

**REGULAR CITY COUNCIL MEETING  
MONDAY, MAY 9, 2016 – 7:00 PM  
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Alderman Skates

**Roll Call.** Present: Mayor Kupsik, Aldermen Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell.  
Also Present: City Attorney Draper, City Administrator Oborn, Director of Public Works Winkler and City Clerk Waswo.

**Awards, Presentations, and Proclamations.**

Mayor Kupsik presented and read the Poppy Month Proclamation into the record.

Mayor Kupsik stated our condolences are with the family of Doug Elliott who passed away. He was a long time volunteer of the city and a member of past boards. Alderman Chappell noted he was honored on the mezzanine as the artwork is named the Jay Douglas Elliott collection.

**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 an email from Penny Roehrer on April 14, 2016 requesting her name be considered to fill the District 2 vacancy. On May 2, 2016 the City received a letter and resume from Robert Bormes expressing interest in filling the District 2 vacancy.

**Approval of Minutes.** Hedlund/Skates motion to approve the Regular City Council Meeting minutes of April 25, 2016 and Special Council Meeting minutes of May 2, 2016, as prepared and distributed. Unanimously carried.

**Consent Agenda**

Park Reservation Permit application filed by Justin Biggs for a 30th Birthday Party at Veterans Park using one soccer field on May 14, 2016 from 3:30 pm to 5:30 pm *(Board of Park Commissioners recommended on May 4, 2016)*

Park Reservation Permit application filed by Tracy Krueger for a High School Graduation Party at Cobb Park on May 29, 2016 from 4:00 pm to 9:00 pm *(Board of Park Commissioners recommended on May 4, 2016)*

Park Reservation Permit application filed by Elizabeth Salsgiver on behalf of the Universal Cheerleaders Association to use Seminary Park June 1 - June 4, 2016 from 8:00 am to 9:00 pm for the UCA Midwest Instructional Staff Training *(Board of Park Commissioners recommended on May 4, 2016)*

Park Reservation Permit application filed by Jeffrey Siegal on behalf of the Buffalo Grove High School to use Flat Iron Park June 19 - June 22, 2016 from 9:30 am to 6:00 pm for Cheerleading Practice/Team Building *(Board of Park Commissioners recommended on May 4, 2016)*

Amended Park Reservation Permit application filed by Shawn Olp and Tiffany Stroede to use Library Park on August 7, 2016 from 7:00 am to 4:00 pm for a wedding ceremony *(Originally approved by Council on October 12, 2015. Board of Park Commissioners recommended approval of time amendment on May 4, 2016)*

Park Reservation Permit application filed by Dusti Ocampo on behalf of Never Say Never, Inc. to use Veteran's Park on July 9, 2016 from 12:00pm to 8:00pm for a Family Fun Walk/Run Color-A-Thon including approval of vendors/ food trucks selling food and merchandise and request for waiver of fees *(Board of Park Commissioners recommended on May 4, 2016)*

Street Use Permit application filed by Dusti Ocampo on behalf of Never Say Never, Inc. to use Park Dr., Veteran's Parkway, E. Townline Rd. and Southwind Dr. on July 9, 2016 from 12:00pm to 8:00pm for a Family Fun Walk/Run Color-A-Thon with request for waiver of fees (*Board of Park Commissioners recommended on May 4, 2016*)

Street Use Permit application filed by Badger High School to close a portion of South Wells Street on May 29, 2016 from 12:30pm to 3:30pm for the Badger High School Graduation

Street Use Permit application filed by Jui-Han Solverson on behalf of the Maple Park Homeowners Association for closure of Geneva Street between Madison and Warren Street on June 25, 2016 from 5:00 pm to 9:00pm

Original 2016-2017 Operator's (Bartender) License application filed by Alejandra Hernandez, Alex Martinsen, Traci Millard and Jauney Ranke

Renewal of 2016-2017 Operator's (Bartender) License applications as listed in packet

Gelting/Chappell motion to approve. Unanimously carried.

### **Items removed from the Consent Agenda.**

**Amended Park Reservation Permit application filed by Central Denison/Eastview PTO to use portions of the disc golf course for a My School Color Run on May 14, 2016 from 7:30am to 1:30pm including approval of vendors selling food and merchandise with request to waive fees** (*Approved by Council on April 11, 2016 including an additional \$100.00 fee for use of the concession stand*). Originally there was a request to waive the fees; however the city received a letter from the school stating they will gladly pay all the fees associated with the use of the permit.

Kordus/Skates motion to leave the park reservation permit as it was voted on unchanged at the previous meeting. Unanimously carried.

### **Finance, License and Regulation Committee Recommendations – Alderman Kordus**

**Kordus/Gelting motion to approve the agreement with Bio-Aquatic Services LLC for lakefront and pond treatment to control aquatic weed and algae growth for the 2016 and 2017 season in the amount of \$4,675 plus WDNR permitting fees per year** (*Public Works Committee recommended on March 17, 2016*)

This is a standard process that the city does annually and have used this company for years. It keeps the algae growth down in the beach, ponds and mill creek. Alderman Chappell would like to explore different ways of controlling algae not only in the lakes but in our parks.

Roll Call: Skates, Kordus, Flower, Gelting, Howell voting "yes." Motion carried 5 to 2 with Alderman Chappell voting "no" and Alderman Hedlund "abstaining."

**Kordus/Gelting motion to award of contract to Humphrey's Contracting for the Big Foot Shoreline Repairs in the amount of \$242,834 contingent upon the resolution approval** (*Public Works Committee recommended on April 14, 2016*)

Alderman Kordus stated the discussion during FLR is that the worst parts will be addressed prior to June 30<sup>th</sup>. They have been given till the end of September to complete all the work. Alderman Flower asked how often we do this kind of repair and why 15 contracts pulled bids but only 2 contracts submitted. DPW Winkler said this is the first time we have ever done any bids for the shoreline. Part of it is timing; spring is a busy construction time. One bid was very high as field stone boulders are very expensive. The bid came in slightly above what we estimated. Mr. Oborn has gone through the capital budget to move funding around for this. This is a permanent fix; we are looking 15 – 20 years down the road.

Ms. Flower asked the status of what the DNR had been proposing on that site. Mr. Winkler stated there is no funding for the road reroute. We would like funding from the DNR and DOT but they have not been very forthcoming and the city is stuck with the road. Mr. Winkler noted the road would be closed if we didn't do something with it this year.

Mayor Kupsik asked if the road will hold up until after Labor Day to avoid traffic congestion. Mr. Winkler replied the way he structured the contract, the worst part would be done by June 30<sup>th</sup>. The other remaining areas, and random spots could wait till fall, but this stretch can't.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve award of contract to Breezy Hill Nursery in the amount of \$25,100.50 for the Parkway lawn Restoration as part of the TIF 4 Main Street Widening Project**

This is the addition and reseeded/restoring the strip of grass between sidewalk and roadway. This is the last contract for approval to close the TIF. It was not in front of Public Works but knew it was coming so it was sent directly to council.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve Resolution 16-R26, authorizing the transfer of monies from the Designated Fund Balance-Fire Vehicles account to the Used Ambulance+Equipment account in the amount \$94,231.74 for the purchase of an ambulance and equipment.** They had previously approved up to \$20,000 for an ambulance from Darien that would replace an older ambulance. Other equipment items were part of switching the ambulances, including electric cots to get our fleet up to speed. The \$94,000 has already been designated; this is just allocating it to the line items.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve Resolution 16-R27, authorizing a budget amendment in the Equipment Replacement fund in the amount of \$642,705 for 2016 equipment purchases.** These items were approved at the last council meeting with one exception, an addition of a siren head replacement for \$2,500. They originally did not think there would be any siren repairs, but after further review, it was discussed they need to do that.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve Resolution 16-R28, authorizing a budget amendment in the Capital Project fund in the amount of \$649,625 for 2016 projects.** There was no money allocated in the original borrowing for the Big Foot Beach shoreline for \$250,000. Previously \$150,000 was squeezed out of the Street Improvement Program but since the bid came in higher Mr. Oborn was able to use funds from the Firehouse roof repairs and \$20,000 from Donian Park.

Ms. Flower questioned if it was the 2014-2015 Street Improvement Program. Mr. Oborn stated it is 3 years; however we are spending it all so we will have to look for additional funding for 2017. In order to find money for Big Foot Beach shoreline we recommended removing the \$150,000 in previous discussions. Mayor Kupsik stated a couple years ago we were told the whole Fire Department roof needed to be replaced. Mr. Oborn stated we are hoping the roof is good for 5 years, but at some point we will need a whole reroof.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Discussion/Action on TIF 4 Closing Escrow Agreement and Final 2016 Project Budget**

Kordus/Gelting motion to approve and give City Attorney ability to negotiate the agreement with Chicago Title as needed. Mr. Oborn stated this is putting the remaining funds in the escrow agreement with Chicago Title. He made a list of all the contracts. One change is Alliant Energy was approved at \$630,000 but they billed us at \$650,000. Mr. Kordus noted if there is money left over when the projects are closed out, it is refunded back to the taxing jurisdictions.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Presentation of Accounts – Alderman Kordus**

**Purchase Orders.** None.

**Kordus/Gelting motion to approve Prepaid Bills in the amount of \$21,866.21**

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve Regular Bills in the amount of \$204,745.92**

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Kordus/Gelting motion to approve Treasurer's Reports for March 2016**

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting "yes." Unanimously carried.

**Mayoral Appointments.** Skates/Kordus motion to approve appointment of Ann Esarco to the Board of Park Commissioners expiring May 1, 2019.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

**Closed Session**

**a.** Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) for 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 concerning:

**1.** Riviera Concourse Space “B” Lease

**b.** Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) for 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; and pursuant to Wis. Stat. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (City Attorney Draper)

**1.** Three 2004 Curtis Street Sanitary Sewer Assessments

Kordus/Gelting motion to approve along with including City Attorney Draper, City Administrator Oborn and Director of Public Works Winkler in closed session

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

Council entered into closed session at 7:39 pm.

**Kordus/Chappell 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: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

Council entered into open session at 8:49 pm.

**a.1.** Kordus/Chappell motion to authorize city staff to negotiate with the Leonard’s as discussed in closed session

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

**b.1.** Gelting/Hedlund motion to direct staff to accept the settlement with Basso Builders accepting the principal portion of the assessments and waiving the accrued interest on the assessment for the deferred interest due to a former staff error; on the other two properties on Curtis Street, motion to deny the requested settlement and authorize staff to continue to negotiate an acceptable settlement for the city

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

**Adjournment.** Kordus/Chappell motion to adjourn at 8:51pm. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

**THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL**