

**REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 27, 2017 – 6:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:01 p.m.

The Pledge of Allegiance was led by Alderman Horne

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

Awards, Presentations, and Proclamations.

Mayor Kupsik presented and read the Arbor Day Proclamation into the record.

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. None.

Acknowledgement of Correspondence.

The City received correspondence from Christine Cilio and Dick Malmin opposing the annexation of Geneva Inn. The City also received an email from Candy Kirchberg suggesting Associated Bank provide 2 parking lot entrances for less congestion.

Approval of Minutes. Kordus/Flower motion to approve the Regular City Council Meeting minutes of March 13, 2017, as prepared and distributed. Motion carried 6 to 0.

Consent Agenda

- a. **Street Use Permit application filed by Lake Geneva Farmers Market using the alley to the south of Horticultural Hall (330 Broad St.) on Thursdays from May 4 to Oct. 26, 2017 from 8:00am to 1:00pm** *(recommended by Finance, License & Regulation Committee on March 21, 2017)*
- b. **Parking Stall Bag request filed by Lake Geneva Farmers Market to use 13 stalls on the west side of Broad Street on Thursdays from May 4 to Oct. 26, 2017 (26 days) from 7:00am to 2:00pm with waiver of all parking stall bag fees** *(recommended by Finance, License & Regulation Committee on March 21, 2017)*
- c. **Parade permit application filed by Len Jegerski on behalf of the American Legion Post for the annual Memorial Day Parade on May 29, 2017 from 10:00am to 11:30am with request for waiver of all fees** *(recommended by Finance, License & Regulation Committee on March 21, 2017 to waive all fees except the \$25.00 application fee)*
- e. **Public Assembly Permit application filed by Lake Geneva Business Improvement District for the Lake Geneva Paint-In June 10 – June 11, 2017, 10:00am to 5:00pm requesting use of downtown sidewalks to place tables, chairs and umbrellas for display and sale of artists' drawings and paintings** *(recommended by Finance, License & Regulation Committee on March 21, 2017)*
- f. **Public Assembly Permit application filed by Lake Geneva Business Improvement District for Lake Geneva Maxwell Street Days Aug. 25 – Aug. 27, 2017, 8:00am to 7:00pm requesting use of downtown sidewalks for business sales** *(recommended by Finance, License & Regulation Committee on March 21, 2017)*
- i. **Original 2016-2017 Operator's (Bartender) License application filed by Emily Wise** *(recommended by Finance, License & Regulation Committee on March 21, 2017)*

Gelting/Kordus motion to approve. Ald. Flower would like to develop a procedure and requirements with regard to waiver of fees. Roll Call: Kordus, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

Items removed from the Consent Agenda.

- d. Street Use Permit application filed by Len Jegerski on behalf of the American Legion Post 24 for the Annual Memorial Day Parade on May 29, 2017 using Wisconsin and Broad Street to the Riviera with staging at 10:00 am and parade from 11:00 am to 11:30 am with request for waiver of fees (recommended by Finance, License & Regulation Committee on March 21, 2017)**

Kordus/Gelting motion to amend as stated in the application, it should be Flat Iron Park instead of the Riviera. Roll Call: Kordus, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 6 to 0.

- g. Street Banner Display application filed by Kevin Fleming on behalf of the Lake Geneva Business Improvement District to use 11 banner poles for Taste of Lake Geneva starting Aug. 28, 2017 through Sept. 11, 2017 with request for waiver of fees (recommended by Finance, License & Regulation Committee on March 21, 2017)**

Gelting/Horne motion to approve as presented as recommended by the Finance, License and Regulation Committee. Mr. Kordus thinks the fees should be charged as this is what was charged in the past and now they would be setting precedence. Mr. Gelting said this is the process we have in place right now and he is going by the recommendation that was made at the committee level. Mayor Kupsik stated someone referred to the poles as ugly poles, so the alternative was to put the banners up instead of having nothing. A conclusion will need to be made on who will be charged and who won't.

Ald. Flower questioned the history of the waiver of fees. Mayor Kupsik explained we have and haven't waived the fees in the past. Mr. Gelting added the BID is the City's de-facto banner supplier, so the City leans toward them when there is empty banner space. Mr. Oborn stated the BID was instrumental in installing the poles some years ago.

Roll Call: Ald. Flower, Gelting, Howell, and Mayor Kupsik voting “yes.” Motion carried 4 to 3 with Ald. Kordus, Horne and Hedlund voting “no.”

- h. Street Banner Display application filed by Kevin Fleming on behalf of the Lake Geneva Business Improvement District to use 11 banner poles for Oktoberfest starting Sept. 25, 2017 through Oct. 9, 2017 with request for waiver of fees (recommended by Finance, License & Regulation Committee on March 21, 2017)**

Gelting/Howell motion to approve as recommended. Mr. Hedlund stated what happened in 2010 doesn't have much effect on what is going on in 2017. It was changed last year with the intent that the City was at least going to recoup the costs of hanging the banners. Precedence was just established, and now we are going to give it away again. Mayor Kupsik said establishing a set rate has been discussed numerous times. It should be on the next Council meeting where a policy or ordinance can be set up.

Roll Call: Gelting and Howell voting “yes.” Motion failed 4 to 2 with Ald. Kordus, Flower, Horne and Hedlund voting “no.”

Kordus/Horne motion to charge the fee of \$220.

Roll Call: Kordus, Flower, Horne, Hedlund, Howell voting “yes.” Motion carried 5 to 1 with Gelting voting “no.”

Discussion/Action on second reading of Ordinance 17-03 creating a City Tourism Commission (continued from March 13, 2017 Council)

Kordus motioned to eliminate the citizen and also eliminate the language that preference is given to a BID member, leave at least two hotels and two businesses at large. Motion fails for lack of second.

Horne/Gelting motion to approve with two Aldermen, one citizen at large, the other three can be any combination of business or hotel with a minimum of one each, and one of the three must be a BID member for a total of 6 members.

Ms. Flower did not like the idea of 6 people because a tie breaker would be needed. Mr. Kordus believes a tie should count as a motion failing. He objects to specifying that a BID member has to be on the commission. He would prefer to leave the discretion to the Mayor. This is a tax on the hotels that is paid by the tourists, these aren't property tax dollars. A citizen at large may or may not understand the marketing or understand the state law involved with this. He doesn't see

the benefit of a citizen advisor. It should be the business people who have a direct impact on it and understand where the tourism money is going. The people who have a vested interest in how the money is spent should have the decision.
Roll Call: Flower, Gelting, Horne, Howell voting “yes.” Motion carried 4 to 2 with Kordus and Hedlund voting “no.”

Finance, License and Regulation Committee Recommendations – Alderman Kordus

Discussion/Action on Resolution 17-R08, authorizing the transfer of \$419,304.34 from the Lakefront Special Revenue Fund and an amount of \$637,485.29 from the Parking Special Revenue Fund to the General Fund at year end 2016 which will leave a \$75,000 required addition to the fund balance in each of these funds *(recommended by the Finance, License & Regulation Committee on March 21, 2017)*

Kordus/Gelting motion to approve. These funds are in the budget in the general fund. The balances are on the City’s financial statements but are not shown on the budget. Ms. Flower would appreciate more transparency.

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

Discussion/Action on Payne and Dolan, Inc. change order #1 in the amount of \$5,129.84 for the Main Street Widening Project *(recommended by the Finance, License & Regulation Committee on March 21, 2017)*

Kordus/Gelting motion to approve. Mr. Kordus explained these are fees that were incurred by Payne and Dolan for moving equipment as well as increases in concrete and asphalt charges due to the delay. The money is coming out of the general fund, not out of the TIF funding. Mayor Kupsik asked if this work is completed. Mr. Oborn answered no they will come back with the payment request. The issue with the TIF is all of the money is spent; it will come out of the general fund. Discussion followed to send AT&T an invoice as they are the reason the job was delayed. He didn’t think this included the additional lighting that had to be done during the winter as well.

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

Discussion/Action on Shad Branen - WIN Properties, LLC TIF Escrow Draw Request No. 5 for final payment of \$40,000.00 contingent upon final occupancy, required lien waivers, and signing of any necessary security documents *(recommended by the Finance, License & Regulation Committee on March 21, 2017)*

Kordus/Gelting motion to approve. This is the final payment. The theater is open. The opening was delayed by the City a couple days as the City was not able to get an inspector in. Mr. Oborn did add the signing of any necessary documents. It is not one of the priorities, but they have to do it before we can put the lien on them. Once they do, staff will release the check for the \$40,000 without any penalties.

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

Discussion/Action on Dan Larsen Landscaping TIF Escrow Draw Request No. 5 in excess of \$2,230.00 funded from the General Fund Tree Planting Account *(recommended by the Finance, License & Regulation Committee on March 21, 2017)*

Kordus/Gelting motion to approve. Mr. Oborn explained the Riviera was counted twice and the watering was not included. The amount should have been closed in the TIF at \$119,080. He is not sure if the City will be liable for the additional \$10,215. Mayor Kupsik stated the watering issue came up when the City planted 300 trees. The Street Department did not have the time or resources to water and if they weren’t watered regularly, they would die. Public Works and the Council approved to have a contractor to do the watering but it didn’t get into the budgeting item. It was unclear how this turned into a change order and was reflected on the Riviera grounds. Technically, this was approved as a separate contract. There is approximately \$10,000 that is questionable. Mr. Hedlund asked if a change order can be done to not allow them to plant anymore trees, then the City won’t owe them the \$10,215. Mr. Oborn answered that is the intent. This is not coming out of the TIF; it’s coming out of the general fund.

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

Plan Commission – Mayor Kupsik

Discussion/Action on a Precise Implementation Plan (PIP) Application filed by Bill Henry, Kehoe-Henry & Associates, Inc. on behalf of Lake Geneva Middle School for building an accessory storage building for the existing Middle School, 600 North Bloomfield Road, Tax Key No. ZA297500001 including all staff recommendations and the affirmative findings of fact items number 1 through 6 *(recommended by Plan Commission on March 20, 2017)*

Gelting/Kordus motion to approve.

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

Discussion/Action on Resolution 17-R09, a Conditional Use application filed by Andrew Goodman, Lake Geneva 50120, LLC, GMX Real Estate Group, LLC, 3000 Dundee Road, Suite 408, Northbrook, IL 60062 to propose a Starbucks Restaurant with a drive-up window in the approved multi-tenant building located at 281 N Edwards Blvd, Tax Key No. ZA297300001 pursuant to the specifications contained in the application as submitted and findings of fact (recommended by Plan Commission on March 20, 2017)

Kordus/Gelting motion to approve. Ald. Flower is concerned as the drive thru does not have an escape zone. When entering the drive thru, people can't see how long the line is because it is behind the building. If someone wants to leave, they can't. The Council should require they revisit and relook at this. There are other alternatives, such as advanced signage or wait time. It is a reflection of the City if it is approved and doesn't function well. Mr. Oborn said that was heavily discussed at Plan Commission. Their point of view was they didn't have any alternative but to do what they are doing now. He agrees with Ms. Flower. He was told they do that at a lot of Starbucks. Mayor Kupsik added Mr. Goodman was at the meeting and mentioned they did research and was aware there was no escape route. The City Planner had no objection to it. Plan Commission questioned it, but there was no objection. Ms. Flower asked if the City typically allows any kind of building that would have a drive thru get away with not having an escape route. She feels they should have some type of advanced notification near the entrance to the drive thru.

Mr. Draper noted the reason conditional use permits are issued is to address nuisances. He reminded the Council it will require 5 votes against this proposal to reverse the recommendation of the Plan Commission.

Roll Call: Kordus, Gelting, Horne, Hedlund, Howell voting "yes." Motion carried 5 to 1 with Flower voting "no."

Discussion/Action on a Precise Implementation Plan (PIP) Application filed by Andrew Goodman, Lake Geneva 50120, LLC, GMX Real Estate Group, LLC, 3000 Dundee Road, Suite 408, Northbrook, IL 60062 to amend the engineered design of the retaining wall in the northwest corner of the site located at 281 N Edwards Blvd, Tax Key No. ZA297300001 to include all staff recommendations, findings of fact, and the ornamental fence previously approved (recommended by Plan Commission on March 20, 2017)

Gelting/Horne motion to approve. Ald. Flower questioned the height of the wall, if the City engineers have looked at visual corners for the railing on the top of the wall, and visual corners and visibility for the sign that is to be placed. Mayor Kupsik confirmed everything has been looked at and approved. City Attorney Draper stated this is reengineering of a wall that was already approved. It is changing the materials they are using.

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

Discussion/Action on a Proposed Certified Survey Map (CSM) Application filed by Ryan Wilgreen, Excel Engineering, Inc., 100 Camelot Drive, Fond du Lac, WI 54935 on behalf of Brunk Industries for a Lot Combination to create a single parcel for the Brunk Industries campus on 8.28 acres located at 1225 Sage Street, Tax Key No. ZGC00006 to include all staff recommendations (recommended by Plan Commission on March 20, 2017)

Gelting/Horne motion to approve. This is joining the existing building with the new building they adding.

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

Discussion/Action on a General Development Plan (GDP) Application filed by Eric Drazkowski, P.E., 100 Camelot Drive, Fond du Lac, WI 54935 on behalf of Brunk Industries to amend an existing Planned Development on the Brunk Industries campus to accommodate a Second Manufacturing Building on approximately 8.28 acres located east of the current building on the south side of Sheridan Springs Road, just east of 1225 Sage Street, Tax Key No. ZGC00006 to include all staff recommendations, findings of fact, changes made by the applicant, the six areas of flexibility, and contingent upon DNR approval (recommended by Plan Commission on March 20, 2017)

Gelting/Horne motion to approve. Ald. Flower asked how trucks will get to the loading dock and maneuver through the site. She questioned if any semis will need to back in off of Sheridan Springs Road or if they will be coming in straight. Mr. Oborn stated the traffic was vetted with the Fire Department. There is some cross traffic with the employee parking. The City Engineer didn't have any problem with the current configuration. They couldn't do the typical loop around the building as they needed to meet environmental concerns. Ald. Flower lives down the street from the current building, and knows there are issues with the dock. They do hold up traffic. It looks like they have the capability to pull straight in. She would be comfortable approving if it could be contingent that this would not be an issue.

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

Discussion/Action on a Precise Implementation Plan (PIP) Application filed by Eric Drazkowski, P.E., 100 Camelot Drive, Fond du Lac, WI 54935 on behalf of Brunk Industries to amend an existing Precise Implementation Plan on

the Brunk Industries campus to accommodate a Second Manufacturing Building on approximately 8.28 acres located east of the current building on the south side of Sheridan Springs Road, just east of 1225 Sage Street, Tax Key No. ZGC00006 to include all staff recommendations, all flexibility, fact finding in the affirmative, and contingent upon the City Engineer's final review of the drawings (recommended by Plan Commission on March 20, 2017). Gelting/Horne motion to approve.

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

Presentation of Accounts – Alderman Kordus

Purchase Orders (none)

Kordus/Horne motion to approve the Prepaid Bills in the amount of \$35,575.01. (Recommended by Finance, License & Regulation Committee on March 21, 2017)

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

Kordus/Gelting motion to approve the Regular Bills in the amount of \$257,633.82. (Recommended by Finance, License & Regulation Committee on March 21, 2017)

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

Kordus/Gelting motion to approve the Treasurer's reports from June through December 2016. (Recommended by Finance, License & Regulation Committee on March 21, 2017)

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

Kordus/Gelting motion to approve the Treasurer's report for January 2017. (Recommended by Finance, License & Regulation Committee on March 21, 2017)

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

Mayoral Appointments. None.

Closed Session

Kordus/Horne motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session for negotiations on various Riviera concourse leases

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

Council entered into closed session at 7:24pm.

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

Council returned to open session at 7:41pm.

No action taken.

Adjournment. Flower/Kordus motion to adjourn at 7:42pm. Motion carried 6 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL