin with, they propose taking the names of all those interested and do a lottery drawing. The established fee will be \$175 for the rack and use of the launches. They are discussing establishing additional launch sites at the west end of Library Park once they check it out with the DNR, or reconsidering going back to the Lagoon. They discussed the commercial leases of Marina Bay, Gage Marine and Lake Geneva Boat Line and decided to give them a one-year lease with no increase, as well as those renting the west end slips and buoys. Krohn noted the Committee had decided on \$150 for the boat trailer parking fine, not \$125. Krause said Dan Winkler is going to start soliciting bids for different improvements at the Riviera under TIF expenditures.

### **COMMITTEE, COMMISSION, AND BOARD REPORTS**

#### **Utility Commission, Alderman Roehrer & Tolar**

No meeting, no report.

#### **Tree Board, Alderman Fesenmaier**

Fesenmaier reported the Tree Board recommended to the Park Board that for Arbor Day, former Mayor Folman should be honored at the tree planting in Seminary Park. They also talked about Donian Park and some of the overgrowth and developing a plan to make it sustainable.

#### **Police & Fire Commission, Alderman Tolar**

Tolar said the Fire Department was enthused about having the new ambulance. They had 1,014 calls in 2009; 696 were EMT calls and 318 were fire calls. The Police Department received bids on a new squad car and decided on one. They had 14,362 complaints and 2,712 arrests for 2009. Another officer retired; they accepted a resignation from another part time employee who moved to another area. They are still working on a joint hiring agreement with the other communities for part time help. They also received a letter from the Illinois State Police thanking them for their cooperation in some of the drug actions that took place recently. Roehrer thanked Chief Rasmussen for putting up the speed sign at Broad and Dodge. Fesenmaier suggested the Police & Fire Commission meetings should be televised; Mott asked what the process would be to do this. Administrator Jordan said they would have to have acquiescence from the individual commissions and committees. Krause said funding would also have to be arranged.

#### **Planning Commission, Alderman Tolar**

Tolar said the CSM for an application from the American Legion post to combine two lots into one was approved; the vacation of an alley behind Crawford Manufacturing addition that didn't go anywhere was approved; and the Purse Connection move to the old Lily Pots location was approved.

**Park Board, Alderman Fesenmaier**

Fesenmaier said they meet Wednesday, February 3 at 6:30pm.

**Library Board, Mayor Chesen**

No report.

**COMMITTEE, COMMISSION, AND BOARD REPORTS**

**Historic Preservation and Cemetery**

Krause/Tolar motion to have Ken Etten speak. Unanimously carried. Mr. Etten updated the Council that on October 15 and 16, 2010, the State Historical Society will be meeting at the Grand Geneva for their state convention. He thanked the Council for approving the sign for Library Park; they are working out the details. On May 2, they will be doing a program called "The Tales of Lake Geneva" at Horticultural Hall; people who have been long-time residents get together to tell stories and interact with the audience. They are considering nominating the Library to the national and state register of historic places. He also thanked the Communication Committee for putting the link to [HistoricLakeGeneva.org](http://HistoricLakeGeneva.org) on the City website.

Krohn said there was no meeting of the Cemetery Commission.

**Parking Commission, Alderman Marsala**

Marsala said they have had no meeting yet this month. Krause said he had several complaints from people who have not been able to get to the meter to put money in because of snow. They are trying to work out a solution with the Street Department.

**Communications Committee, Alderman Fesenmaier**

Fesenmaier said they did not have a meeting in January as they only meet four times a year. She encouraged anyone who had suggestions for the website to email her or staff. She said the audit is on line. The calendar is starting to fill in with links to the agendas.

**COUNCIL REPRESENTATIVES SERVING ON OTHER BOARDS AND COMMITTEES.**

**Chamber of Commerce, Alderman Krause**

Krause said they had eight new members again this month. They are starting to fill the cones for Winterfest.

**Lake Geneva Museum, Alderman Roehrer**

Roehrer said the museum is closed for the winter but opening the first of March.

**Geneva Lake Development Corporation, Aldermen Roehrer and Krause**

Roehrer said they still have three lots available in the current business park, which they may purchase back. Because of the economy, things are still not moving commercially right now.

**Geneva Lake Environmental Agency, Alderman Fesenmaier**

Fesenmaier reported there was a contribution from the Lake Geneva Jaycees toward a new computer system for the office. They reviewed the 2009 Car Rally and determined it was a success, although on a small basis, and will be repeated this year. They discussed the issue of salt on roads and she provided the Council with a sheet that talks about the different communities and their policies. Lake Geneva happens to be the only one that has an ordinance. Private and County use of salt needs to be discussed.

**Geneva Lake Use Committee, Aldermen Krohn and Spellman**

No meeting, no report.

Krause/Mott motion to adjourn. Unanimously carried.

Transcribed from audio tape.

/s/ Artis M. Roenspies, Deputy Clerk