

**REGULAR CITY COUNCIL MEETING
MONDAY, JANUARY 26, 2015 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was led by Alderman Kordus.

Roll Call. Present: Mayor Connors, Aldermen Wall, Chappell, Kordus, Kehoe, Hedlund, Hill, Kupsik and Lyon. Also present: City Administrator Jordan, City Attorney Draper, Director of Public Works Winkler and City Clerk Waswo.

Awards, Presentations, and Proclamations.

Presentation of Mayor's Holiday Decoration Awards from the Lake Geneva Beautification Committee

Re-consider business from previous meeting. None.

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.

Acknowledgement of Correspondence.

City Clerk Waswo stated the City received a letter on January 8, 2015 from Alliant Energy stating they will be in the area within the next 12 weeks for tree maintenance on limbs that are too close to power lines. The City received a letter from American Transmission Company (ATC) regarding the proposed Spring Valley-North Lake Geneva Electric Reliability Project. They will be holding an open house on Tuesday, January 27 at 4pm at the Wheatland Center Elementary School Cafeteria in Burlington regarding the proposed transmission line and substation. The city also received an email on January 19, 2015 from Brown County Citizens For Responsible Wind Energy regarding wind turbine projects.

Approval of Minutes

Kordus/Wall motion to approve the Regular City Council Meeting minutes of January 12, 2015, as prepared and distributed. Unanimously carried.

Consent Agenda

Change of Agent Application filed by Target Corporation d/b/a Target Store T-2348, 660 N Edwards Boulevard, Lake Geneva, to Nicholas Schmidt, 1400 Hunters Ridge Drive, Apt 15, Genoa City, WI

Change of Agent Application filed by Oakfire LLC d/b/a Oakfire Pizzeria and Restaurant, 831 Wrigley Drive, Lake Geneva, to David R. Scotney, 1335 Edgewood Drive, Lake Geneva, WI

Renewal of Massage Establishment License filed by Clear Waters Salon and Spa, 734 Main Street, Lake Geneva, WI

Temporary "Class B"/Class "B" Wine and Fermented Malt Beverage License application filed by Susan Tumminello on behalf of the Lake Geneva Symphony Orchestra for the sale of fermented malt beverages and wine at the Riviera Ballroom, 812 Wrigley Drive, Lake Geneva WI for the Lake Geneva Symphony Orchestra "Love is in the Air" Valentine Gala on February 14, 2015, 6:30pm to 11:00pm.

Temporary Operator License application filled by Jennifer Hansen on behalf of the Lake Geneva Symphony Orchestra for the "Love is in the Air" Valentine Gala on February 14, 2015, contingent upon providing proof of having taken a Responsible Beverage Server's Course.

Temporary "Class B"/Class "B" Wine and Fermented Malt Beverage License application filed by Melissa Bochniak on behalf of Badger High School for the sale of fermented malt beverages and wine at the Geneva Lake Museum, 255 Mill Street, Lake Geneva WI for a Casino Night Fundraiser event on February 7, 2015, 6:00pm to 9:00pm.

Temporary Operator License applications filled by John Stefaniak, Patty Stefaniak, Kimberly Heyward, and Kevin Polheber on behalf of Badger High School for a Casino Night Fundraiser event on February 14,* 2015, contingent upon providing proof of having taken a Responsible Beverage Server's Course.

**Clerk's Note – The date was listed incorrectly on the agenda as February 14, 2015, however, it was listed correctly in the application submitted to the council of February 7, 2015.*

Hill/Kupsik motion to approve the consent agenda. Unanimously carried.

Items Removed from the Consent Agenda. None.

Finance, License and Regulation Committee Recommendations – Alderman Lyon

First Reading of Ordinance 15-01, an Ordinance Amending Chapter 6, Alcohol and Beverages, to establish a Demerit Point System for Liquor License Establishments.

First reading only; no action taken.

First Reading of Ordinance 15-02, an Ordinance Amending Chapter 74, Traffic and Vehicles, Sections 74-210, 74-221, and 74-234.

Lyon/Kupsik motion to postpone indefinitely. Unanimously carried.

Discussion/Action on creating a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure for the Promissory Note.

Lyon/Kordus motion to approve. Alderman Lyon stated this policy was suggested by our bond advisors as it puts the city in a more transparent and conforming mode relative to handling the record keeping associated with the bond obligations. Mr. Lyon stated according to the Comptroller, this will not represent an undue burden on her office as the Comptroller is the compliance officer on this policy. Attorney Draper noted this policy will be included in our policy manual. He stated regulatory authorities would like a handwritten policy to ensure the City is complying with the requirements. This would protect the city and set forth procedures that are to be followed in order to maintain borrowing. Mayor Connors said that this is a recommended best practice.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted "yes." Unanimously carried.

Resolution 15-R02, authorizing a step increase for Data Entry Clerk Holly Povish.

Alderman Lyon stated this was sent to council without recommendations.

Hill/Lyon motion to approve. Alderman Hill stated she respects the concern from the Finance Committee that we may be setting precedence outside of the normal dealings with city employees. She stated the Police and Fire Commission have been operating under step raises for some time as this was the standard under the union contract. The reason for this was to start an individual with a lower pay rate, and as they learned the position, their pay rate would be brought up. Ms. Hill stated that as her employer, she believes approving the step increase is the right thing to do. She noted that increases for new hires would be completely different; however, Ms. Hills feels Ms. Povish is due what PFC intended to give to her.

Alderman Lyon stated the step increase is 6.1%; however, the missing piece of the puzzle is the compensation study. He explained that the study would help put into perspective as to whether or not the compensation for this individual is market competitive. In the past, an employee was compensated at the low end of the range and then brought up through step increases as their performance progressed. Since we don't know what the compensation is being suggested for this position, we don't know how it relates to those kinds of jobs in our labor market. Mr. Lyon stated he recommends approval.

Alderman Kordus said he understands the other points of view but felt that since the council does not have the compensation study, they do not know if this increase is within range or excessive. He was concerned with setting precedence and noted that the comment about new hires being a different story is not true. The PFC can decide to keep this policy in place and put these items in the budget and in front of the council in the future. He felt by approving the item, precedence is being set that they will accept PFC recommendations without question. Alderman Hill stated by statute the council does not have the ability to tell the PFC what they are going to pay their employees. She felt that however PFC continues to move forward post Act 10 is entirely their decision as long as they can justify it in the budget

process. She noted that council approves the bottom line number at the end of the day and PFC makes the recommendations for the compensation of their employees, which is why she does not feel precedence is a concern.

City Attorney Draper explained that our municipality is unique as the Police and Fire Commission has optional powers. Instead of having the Police and Fire Departments reporting to the mayor, it's set up by a Police and Fire Commission who have their own powers. The idea behind this type of government is to keep the Police and Fire Department from becoming politicized. The optional powers give the PFC different authority and allows them a little more control over what they are doing. He said there will always be a difference between how employees are handled with the PFC compared to how the employees are handled within the city. Even with Act 10 being what it is, the PFC still has to manage their employees and the council should give them as many tools to do that, if it makes sense. Alderman Kupsik asked if the PFC does not have to follow the rules or statutes. Mr. Draper responded that they can manage their department the way they want to; however, there are certain requirements, such as, those not in the union still have to contribute to WRS like other city employees. But as far as the compensation study, they can set up a compensation structure as long as the council approves it accordingly. He noted there will always be a difference with city employees and employees reporting to the PFC based on the structure of the system. He stated the PFC is managing non-union and union employees, which is a difficult concept. He noted that these items were budgeted for and the council is not coming up with additional money.

Mr. Kupsik stated it seems as though the PFC has not drawn the line between the union and non-union employees and that they are treating everyone as they are still a part of the union. He questioned if Act 10 is applied to the compensation of their non-union employees or is PFC allowed to do whatever they want as far as compensation goes. Mr. Draper stated the employees who are not part of the union fall under the Act 10 guidelines, but the PFC can set their compensation how they need to as long as it doesn't increase by a certain percentage point or it would go to a referendum. He stated new officers that are hired also have to contribute to the WRS and have to comply in that respect. As far as setting a compensation structure, since they have an optional powers department, Mr. Draper felt they have the right to do that. Alderman Kehoe asked if the police officers fell into this category. Mr. Draper stated the police officers are part of the union. Mayor Connors noted that dispatchers and other individuals such as data entry are non-union.

There was further discussion on setting a precedence with step increases, the budget process for approval of items and the ramifications of approving or not approving the item. Alderman Wall asked if it is just Holly and one other person that would be receiving this step increase. Mayor Connors stated to the best of our knowledge, there are no other non-represented employees outside of these two individuals. Mr. Draper noted police officers get the step increases as part of their union contract.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Wall, Chappell voted "yes." Motion carried 7 to 1 with Alderman Kordus voting "no."

Discussion/Action on purchase of a Dictaphone System for the Police Department.

Lyon/Kupsik motion to approve. Alderman Lyon stated the dictating equipment needs to be updated to comply with the new phone system. He explained two options of either investing \$2,000 to update the existing equipment, with a life expectancy of 2 more years; or replacing the equipment and software for \$7,900, based on the proposal, that will have a much longer life expectancy. Alderman Hill was concerned with why this is just being discussed now as we have been discussing a phone system overhaul for some time. She questioned if there is any other equipment/technology that would be affected by replacing the phone system. She further noted her concern that this item was not included in the borrowing. Administrator Jordan stated there will be construction changes at the Library and Fire Department to add piping.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall voted "yes." Motion carried 7 to 1 with Alderman Chappell voting "no."

Discussion/Action on a 3-year extension to the Breezy Hill Landscaping Agreement. (recommended by Public Works Committee 1/15/15)

Lyon/Kupsik motion to approve. Alderman Lyon stated they have a good track record with the city and was recommended by the Public Works Committee. Alderman Hill was concerned about the funding source as the funds come out of the parking fund. Administrator Jordan stated a portion of the funds do come from the parking fund;

however, the remaining funds are from the parks section of the street department. He noted there is monies budgeted for this item.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Discussion/Action on disallowance of claim filed by Robert Drozdowski for alleged injury caused by a slip and fall at or near 300 Wrigley Drive on March 8, 2014, pursuant to Wis. Stat. 893.80(1g).

Lyon/Wall motion to approve disallowance of the claim.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Discussion/Action on renewal of CD in the amount of \$310,595.59 plus interest, maturing on February 9, 2015 from Community Bank of Delavan.

Lyon/Kordus motion to approve renewal with Community Bank for a six month period to August 9, 2015 at the prevailing rate. Mayor Connors noted he believes the merger has already taken place; and since we do not have any money invested in Town Bank, we will not exceed the FDIC limit.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Plan Commission Recommendations – Alderman Kupsik

Resolution 15-R01, authorizing the issuance of a Conditional Use Application filed by Wendy & Rodger Fisher, 946 Ceylon Court, Lake Geneva, WI 53147, to construct an addition (Master Bathroom) to a Single Family Residence using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at 946 Ceylon Court, Tax Key No. ZA1240 00002 along with all staff recommendations and fact finding on staff report dated January 19, 2015.

Kupsik/Lyon motion to approve.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Discussion/Action on a Precise Implement Plan (PIP) Amendment filed by Interra-Sky Lake Geneva LLC, 2400 Augusta Drive, Suite 330, Houston TX, 77057 for their building at 200 N Edwards Blvd., Lake Geneva, WI 53147 to modify the entrance over an existing tenant space, Tax Key No. ZA196100001 with the provision that the size of the façade fits within the presented envelope including staff recommendations, with the final design contingent upon Plan Commission approval in February or March.

Kupsik/Hill motion to approve. Alderman Kupsik stated there was some discussion regarding what the plan commission felt was suitable for that location based upon the concept that was submitted by the applicant. Due to this, the item will be submitted back to the Plan Commission in February or March for final approval.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted by Basso Builders, 405 Skyline Drive, Lake Geneva, WI 53147 to combine two parcels to facilitate a future development on Skyline Drive, Tax Key No’s. ZYUP 00130C & ZMEA 00052.

Kupsik/Lyon motion to approve. Alderman Kordus questioned if this is only a combination of the two parcels, not future development, which Alderman Kupsik confirmed was correct.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Discussion/Action on certifying the 2015-2020 City of Lake Geneva Park and Open Space Plan.

Kupsik/Lyon motion to approve certification of the park and open space plan. Alderman Hill wants to know if this, by default becomes an addendum to the comprehensive plan. Mayor Connors stated not directly, but it may be used at a future time as a guide if any revision were to be made to the comprehensive plan.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Presentation of Accounts – Alderman Lyon

Purchase Orders. None.

Lyon/Wall motion to approve Prepaid Bills in the amount of \$66,800.07.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Lyon/Kordus motion to approve Regular Bills in the amount of \$152,865.87.

Roll Call: Lyon, Hedlund, Kupsik, Kehoe, Hill, Kordus, Wall, Chappell voted “yes.” Unanimously carried.

Mayoral Appointments.

Discussion/Action on Appointment of Tyler Frederick to fill the vacancy on the Plan Commission with the term expiring May 1, 2015.

Hill/Wall motion to approve. Unanimously carried.

Adjournment

Kordus/Hill motion to adjourn at 8:26 p.m. Unanimously carried.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL