



REGULAR CITY COUNCIL MEETING

MONDAY, APRIL 24, 2017 – 6:00 PM

COUNCIL CHAMBERS, CITY HALL

AMENDED AGENDA

1. Mayor Kupsik calls the meeting to order
2. Pledge of Allegiance – Alderman Howell
3. Roll Call
4. Awards, Presentations, and Proclamations
 - a. Presentation of Proclamation observing the month of May as Poppy Month
5. Re-consider business from previous meeting
6. 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.
7. Acknowledgement of Correspondence
8. Approve Regular City Council Meeting minutes of April 10, 2017, and the Council Organizational Meeting Minutes of April 18, 2017 as prepared and distributed
9. **Consent Agenda** – Recommended by Finance, License and Regulation on April 18, 2017
Any item listed on the consent agenda may be removed at the request of any member of the Council. The request requires no second, is not discussed, and is not voted upon.
 - a. Park Reservation Permit application filed by Harry Katch to use Library Park for a Celebration of Life for Ellyn Kehoe on May 7, 2017 from 12:30pm to 4:30pm or Seminary Park on May 7, 2017 from 12:30pm to 4:30pm in the event of bad weather, with waiver of all fees excluding the application fee for one park, and backup park would be charged at the resident rate *(This was not approved by the Board of Park Commissioners due to timing)*
 - b. Park Reservation Permit application filed by Kirk La Du on behalf of Junior Badger Baseball to use Field 5 at Veterans Park on the evenings of Monday, Wednesday and Friday commencing April 24, 2017 through July 21, 2017 from 5:00pm to 9:00pm for the Junior Badger 12U Season *(Recommended by the Board of Park Commissioners on April 5, 2017 for Monday, Wednesday and Friday only; FLR did not approve any waiver of fees)*
 - c. Park Reservation Permit application filed by Kirk La Du on behalf of Junior Badger Baseball to use Fields 1, 2, 3, and 4 at Veterans Park May 27-28, 2017 and June 17-18, 2017 from 9:00am to 6:00pm for the Junior Badger Baseball Tournament with a fee of \$300 per day plus a \$1,000 security deposit and \$25 application fee *(Recommended by the Board of Park Commissioners on April 5, 2017)*
 - d. Street Banner Display Permit application filed by VISIT Lake Geneva to use 11 banner poles starting May 2, 2017 through June 11, 2017 without fee waiver

Amended Agenda Items 11.h., 13.b., 15. and 16.a.

- e. Park Reservation Permit application filed by Ryan Bensheimer on behalf of Mt. Zion Christian Church to use Flat Iron Park including the Brunk Pavilion on May 26, 2017 from 4:00pm to 11:00pm for a Worship Service *(Recommended by the Board of Park Commissioners on April 5, 2017)*
- f. Park Reservation Permit application filed by Christian Jensen on behalf of My Team Triumph to use Library Park on May 28, 2017 from 8:00am to 5:00pm for the Muck-Suck event *(Recommended by the Board of Park Commissioners on April 5, 2017)*
- g. Temporary Class “B”/“Class B” Retailer’s License application filed by My Team Triumph for the sale of fermented malt beverages at the 900th block of Main St (Library Park), Lake Geneva, for the Muck-Suck event on May 28, 2017 from 10:00am to 2:00pm
- h. Park Reservation Permit application filed by Len Jegerski on behalf of the American Legion Post to use Flat Iron Park on May 29, 2017 from 10:00am to 11:30am for a ceremony after the Memorial Day Parade with waiver of fees *(Recommended by the Board of Park Commissioners on April 5, 2017. Parade and Street Use Permits were approved by Council on March 27, 2017 with a single application fee of \$25.00)*
- i. Park Reservation Permit application filed by Sherm Lindsey on behalf of Midwest Action Cycle Inc. to use Flat Iron Park on August 5, 2017 from 9:00am to 9:00pm and August 6, 2017 from 9:00am to 5:00pm for the Viva Lake Geneva Scooter Rally *(Recommended by the Board of Park Commissioners on April 5, 2017)*
- j. Park Reservation Permit application filed by Larry Kundert on behalf of Friends of the Library to use Library Park on August 12, 2017 from 9:00am to 3:00pm and August 13, 2017 from 11:00am to 3:00pm for a book sale *(Recommended by the Board of Park Commissioners on April 5, 2017)*
- k. Temporary Class “B”/“Class B” Retailer’s License application for the sale of fermented malt beverages and wine filed by the Lake Geneva Business Improvement District for the Taste of Lake Geneva on Sept 9, 2017 from 11:00am to 6:00pm in Flat Iron Park

10. Item(s) removed from the Consent Agenda.

11. Finance, License & Regulation Committee Recommendations from April 18, 2017 – Alderman Kordus

- a. Discussion/Action on Park Reservation Permit application filed by the Lake Geneva Business Improvement District for Taste of Lake Geneva with setup beginning on Sept 7, 2017 at noon and event held on Sept 8, 2017 and Sept 9, 2017 from noon to 10:00pm at Flat Iron Park with use of Brunk Pavilion and request to waive all fees *(Recommended by the Board of Park Commissioners on April 5, 2017. FLR recommended to charge the same fees as last year of \$1,155.00 plus a \$100 security deposit)*
- b. Discussion/Action on Parking Stall Bag request filed by the Lake Geneva Business Improvement District for Taste of Lake Geneva to close Center Street lot and reserve 25 parking stalls therein on Saturday, Sept 9, 2017 with request to waive all fees *(FLR took no action on this item)*
- c. Park Reservation Permit application filed by the Lake Geneva Business Improvement District to use Flat Iron Park and the Brunk Pavilion for Oktoberfest beginning on Oct 7, 2017 at 7:00am and ending on Oct 8, 2017 at 7:00pm with request for additional equipment, fork lift operator and request for waiver of fees *(Recommended by the Board of Park Commissioners on April 5, 2017. FLR recommended charging the proposed fees for 2017, waive the Brunk Pavilion fee, and invoice for the forklift operator hours after the event)*
- d. Street Use Permit application filed by the Lake Geneva Business Improvement District for closure of the 200 block of Broad Street from Main Street to Geneva Street beginning on October 7, 2017 at 7:00am to 7:00pm on October 8, 2017 and utilizing downtown area sidewalks and alleys on the 200 block of Broad Street for Oktoberfest with request to waive fees *(FLR recommended charging the application fee and waiving the permit fee)*
- e. Parking Stall Bag request filed by the Lake Geneva Business Improvement District to close Center Street lot and use the 25 parking stalls from 7:00am to 7:00pm on October 8, 2017 (1 day) for Oktoberfest with request for waiver of fees
- f. Discussion/Action on request for Host Street Water Tower temporary communication equipment relocation due to painting, in the amount of \$19,000 from the Contingency Account. *(Recommended on April 6, 2017 by the Police & Fire Commission)*

- g. Discussion/Action on Budget **Resolution 17-R12** on request for unbudgeted Contract Sick Time and Retirement Payout in the amount of \$24,000 from the Contingency Account *(Recommended on April 6, 2017 by the Police & Fire Commission)*
- h. Discussion/Action to direct staff to draft Petition for Annexation of all City owned Hillmoor Heights Park and Lots property on and near Lockwood Blvd in the Town of Lyons including Right-of-Way to the West and Center of property excluding Lockwood Blvd and send to the Plan Commission to set Public Hearing *(Recommended by the Board of Park Commissioners on Sept 7, 2016, and Public Works Committee on April 18, 2017)*
- i. Discussion/Action on Payment Request No. 2 to The Wanasek Corp. for the South Lake Shore Drive (Parking Lot I) Project in the amount of \$14,146.90 funded from the Parking Fund *(Recommended by the Board of Park Commissioners on Sept 7, 2016, Public Works Committee on April 18, 2017)*
- j. Discussion/Action on various 2017 Capital Projects

12. Discussion/Action on Resolution 17-R14, amending the designated public depositories for the City of Lake Geneva to include Westbury Bank, Community State Bank, and Fox River State Bank

13. Plan Commission Recommendations from April 17, 2017 – Alderman Skates

- a. Discussion/Action on a Precise Implementation Plan (PIP) Application filed by Kevin Madalinski, Director, Hoffman Design & Construction, 122 E College Ave., Appleton, WI 54911 on behalf of Golden Years for a proposed senior housing project on the north side of North Bloomfield Road – about 500 feet east of Edwards Boulevard/Wis 120, Tax Key Nos. ZSF00074 & ZSF00085 to include all affirmative findings of fact and staff recommendations including but not limited to the execution of the development agreement, looping the water service fully around the building in the next phase of project development, the detailed final review by City staff and consulting engineers for the detailed utility building and storm water management plans, improvements of the public sidewalk on the west side of Harmony Drive, and to allow the maximum height to go up to 20 feet.
- b. Discussion/Action on **Resolution 17-R15**, a Conditional Use Application (CUP) filed by Tony Besario, 6806 84th Avenue, Kenosha, WI 53142, for Indoor Commercial Entertainment for a self serve frozen yogurt store at 120 Broad Street, Tax Key No. ZOP00346 to include all affirmative findings of fact and note that operating hours will be from 11:00am to 10:00pm 7 days a week.
- c. Discussion/Action on **Resolution 17-R16**, a Conditional Use Application (CUP) filed by Emily Blincoe, 440 Frost Drive, Williams Bay, WI 53191, for Outdoor Commercial Entertainment to permit outdoor activities in the courtyard adjacent to the Olive Oil Shops at 221 Broad Street, Tax Key No. ZOP00267 to include all affirmative findings of fact and staff recommendations that the courtyard gates shall remain open when the court yard is accessible to the public, exterior lighting (other than low wattage string lights) shall comply with all illumination standards section 98-707 and amplified music or other activities shall comply with noise standards section 98-709, and operating hours from 10:00am to 9:00pm.
- d. Discussion/Action on **Resolution 17-R17**, a Conditional Use Application (CUP) filed by Dan Clifford, 1301 Promontory Drive, Lake Geneva, WI 53147, to exceed maximum accessory structure height at 1301 Promontory Drive, Tax Key No. ZEH00018 to include all affirmative findings of fact and the following staff recommendations:
 - a. The height of the structure shall not exceed 18 feet, as measured from the lowest elevation of the adjoining ground level to the mean distance of the highest gable of the roof;
 - b. No water or sewer service shall be extended to the structure;
 - c. The structure shall not contain a dwelling unit, be used for living, sleeping, eating or cooking, or be used in support of a Home Occupation as described in Section 98-206(8)(j);
 - d. The structure shall meet the required rear yard setback of three feet;
 - e. Due to the additional three feet in height, the required side yard setback for this structure shall be six feet (based on required side yard setback of three feet plus three additional feet);
 - f. The color of the structure shall be limited to “earth tones” such as gray-greens and gray-browns to ensure that the structure continues to blend in with the surrounding landscape;
 - g. Staff review will be required for any paving or driveways to ensure that the site meets Landscape Surface Ratio requirements in the SR-3 zoning district.

- e. Discussion/Action on **Resolution 17-R18**, a Conditional Use Application (CUP) filed by Nicolas Carone, 177 Valencia Parkway, Gilberts, IL 60136, for Indoor Commercial Entertainment for a hot dog restaurant and outdoor dining at 272 Broad Street, Tax Key No. ZOP00244 to include all affirmative findings of fact and the following staff recommendations:
 - a. Outdoor seating shall be limited to 16 seats;
 - b. Outdoor seating and other furnishing shall be located on-site and shall not be located in the public right-of-way;
 - c. Umbrellas for outdoor seating shall not contain advertising.
- f. Discussion/Action on a Site Plan Amendment filed by Dirk Debbink & Bert Zenker, MSI General, W215 E Wisconsin Avenue, Nashota, WI 53058, on behalf of Plasti-Coil, Inc., for a building expansion at 901 Geneva Parkway, Tax Key No. ZLGB200010.
- g. Discussion/Action on an Extraterritorial Jurisdiction (ETJ) CSM Lot Combination in the Town of Geneva filed by Todd Cauffman, Lowell Management Services, PO Box 926, Lake Geneva, WI 53147, to combine lots 5, 6, & 7 of the Longwood Subdivision at Longwood Drive south of McDonald Road, Tax Key Nos. JLW00005, JLW00006, JLW00007.

14. Presentation of Accounts

- a. Purchase Orders (none)
- b. Prepaid Bills in the amount of \$29,714.63
(Recommended by Finance, License & Regulation Committee on April 18, 2017)
- c. Regular Bills in the amount of \$210,116.47
(Recommended by Finance, License & Regulation Committee on April 18, 2017)

15. Mayoral Appointments

- **Plan Commission**
 - Appointment of Ted Horne with a term expiring May 1, 2020
 - Reappointment of John Gibb with a term expiring May 1, 2020
- **Board of Park Commissioners**
 - Reappointment of Brian Olsen with a term expiring May 1, 2020
 - Reappointment of David Quickel with a term expiring May 1, 2020
- **Police & Fire Commission**
 - Appointment of Ted Horne with an expiration of May 1, 2022
- **Cemetery Board**
 - Reappointment of Clarence Read with an expiration of May 1, 2019
 - Reappointment of Coryn Commare with an expiration of May 1, 2019
- **Historic Preservation Commission**
 - Reappointment of Ken Etten with an expiration of May 1, 2020
 - Reappointment of Mary Tanner with an expiration of May 1, 2020
- **Library Board**
 - Appointment of Scott Gelzer as a citizen representative, replacing Diane Jones, for a term expiring May 1, 2019
- **Zoning Board of Appeals**
 - Reappointment of Thomas Anthony with an expiration of May 1, 2020
 - Reappointment of Bernie Williams with an expiration of May 1, 2020

- **Avian Committee**
 - Appointment of Coryn Commare with a term expiring May 1, 2018
 - Reappointment of Sarah McConnell with an expiration of May 1, 2019
 - Reappointment of Nikki Scott with an expiration of May 1, 2019

- **Tourism Commission**
 - Appointment of Chris Gelting with a term expiring May 1, 2018
 - Appointment of Charlie Lorenzi with a term expiring May 1, 2018
 - Appointment of Andrew Fritz with a term expiring May 1, 2018
 - Appointment of Tammie Carstensen with a term expiring May 1, 2018

16. Closed Session

- a. 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:

1. Police Chief Rasmussen	5. Sergeant Derrick
2. Lieutenant Gritzner	6. Sergeant Hinzpeter
3. Lieutenant Way	7. Communications Supervisor Froggatt
4. Sergeant Hall	8. Police Administrative Assistant Papenfus

- b. Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding:
 - 1. 2017 Competitive General Obligation Promissory Note

17. Open Session

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

18. Discussion/Action on 2017 General Obligation Promissory Note not to exceed \$3,500,000 General Obligation Promissory Note with Westbury Bank including all requisite documentation to effectuate the borrowing including but not limited to **Resolution 17-R13**, Term Credit Agreement, Exhibit A to the Term Credit Agreement, Certificate Respecting Indebtedness and Receipt of Loan Proceeds, Certificate of Full Equalized Value, the Promissory Note, the Certificate to the Term Credit Agreement, the Arbitrage Certificate, and the Federal Tax Compliance Certificate subject to legal review

19. Discussion/Action on Quarles & Brady LLP Proposal for Bond Counsel Services not to exceed \$7,500 for 2017 Competitive General Obligation Promissory Note with PNC Bank

20. Adjournment

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk's office in advance so the appropriate accommodations can be made.

4/21/2017 11:20pm – Original Posting 4/22/2017 5:48pm – Amended Posting
 cc: Aldermen, Mayor, Administrator, Attorney, Dept. Heads, Media