

**REGULAR CITY COUNCIL MEETING
MONDAY, MAY 23, 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 Kordus

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

Awards, Presentations, and Proclamations. None.

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.

Ted Harig, 821 Geneva St, spoke in support of item 12.c. regarding the Bed and Breakfast. The recommendation for denial was because it is located by a school. He noted there are currently 3 other bed and breakfast establishments located next to schools. He asked for Council support in allowing a bed and breakfast at that location.

Dee Bark has a Bed and Breakfast in her home and sees no reason the bed and breakfast permit should be denied. Her guests are in their mid-50's and are very quiet.

Maureen Marks, 834 Dodge St, owns T.C. Smith Historic Inn since 1985. Her bed and breakfast is primarily busy on the weekends. The clientele is well educated and pay more than a hotel. She does not know the applicants but spoke in favor of approving the b&b based on the job he has done with the one he runs in Delavan. She would hate to see the building go into disrepair.

Sue Johansen, N4590 Ostrander Road, New London, the bed and breakfast is an establishment close to her heart. She has people that will help manage it to make it the best bed and breakfast in Lake Geneva. She assured the council she is committed to being onsite and will be living there. It's a gorgeous home and she wants to preserve the look and feel of the building to help bring the right clientele.

Penny Rohrer, 951 S. Lake Shore Drive, agrees with what people have spoken about regarding the bed and breakfast. She also spoke on item 13 and would appreciate their vote as District 2 Alderman.

Randy Bangs, 103 E. Washington, Delavan, is the applicant for the bed and breakfast. He did some outreach of the residents in the area. He spoke with 11 individuals and only 2 individuals do not support it. The other 9 were neutral or in favor of it. His plan is to have a 5 room luxury property. His success hinges on appearance and way the property runs. He hopes the council will support his conditional use permit.

Joe Railton, lives next to property at 930 Geneva St and is not in favor of the bed and breakfast. He noted the master plan states the business district stops at Bistro 220. The bed and breakfast would go against the zoning code and against the master plan.

Alderman Howell arrived at 7:15pm.

Acknowledgement of Correspondence. On May 16, 2016 the City received an email and application from Edward Horn expressing interest in the District 2 vacancy.

Approval of Minutes. Kordus/Chappell motion to approve the Regular City Council Meeting minutes of May 9, 2016, as prepared and distributed. Unanimously carried.

Kordus/Chappell motion to suspend the rules and move up item 11.a.

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

Discussion/Action on City Employee Benefits including Health, Dental, and Disability with a Presentation by Cottingham & Butler Representative

Matthew Chadwick from Cottingham & Butler gave a review of the city’s health and welfare program. After some discussion Mayor Kupsik suggested the item go to the Special Council meeting this Thursday listing health, dental and disability as 3 separate agenda items.

Kordus/Chappell motion to continue to Special Council meeting on Thursday, May 26, 2016. Unanimously carried.

Consent Agenda

Public Assembly Permit application filed by Lake Geneva Business Improvement District for Lake Geneva Maxwell Street Days August 26 – August 28, 2016, 8:00am to 7:00pm requesting use of downtown sidewalks for business sales

Public Assembly Permit application filed by Lake Geneva Business Improvement District for Lake Geneva Paint-In June 11 – June 12, 2016, 11:00am to 4:00pm requesting use of downtown sidewalks to place tables, chairs and umbrellas for display and sale of artists drawings and paintings

Original Class “B” Fermented Malt Beverage License & “Class C” Wine License application for Breakfast Bungalow LLC d/b/a Great Eggs, 220 Cook St, Lake Geneva, Emma Setyan, Agent

Renewal Reserve “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Speedo’s Harborside Pub & Grill, 100 Broad St, Lake Geneva, Spyro G. Condos, Agent
- 2) Su Wings Corp d/b/a Su Wings Chinese Restaurant, 743 North St, Lake Geneva, Siu Wing Leung, Agent

Renewal “Class A”/Class “A” Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Prairie State Enterprises of Darien LLC d/b/a Lake Geneva Mobil, 350 N Edwards Blvd, Lake Geneva, Kenneth Kearns, Agent
- 2) Hare Krishna Liquor Inc d/b/a Geneva Liquor, 797 Wells St, Lake Geneva, Dixit Patel, Agent

Renewal “Class A” Liquor License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Lake Geneva School of Cooking LLC d/b/a Lake Geneva School of Cooking, 727 Geneva St, Lake Geneva, John Bogan, Agent

Original 2016-2017 Operator’s (Bartender) License application filed by Tracy Cantu, Ashley Jastrab, Vickie Pham, Clyde Reifsteck, Rebekka Reuter, and Barbara Tonyan

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

Renewal Taxi Company License applications filed by the following:

- 1) N&T Enterprises Inc d/b/a Lakes Area Taxi, 112 S 4th St, Delavan
- 2) Senior Cab Plus LLC d/b/a Senior Cab, W3099 Krueger Rd, Lake Geneva

Original Taxi Driver License application filed by Gordon Perlee III and Cathleen Vahary (approved by Police Chief; informational only)

Renewal of Taxi Driver License applications as listed in packet (approved by Police Chief; informational only)

Kordus/Gelting motion to approve.

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

Items removed from the Consent Agenda.

Park Permit application filed by Angel Rejon on behalf of Liga Latina to use Veteran's Park including the use of the soccer field on Sundays only beginning May 1, 2016 through September 25, 2016 for a soccer league (recommended by the Board of Park Commissioners on May 11, 2016 contingent upon various conditions)

Kordus/Gelting motion to deny permit application as applicant has not been able to obtain the insurance and deposits.

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

Original Class “B” Fermented Malt Beverage License & “Class C” Wine License application for Marsalas Pizza Inc d/b/a Marsala’s Pizza, 820 Williams St, Lake Geneva, Miguel Barcena, Agent

Kordus/Chappell motion to approve contingent upon applicant completing the responsible beverage server training course prior to receiving the license.

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

Finance, License and Regulation Committee Recommendations – Alderman Kordus

Discussion/Action on Sidewalk Café Outdoor Dining Ordinance modifications

Item was referred to council without recommendation from FLR. City Administrator Oborn stated the City Attorney added a slit modification to narrow the ordinance to include the state’s definition of frozen dairy products to include ice cream shops. Alderman Kordus is still opposed to the change. He said every table out there is in violation of the ordinance and felt we cannot enforce the ordinance we have. It was established as a testing ground, but no one is complying with the ordinance. We should enforce the current ordinance as it is rather than expand it.

Alderman Chappell questioned why there isn’t any enforcement. She also noted tables on Wrigley Drive were all over the sidewalk. Mayor Kupsik said it would be to our benefit to define the ordinance that we have to include frozen dairy products. The enforcement is a whole different issue. This would give the building inspector the ability to enforce the ordinance as is and require the distance.

City Attorney Draper noted he used the retail food establishment definition, which is different than a restaurant license. The danger in opening it to retail food establishments that we could be expanding it a lot more than it is. Mr. Draper explained anytime we allow someone to put anything on the city’s right-of-way, we request a permit. This way the city can determine if we need additional insurance to cover that exposure. This permit is to allow the placement of tables and chairs in our public right of way; it’s not about whether they serve to the tables or not.

Alderman Flower is not in favor of the change as the tables would not be served to and may not be maintained as well as restaurant tables.

Gelting/Chappell motion to direct the City Attorney to bring back the modifications as an ordinance.

Alderman Skates noted the council’s objective is not to help people grow their businesses but support their business. This helps protect the city’s liability. Alderman Howell would like to hear from the Police Department or the Building and Zoning Administrator to see if this ordinance is enforceable.

Hedlund/Howell call to question.

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

Kordus/Gelting motion to approve renewal of a 2 year insurance policy with Crum and Foster for storage tank coverage in the amount of \$1,621.22 funded by the General Fund

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

Kordus/Gelting to approve Resolution 16-R29, approving the write off of the Primus annexation 2008 unpaid accounts receivable in the amount of \$631.85

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

Kordus/Gelting motion to Resolution 16-R30, authorizing a budget amendment to adjust the 2016 General Fund Budget by \$37,840.00 to cover the 1st Quarter Fire Protection charge

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

Discussion/Action on City Utility Ordinance changes and corresponding organization issues

This was deferred to council by FLR. Mayor Kupsik stated it would be to our benefit to continue this to the next meeting. Kordus/Skates motion to continue to the next council meeting. Unanimously carried.

Kordus/Gelting motion to approve Shad Branen/WIN Properties, LLC Theater Development Agreement TIF4 Escrow Draw Request No 1 for \$116,022.98

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

Kordus/Gelting motion to approve Humphreys Contracting TIF4 Escrow Draw Request No 1 for \$18,755.50 with additional funding from the General Fund. This went slightly over budget where the city would need to pay the remainder. Now that there is an escrow account any overage has to cover out of another source.

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

Kordus/Gelting motion to approve Tectura Designs - Wausau Tile TIF4 Escrow Final Draw Request No 1 for \$6,542.54. Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

Plan Commission Recommendations – Alderman Skates

Skates/Kordus motion to approve Resolution 16-R31, authorizing the issuance of a Conditional Use Application filed by Milliette Family LP, 493 Wrigley Drive, Lake Geneva, WI 53147, to install an accessory structure (Pier) closer to the lake shore than the primary structure, within Lakeshore Overlay Zoning District located at 493 Wrigley Drive, Lake Geneva, WI 53147, Tax Key No. ZOP 00369 including pier southern extensions be located 12½ feet from the southern riparian border, DNR approval, Findings of Fact and staff recommendations (recommended by the Plan Commission on May 16, 2016). Attorney Draper explained the lake wide ordinance states any new piers installed has to be 12 ½ feet from the property line. The applicant requested the pier about the city’s property line. There is a lot of shallow water there and to get around that he wanted to move it 27 feet to the south, which is not allowed.

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

Skates/Chappell motion to approve Resolution 16-R32, authorizing the issuance of a Conditional Use Application filed by Karlee Mann, W5244 Cty. Rd. ES, Elkhorn, WI 53121, for Lefty’s Too to operate a Commercial Indoor Entertainment facility (Restaurant) at 223 Cook Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00253 including Fire Department requirements, State of Wisconsin Health Department approval, obtaining any required building permits, Findings of Fact and staff recommendations (recommended by the Plan Commission on May 16, 2016). Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “yes.” Unanimously carried.

Skates/Kordus motion to approve Resolution 16-R33, authorizing the issuance of a Conditional Use Application filed by Carolyn Sue Gifford to operate Family Daycare Home (Four to Eight Children) in a Single Family (SR-4) zoning district at 191 W South Street, Lake Geneva, WI 53147, Tax Key No. ZA160800001 including State of Wisconsin Department of Health and Family Services approval, Conditional Use Permit is for applicant only, parking for drop off and pick up is allowed in driveway or on Lake Geneva Blvd. only, Findings of Fact, and staff recommendations (recommended by the Plan Commission on May 16, 2016)

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

Discussion/Action on authorizing the issuance of a Conditional Use Application filed by Steven Johansen for Maple Park Inn, N4590 Ostrander Road, New London, WI to operate a Bed & Breakfast establishment at 920 Geneva Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00235 (recommended for denial including Findings of facts for denial by the Plan Commission on May 16, 2016)

Skates/Hedlund motion to deny. Alderman Skates said that block really came into play, however not reflecting negatively on the applicant. They were not concerned with the distance to the daycare or school. The Plan Commission unanimously

felt they wanted to stop businesses at Cook Street. There was discussion noting other bed and breakfast establishments are past Cook Street and the narrow window of people who would buy the property. As far as neighbors, no one wants thing to happen next to their property, however you can't move in Lake Geneva and shut the door behind you. Alderman Hedlund felt they were being a little restrictive. Mr. Kordus suggested it be referred back to the Plan Commission.

Attorney Draper explained our ordinance states if the council wants to make significant changes, they would have to have another public hearing. In addition, to override the Planning Commission's recommendation, 5 votes would be needed to overturn the decision.

Roll Call: Chappell, Kordus, Flower, Gelting, Hedlund, Howell voting "no." Motion failed 6 to 1 with Alderman Skates voting "yes."

Kordus/Hedlund motion to send back to Plan Commission for a public hearing. Alderman Skates encouraged all aldermen to be at the Plan Commission to hear both sides.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Howell voting "no." Motion failed 6 to 1 with Alderman Hedlund voting "yes."

Kordus/Hedlund motion to hold a public hearing at the next council agenda after it is published.

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

Skates/Kordus motion to approve a Planned Development (PD), Precise Implementation Plan (PIP) submitted by Leslie N Scherrer Pella for PSG, Inc., 448 Falcon Ridge Drive, Suite B, Burlington, WI 53105 for property located at 414 & 416 Baker Street, Tax Key Nos. ZBS 00001 & 00002 including building be professional managed, Findings of Fact, and staff recommendations (recommended by the Plan Commission on May 16, 2016)

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

Skates/Chappell motion to approve a General Development Plan (GDP) Application filed by Lake Geneva 50120, LLC c/o GMX Real Estate Group, LLC, 3000 Dundee Rd, Northbrook, IL 60062 for two new commercial buildings in the Planned Business zoning district at 281 N Edwards Blvd., Tax Key No. ZA297300001 including Findings of Fact, and staff recommendations (recommended by the Plan Commission on May 16, 2016)

It was noted this property is not owned by Walmart.

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

Skates/Kordus motion to approve a General Development Plan (GDP) Application filed by Geneva Lakes Dream Homes c/o Ernie Truchscherer, PO Box 259, Lake Geneva, WI 53147 for three new commercial buildings in the Planned Business Park zoning district at lots #49 – 52 Tax Key Nos. ZLGBP200030 – 200033 including Findings of Fact, and staff recommendations (recommended by the Plan Commission on May 16, 2016)

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

Skates/Chappell motion to approve a Precise Implementation Plan (PIP) Application filed by Geneva Lakes Dream Homes c/o Ernie Truchscherer, PO Box 259, Lake Geneva, WI 53147 for three new commercial buildings in the Planned Business Park zoning district at lots #49 – 52 Tax Key Nos. ZLGBP200030 – 200033 including Findings of Fact, staff comments, bushes to be planted at top of retaining wall (type to be approved by staff), bike path extended to parking lot on Northwest side, U type bike racks installed for ten bikes, retaining wall blocks and garage doors match brick on main buildings, soldier course of brick be added to trash enclosure near top, maximum 20 foot parking lot light poles, and allowing two monument signs with one located on Edwards Blvd. and one located on Veterans Parkway (recommended by the Plan Commission on May 16, 2016)

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

Discussion/Action on process, applications and appointment of District 2 Alderman

At a prior council meeting it was discussed to advertise for the vacancy. At this time the alderman would have to make a decision on who they would like to nominate for the position.

Hedlund/Kordus motion to nominate Edward (Ted) Horne.

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 \$1,698,732.56

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

Kordus/Chappell motion to approve Regular Bills in the amount of \$116,352.86

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

Mayoral Appointments.

Kordus/Chappell motion to approve appointment of Sarah Hill to Plan Commission with a term expiring May 1, 2019

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

Kordus/Skates motion to appointment of Ted Horne to Finance, License and Regulation, Personnel Committee, Geneva Lake Environmental Agency, and Avian (Bird) Committee.

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

Closed Session

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 Police Union Labor Agreement Negotiations

Kordus/Hedlund 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 9:57 pm.

Hedlund/Howell 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 10:58 pm.

Kordus/Gelting motion to authorize city staff to proceed with contract negotiations as discussed in closed session

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

Adjournment. Kordus/Skates motion to adjourn at 10:58pm. Unanimously carried.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL