

**REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 13, 2017 – 6:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was led by Alderman Kordus

Roll Call. Present: Mayor Kupsik, Aldermen Skates, Kordus, Gelting, Horne, Hedlund, Howell. Absent (excused): Ald. Flower, Chappell. Also Present: City Attorney Draper and City Clerk Waswo.

Awards, Presentations, and Proclamations.

Mayor Kupsik welcomed the new City Comptroller, Alyssa Slater. City Clerk Waswo announced the city will be conducting a job fair on Feb. 18, paid Meter Parking will be in effect as of March 1, and the Spring Primary Election will be held Feb. 21.

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 to be limited to 5 minutes.

Dick Malmin, N1991 S. Lakeshore Dr., spoke regarding the Geneva Inn annexation. This is the third attempt by the Geneva Inn to rezone the residential property. He feels the city will spend more money than they will receive in taxes. Mr. Malmin explained the history of Geneva Inn and how it was allowed to be built. He showed the Council members a 2 inch pipe, stating these are used strictly for sink drains and asked how the Geneva Inn can claim this size pipe can take care of all their sewer needs.

Attorney Nick Egert, 835 Geneva Parkway North, Ste 1, spoke on behalf of his client, Care for Lake Geneva Inc. He explained his client's concerns with item 12a. His client will monitor this situation and if action is taken improperly they will hold the city accountable by whatever means possible including litigation.

Darien Schaefer, 527 Center St., spoke on creating a tourism commission. He sent out an email regarding his concerns and recommendations. He is still in support of the ordinance but would like changes that allow more flexibility between the city and the designated tourism entity. He encouraged simpler and straight forward language.

Kevin Flemming, 1032 Wisconsin St., is in favor of the tourism commission. When new monies become available, the BID would like to opportunity to use those monies to advertise for their events, Oktoberfest and Taste of Lake Geneva.

MaryJo Fesenmaier, 1085 South Lake Shore Dr., commented on the tourism commission, stating the city does not need another commission. It is a duplication of services. She urged them to vote no on this item. She feels item 12 is out of order as outside council was never discussed by the Finance Committee. She requested they vote no, stating we don't need to annex a property to pay for someone else's legal bills.

Acknowledgement of Correspondence.

The City of Lake Geneva received correspondence from Diane Muzzy, Tracy Hicks, Dick Malmin, Maureen Marks, and Robert and Janet Janess stating their objection to the Geneva Inn Annexation. The city also received emails from Darien Schaefer, Karin Bennett and Tammie Carsenten expressing concerns over the Tourism Commission Ordinance.

Approval of Minutes. Kordus/Gelting motion to approve the Regular City Council Meeting minutes of January 23, 2017, as prepared and distributed. Motion carried 6 to 0.

Consent Agenda

- a. Original Class "A"/"Class A" Intoxicating Liquor and Fermented Malt Beverage License application filed by QuickNSave LLC d/b/a QuickNSave, 1231 Grant Street, Lake Geneva, Jatinder S. Dhillon, Agent, contingent

upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, clearance of any Department of Revenue holds by all parties, and contingent upon SA Enterprises LLC d/b/a Quick N Save surrendering their license *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*

- b. Original Class “A”/“Class A” Intoxicating Liquor and Fermented Malt Beverage License application filed by ALDI Inc d/b/a ALDI #56, 200 N. Edwards Blvd, Lake Geneva, Beth Gehris, Agent, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, clearance of any Department of Revenue holds by all parties *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- c. Change of Agent application filed by Popeyes Galley & Grog, Ltd d/b/a Popeye’s Restaurant, 811 Wrigley Drive, Lake Geneva, to Veronica Anagnos, 1001 Wisconsin Street, Lake Geneva *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- d. Park Reservation Permit application filed by Lake Geneva Jaycees to use Seminary Park for the annual Jaycees Easter Egg Hunt on Saturday, April 15, 2017 from 8am to 12pm with request for waiver of \$105.00 Park Use Fee *(Recommended by the Board of Park Commissioners on Feb. 1, 2017. Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- e. Park Reservation Permit application filed by the Lake Geneva Jaycees to use Seminary and Flat Iron parks including Brunk Pavilion for the Venetian Festival on August 14 – 21, 2017 with payment of \$25.00 Application Fee and all other fees waived *(Recommended by the Board of Park Commissioners on Feb. 1, 2017. Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- f. Park Reservation Permit application filed by the Lake Geneva Jaycees to use Library Park on August 19 – 20, 2017 for the annual Arts and Crafts Fair and Jaycees Brat Stand with all fees waived *(Recommended by the Board of Park Commissioners on Feb. 1, 2017. Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- g. Street Use Permit application filed by the Lake Geneva Jaycees for the use and closure of Wrigley Dr. from Center St. to Broad St. for Venetian Festival on August 15 – 21, 2017 with payment of \$25.00 Application Fee and all other fees waived *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- h. Parking Stall Bag request filed by the Lake Geneva Jaycees for Venetian Festival to close Center Street Lot and the parking stalls on Center St. from the Alley South to Wrigley Dr. on August 14 – 21, 2017; and use of three parking spaces on either side of the East Walkway of Library Park on August 19 – 20, 2017 with payment of \$10.00 Administrative Fee and all other fees waived *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- i. Fireworks Permit application filed by the Lake Geneva Jaycees to be held on Sunday, August 20, 2017 *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- j. Temporary Class “B” License application submitted by the Lake Geneva Jaycees for the sale of fermented malt beverages August 15–21, 2017 in Flat Iron Park, 100 block of Center St. during the Venetian Festival *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- k. Original Massage Establishment application filed by Tiffany S. Square, LMT *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*
- l. Original 2016-2017 Operator’s (Bartender) License applications filed by Christine Anderson, Savannah Dettmann, Jessica Stola, Dana Trilla, Paul Wasyliw, and David Wingate *(Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*

Kordus/Gelting motion to approve.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Items removed from the Consent Agenda. None.

Second reading of Ordinance 17-02 creating a City Tourism Commission

Kordus/Gelting motion to send item back to the Attorney for a rewrite and further input, and bring back to Finance, License and Regulation as a draft.

Ald. Kordus stated this was the first stab at this ordinance. Attorney Draper stated alderman can email him with input and he can condense it into one form. Ald. Gelting asked the urgency on our current status with Visit Lake Geneva and would it continue in the meantime. Attorney Draper replied the statute states the tourism dollar goes to the agency that is designated to handle these issues. Until you establish a commission, we would have to follow the statute and provide the dollars to VISIT Lake Geneva. VISIT Lake Geneva was previously designated in the past. They are the only agency handling Lake Geneva tourism at this point. FLR discussed this and pulled off the regular \$25,000 payment to VISIT Lake Geneva. Ald. Kordus feels that we did not designate them as the tourism agency. As part of the rewrite, those dollars are in limbo for 2017.

Attorney Draper stated there is a second factor involved. There is a grandfather clause that says the city is allowed to retain so much money based on previous year's collection of room taxes. That is all coming into pay at the same time, which needs to be resolved as well. Currently the City is entitled to keep all the dollars they have collected until they reach a certain threshold. Ald. Gelting would like to make sure we give VISIT Lake Geneva the operating money they budgeted for. Last year there was an agreement but before that it was always a flat amount of \$100,000 yearly. In 2016 we agreed to pay them 25% over the breakeven point to give them \$100,000. We have to give them anything over what we collect by statute. Until we get to that point, we wouldn't necessarily have to give them anything, but if we don't give them anything, we will cripple them. Ald. Hedlund feels we should give them at least what we have been giving them. Attorney Draper stated if you don't have a tourism commission, you have to designate someone and VISIT is the only tourism entity that provides tourism to our community. Mayor Kupsik said we will review the ordinance and make any necessary corrections.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 6 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Kordus

Discussion/Action on City Administrator request for outside council on the pre-annexation agreement for Geneva Waterfront Inc. and Big Foot Holdings LLC (Geneva Inn) (Tax Key Nos. IL 1200004, IL 1200005C2, IL 1200005C, IL 1200005D, IL 1200005E)

Ald. Kordus stated the pre-annexation agreement was discussed at FLR and recommended to go to council without recommendation. There was also further discussion by the Administrator, which is why this item came up. The Administrator provided a letter in the packet with his reasoning for looking to go to outside council for review of that pre-annexation agreement, prior to it coming back to council.

Kordus/Hedlund motion to allow the Administrator to seek outside council for review of the pre-annexation agreement. Mayor Kupsik read the administrator's memo listed in the packet.

Roll Call: Skates, Kordus, Gelting, Hedlund voting "yes." Motion carried 4 to 2 with Horne and Howell voting "no."

Riviera Beach Use application filed by Troy Nottestad for the Duffy Nottestad Fishing Derby on the beach and ice held on Saturday, February 25, 2017 from 9am to 2pm with setup on Friday evening with request for waiver of \$105.00 Beach Use Fee (On Jan. 26, 2017 Piers, Harbors and Lakefront recommended to waive all fees except the \$25.00 application fee. On Feb. 7, 2017 Finance, License and Regulation Committee recommended to charge the 2016 fees of \$25.00 Application Fee, \$105.00 Beach Use Fee and Barricade Fee if requested; and use of the Sidewalk in front of Harry's Café for a weigh station.)

Kordus/Horne motion to charge fees of \$25.00 Application Fee, \$105.00 Beach Use Fee and Barricade Fees if requested.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 6 to 0.

Park Reservation Permit application filed by Geneva Lake Arts Foundation for the annual "Art in the Park" event at Flat Iron Park including rental of the Brunk Pavilion, from 10am to 5pm on Saturday, August 12 and 10am to 4pm on Sunday, August 13, 2017 (Recommended by Board of Park Commissioners on Feb. 1, 2017. On Feb. 7, 2017 Finance, License and Regulation Committee recommended to approve with waiver of the \$500 Brunk Pavilion fee.)

Kordus/Gelting motion to approve with waiver of the \$500 Brunk Pavilion fee.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 6 to 0.

Parking Stall Bag Request filed by Geneva Lake Arts Foundation for “Art in the Park” to reserve Center Street parking stalls 720-793, Center Street Lot parking stalls 978-1002 including 1 handicap spot, excluding stalls 728-730 on August 12-13, 2017 (96 stalls for 2 days) with request of remaining fee of \$1,960 to be waived *(On Feb. 7, 2017 Finance, License and Regulation Committee recommended to approve with waiver of \$1,960 parking fees.)*
City Clerk Waswo noted the total cost for 96 stalls for 2 days is \$3,840. If you waive \$1,960, the amount they will pay is \$1,880. Ald. Kordus stated the intent was to waive 1 days parking fees.

Kordus/Hedlund motion to approve with waiver of \$1,920 for 1 day of parking fees.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Street Use Permit application filed by Geneva Lake Arts Foundation to close Center Street from Main to Wrigley Drive on Saturday, August 12 from 6am to 9am and Sunday, August 13, 2017 from 6am to 9am and 4pm to 6pm for the annual “Art in the Park” event *(Recommended by Board of Park Commissioners on Feb. 1, 2017. Recommended by Finance, License and Regulation Committee on Feb. 7, 2017)*

Kordus/Horne motion to approve.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Beach Reservation Permit application filed by Sean Payne to use the Lake Geneva Beach September 8 – 10, 2017 from 6:00am to 8:00pm for the 8th Annual Masters Race with payment of \$25.00 Application Fee and all other fees waived *(Recommended by Piers, Harbors and Lakefront on Jan. 26, 2017. On Feb. 7, 2017 Finance, License and Regulation Committee recommended denial of the fee waiver.)*

Kordus/Gelting motion to approve with payment of all fees and application fee.

Roll Call: Skates, Kordus, Gelting, Hedlund, Howell voting “yes.” Motion carried 5 to 1 with Ald. Horne “abstaining.”

Discussion/Action on purchasing new modems for the Luke Meters *(Discussed at Public Works Committee on Nov. 10 and Dec. 8, 2016. On Feb. 7, 2017 Finance, License and Regulation recommended approval not to exceed the \$33,000 in the Parking Fund.)*

Kordus/Hedlund motion to approve including purchasing corresponding cords and miscellaneous wiring, not to exceed the \$33,000. This improves the shelf life of the batteries and will require a lot less maintenance by the parking staff.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Discussion/Action on setting a public hearing for adoption of the Joint Uniform Lake Law Ordinance *(On Feb. 7, 2017 FLR recommended a hearing date of March 27, 2017)*

Ald. Kordus made a motion to set the public hearing for March 27, 2017. Motion fails for lack of second.

Attorney Draper stated a public hearing does not have to be at the city. We do not have to have each one of the municipalities hold a public hearing. The Town of Linn has set the public hearing for March 13, 2017 at 6:45pm at the Linn Town Hall. The notice has been posted in the Lake Geneva Regional News and will be posted at City Hall.

Discussion/Action on amending the Employee Compensation Policy Performance Rate for employees above the mid range pay scale from 50% to 75% *(Recommended by the Personnel Committee on Jan. 26, 2017 and Finance, License and Regulation Committee on Feb. 7, 2017)*

Kordus/Horne motion to approve. Ald. Hedlund stated this is a work in progress. This change is to make it fair to everyone above mid. Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Discussion/Action on a onetime \$250.00 pay adjustment for employees who have been with the City for more than 2 years and are above the mid level on the pay structure but below the maximum in their pay scale *(Recommended by the Personnel Committee on Jan. 26, 2017. On Feb. 7, 2017 Finance, License and Regulation recommended approval for full time employees.)*

Kordus/Gelting motion to approve. This is for full time employees. The Administrator came up with a number of the difference within the whole pay plan. This is what they would have been shorted for the year if we used the 74% instead of the 50%. Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Discussion/Action on a \$100 per day holiday pay adjustment for Street Department employees who worked Christmas Day or New Year’s Day who did not get time and a half compensation *(Recommended by the Personnel Committee on Jan. 26, 2017. On Feb. 7, 2017 Finance, License and Regulation Committee recommended approval with the \$100 prorated per 8 hour day.)* Kordus/Gelting motion to approve. This covers street department employees who had to work Christmas Day and New Year’s Day and their hours worked did not go over 40. Our employee handbook states if employees have time

off and do not physically work during the week, they are not eligible for overtime. We have employees who take paid time off during the holiday season, but if it snows on the holiday, our handbook forbids them from getting overtime. This will have to be changed. Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Discussion/Action on Resolution 17-R01, amending the employee pay scales to include the Director of Public Works, Street Dept. Superintendent, Street Dept. Arborist/Lead, Street Dept. Lead, Senior Financial Analyst, and City Hall Office Assistant (*Recommended by the Personnel Committee on Jan. 26, 2017 and Finance, License and Regulation Committee on Feb. 7, 2017*) Kordus/Gelting motion to approve with corresponding organizational chart changes. Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Presentation of Accounts – Alderman Kordus

Purchase Orders. None.

Kordus/Gelting motion to approve Prepaid Bills in the amount of \$19,466.65

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Regular Bills in the amount of \$146,872.41 (*On Feb. 7, 2017 Finance, License and Regulation Committee recommended to remove the \$25,000 first quarter payment to Visit Lake Geneva as the agreement may have changed with the new Tourism Commission*)

Kordus/Gelting motion to approve Regular Bills in the adjusted amount of \$121,872.41

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Mayoral Appointments. None.

Closed Session

Kordus/Gelting motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding employee contracts, pay, and benefits for:

- a. City Clerk Waswo
- b. Assistant Police Chief Reuss

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Kordus/Gelting motion to go into closed session with City Attorney and City Clerk remaining.

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Council entered into closed session at 7:11pm.

Open Session

Kordus/Gelting motion to return to open session pursuant to Wisconsin Statutes 19.85(2) and take action on any items discussed in closed session

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Council returned to open session at 7:20pm.

Kordus/Horne motion to approve item a as discussed in closed session and continued item b to the next council meeting. Motion withdrawn by Ald. Kordus and Ald. Horne

Kordus/Horne motion to approve item a as discussed in closed session

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Kordus/Horne motion to continue item b to the next council meeting

Roll Call: Skates, Kordus, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Adjournment. Kordus/Gelting motion to adjourn at 7:21pm. Motion carried 6 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL