

FINANCE, LICENSE & REGULATION COMMITTEE
MONDAY, FEBRUARY 22, 2010 - 6:00PM
COUNCIL CHAMBERS, CITY HALL

Meeting was called to order by Chairman Krause at 6:00pm.

Roll Call: Alderman Krohn, Roehrer, Marsala, Fesenmaier, and Krause, Clerk Dykstra, Comptroller Pollitt, and Administrator Jordan.

Marsala/Krohn motion to approve Finance, License and Regulation Committee minutes of February 8, 2010 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.

Jeff Wall, 1155 Rolling Lane, was representing the Green Ribbon Committee and they are asking for the funds to proceed with an appraisal and market analysis.

Tom Hartz, 1051 Lake Geneva Boulevard, was present to ask for a Beer and Wine license for private parties. They would not be serving during the day.

Ellyn Kehoe, 222 Warren Street, wished to discuss the 1033 program and hoping the Police Chief can speak on that. She also hopes they accept the Bid for Edwards Boulevard so they can get started.

Sturges Taggart, 129 Curtis Street, spoke regarding the appraisal of Hillmoor. He noted this was untimely to want an appraisal at this time. The City can not afford this nor does it need this and he would like to see the City not get involved with this at this time.

Terry O'Neill, 954 George Street, speaking on number 5 regarding the Police and Fire. He knows they are autonomous and the State did this so they would be independent of political control. This resolution defeats the intent of the law. It should go to the general fund. This can lead to compromising the Police Department.

Bill Chesen, 800 Platt Ave., stated the State of Wisconsin requires statutorily when money is recovered those proceeds must be used for law enforcement.

Discussion/Recommendation on Resolution 10-R64 for the Creation of non-lapsing designated fund balance accounts for the Police State Seizures and the 1033 Program.

Marsala/Krause motion to recommend approval. Chairman Krause noted that the 1033 is a depot where the Police Department can capture vehicles and equipment. They kept for two years and sold this item. They are looking to create a fund so they can use those funds for exactly those items.

Marsala/Krohn motion to allow Chief Rasmussen to speak. Unanimously carried.

Chief Rasmussen noted that they were able to obtain generators, lifts etc they have been able to get. They had some of their funding cut and they started to create a fee of \$500 to be a member. They budget for this fee. Now they are starting to charge for some items there. They are hoping to use a fund only used for those items to pay the transportation fee and the \$500 annual fee.

Alderman Fesenmaier questioned since 1999 they have done this what is the practice. Chief noted before they didn't have to pay the fees before and they

Alderman Krohn noted that since 1999 the proceeds accumulated, how have they been accounted for. Chief noted that all items they still have. Normally they don't sell. Chief noted that they don't have to do this program if they don't want to. They have been able to get \$100,000 or more from this group.

Alderman Marsala noted that this organization is saving taxpayer dollars and the savings is great.

Alderman Krohn asked where the accountability is for these funds. Chief noted it belongs at Police and Fire Commission. Alderman Fesenmaier asked if this is mandatory to switch to this procedure. It was noted it isn't mandatory.

Chief Rasmussen discussed the differences with Federal Seizures and how the funding works.

Roll Call: “Yes” Alderman Roehrer, Marsala, and Krause. “No” Alderman Krohn, and Fesenmaier. Motion carried 3-2.

Discussion/Recommendation on Request from Ad Hoc Green Ribbon Committee to authorize an appraisal of Hillmoor not to exceed \$25,000.

Marsala/Krohn motion to deny. Alderman Roehrer noted she would rather send to Council without recommendation. Alderman Marsala agrees with Mr. Taggart and feels that spending this type of money and not having a plan is not the time to spend this money. It isn't justified.

Alderman Krause noted that times are tight and there is only \$50,000 in the current year contingency account. If you approve this you would have to take out of the undesignated funds.

Roll Call on Motion to Deny: “Yes” Alderman Krohn, Roehrer, Marsala, Fesenmaier, and Krause. Unanimously carried.

Discussion/Recommendation on Class B Fermented Malt Beverage License and Class C Wine License Application from Thomas and Lori Hartz d/b/a Simple, 525 Broad Street, Lake Geneva, Thomas Hartz, Agent.

Roehrer/Marsala motion to recommend approval.

Alderman Fesenmaier questioned the operating hours to verify it is in compliance with the Conditional Use.

Marsala/Roehrer motion to bring Thomas Hartz to the podium to answer questions. Unanimously carried.

Mr. Hartz explained that until 11pm in the evening he is able to be open per conditional use. During the week his hours are 6AM until 3PM. Alcohol service would most likely be after 3PM. Unanimously carried.

Discussion/Recommendation on Bid from Reesman's Excavating & Grading Inc in the amount of \$2,010,514 for the Edwards Boulevard Extension.

Administrator Jordan asked this item be continued until the next meeting. Alderman Krause noted he would rather approve this item so there would not be delay after the Peller Property is zoned.

Marsala/Roehrer motion to recommend approval contingent on the Peller property land dedication and easement.

Unanimously carried.

Discussion/Recommendation on Operator Licenses for Thomas Hyslop and Rachel Christenson.

Fesenmaier/Roehrer motion to recommend approval. Unanimously carried.

Presentation by Criterium Bike Races for a Permit Request to hold a race on Wednesday, July 14, 2010 from 8AM until 9PM.

The group was not present at the beginning of the discussion.

Alderman Fesenmaier noted that this was forwarded from Park Board and they felt they should present to the Council to review. Alderman Krause discussed the event is for profit and they are planning on shutting down main arteries in the City and he isn't in favor of this.

Roehrer/Krohn motion to allow applicant who just arrived an opportunity to make a presentation.

Frank Dobbs of Fontana was present to discuss. He noted they would like to bring a bit of Tour de France to Lake Geneva. The key to this event is that it would be on Wednesday July 14th. They have worked with the Boat Launch and on a Wednesday the traffic is light. They have worked with Mike Ruess to allow for vehicular traffic. There will be 2-3,000 observers. He listed those who are already supporting the event. The staging is at flat iron park. They noted the Police Chief has concerns and other issues to address and move to the next meeting.

Discussion/Action on hiring an outside attorney to investigate four items presented by Alderman Fesenmaier regarding the mismanagement of City funds by City Personnel. (Forwarded with no recommendation)

Marsala/Krohn motion to forward to Council without recommendation. Fesenmaier motion to amend to substitute “without recommendation with “approval” seconded by Alderman Roehrer.

Alderman Fesenmaier noted that the items are summarized in the Personnel Committee meeting minutes from February 4th. She would like to thank the Clerk for following the Ordinance regarding items from the Committees are scheduled two Fridays previous to the Council meeting. There were four items that were presented; Taking items from undesignated reserves, Petty Cash that was overspent according to policy and was done so after a receipt of internal controls report on how petty cash is used, Issues with Park Benches there were two issues dealing with the benches being taken out of park impact fees and the other a check was made out to an individual rather than a company, and lastly the Library Credit Cards that were approved with prepaid check stubs.

She believes this needs to be looked at outside because these need to be reviewed to see what items may have been broken. They do have money for this. She spoke to an attorney that would be hired and according to him there is \$5,000 in outside legal fees budgeted. The firm is with Steve Koch and the fee would be roughly \$2,000 or less.

Alderman Marsala commented it was a 2-2 vote at Personnel Committee. He and Alderman Tolar voted against the process not the investigation. They didn't want someone from the outside and to pay for this.

Administrator Jordan confirmed with the Comptroller that the park benches were paid for out of capital projects playground equipment account. He confirmed it was not out of impact fees.

Alderman Krause confirmed one allegation was that it did come from Park Impact Fees and he asked the Comptroller if it was fact it came from the Capital Project Account. She confirmed it did.

Alderman Krause noted he sat in on this meeting in Personnel Committee and he agree to the extent that it is worth looking into, but he feels it should first be looked into by our own Chief and Attorney. If it is deemed there is a problem, then at that point it can go to outside counsel. Let's save it and keep it in house.

Alderman Fesenmaier noted the Attorney felt better going to an outside route.

Alderman Roehrer felt it was best to take it outside.

Alderman Marsala stated he was sorry but putting the integrity of the police department at the table and he is not comfortable with them looking at an internal mishandling.

Alderman Roehrer noted many things she believes they have sent up to the County so lets keep them out of it.

Alderman Krause asked how this attorney was picked.

Alderman Fesenmaier stated she received the name from an outside source.

Alderman Marsala asked if she went outside and got a recommendation? Who did you consult with to find an attorney?

Alderman Fesenmaier stated she checked with someone outside the community.

Alderman Fesenmaier asked to call the question to vote.

On Voice Vote Motion carried. Alderman Marsala, and Krause voted No.

Presentation of Accounts

Discussion/Recommendation on Purchase Orders. None.

Marsala/Fesenmaier motion to recommend approval of Prepaid Bills in the amount of \$2,384.40. Unanimously carried.

Marsala/Roehrer motion to recommend approval on Regular Bills in the amount of \$256,943.29. Alderman Fesenmaier noted that additional email space was purchased for alderman and encourages Alderman to use those accounts. Unanimously carried.

Marsala/Roehrer motion to Adjourn at 7:03pm. Unanimously carried.

/s/ Diana Dykstra, City Clerk