

**REGULAR CITY COUNCIL MEETING
TUESDAY, MAY 26, 2015 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

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

The Pledge of Allegiance was led by Alderman Howell.

Roll Call. Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell. Also present: City Administrator Jordan, City Attorney Draper, Comptroller Pollitt, City Clerk Waswo.

Awards, Presentations, and Proclamations.

Mayor Connors thanked the Fire, Police and Street Departments for their help with the Memorial Day Parade. He also mentioned this is City Administrator Dennis Jordan's last meeting. There will be an Open House for him on Friday, May 29 from 2:00pm to 5:00pm in the Council Chambers.

Mr. Connors stated the WI Dept. of Transportation will be holding a public involvement meeting on June 11 from 4:00pm to 6:00pm at City Hall to discuss plan for 120 North, which extends into the Town of Lyons. The project is slated for 2019.

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.

Maureen Zagenhorn, 301 E. Townline Road, stated she is an owner at The End of the Line for the last 20 years. She has several concerns over the Basso Building Development. When purchasing her property she was told the area North and East of her was protected wetland. She questioned the zoning being changed to buildable land and wondered where the runoff water will drain. She feared the trees on the property line will be killed, with no barrier between her units and the development. She noted the change in reducing the density of the buildings was not enough and believes there is not enough parking for all the units. She also stated safety concerns regarding the three driveways that cross the bike trail. She stated the city is opening itself up for a huge liability due to these safety issues.

Darien Schaefer, spoke on behalf of the Lake Geneva Chamber of Commerce. He requested the council's support in waiving the pavilion fees for the Concerts in the Park permit application. He also stated the Chamber is hosting a restaurant week where participants will be allowed to vote for a charity to receive a \$5,000 charity check. He encouraged everyone to visit their website at lakegenevarestaurantweek.com.

Tim Dunn, 499 Manning Way, Lake Geneva Highland Subdivision, urged caution on the Basso Development. He was concerned with building on marshy areas and feels the two buildings are too close to the wetlands. He was told they are slab on grade, which indicates the builder knows they are close to the wetlands. If there is another wet year like 2008, there is a danger the marsh would overflow into the subdivision. This could end up being a liability with the owners asking the taxpayers to pay for a remedy for their situation, which has happened before. He is also concerned with the density of the project, stating there is not enough parking. This will lead to parking spilling over to the Lake Geneva Highlands neighborhood. And noted they may be making problems for themselves or future councils.

Terry O'Neill, 954 George Street, spoke regarding the 2014 City Audit. He was concerned with discrepancies between the General Fund Balance and the Interfund Payables. He stated the city will have to use taxes collected this year to cover last year's shortfall.

Presentation was given on the 2014 Financial Audit by David Maccoux, CPA of Schenck SC

Acceptance of 2014 Financial Audit, as presented by Schenck SC

Kordus/Wall motion to approve and accept the Financial Audit.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Acknowledgement of Correspondence. None.

Approval of Minutes

Kordus/Gelting motion to approve Special Council Meeting-TIF Workshop minutes of April 28, 2015, Special Council Meeting-Health Plan Workshop minutes of April 29, 2015, and Regular City Council Meeting minutes of May 11, 2015, as prepared and distributed. Unanimously carried.

Consent Agenda

Park Reservation Permit application filed by Jeffrey Siegal on behalf of Buffalo Grove High School to use Seminary Park from June 14 to June 17, 9:30am to 5:45pm and Flat Iron Park from June 15 to June 17, 1:00pm to 5:45pm for a Cheerleading Camp *(recommended by Board of Park Commissioners on 5/6/2015)*

Beach Use Permit application filed by Clear Water Outdoors to use the Riviera Beach on September 11, 12 and 13 from 6:00am to 6:00pm for the 6th Annual Midwest SUP Masters paddle board races *(recommended by Piers, Harbors and Lakefront Committee on October 23, 2014)*

Park Reservation Permit application filed by the Lake Geneva Chamber of Commerce for Concerts in the Park at the Flat Iron Park Pavilion every Thursday from June 25 through August 27, 2015 (excluding August 20) from 6:00pm to 8:00pm with request for waiver of Pavilion fees *(recommended by Board of Park Commissioners on 5/6/2015)*

Park Reservation Permit application filed by Kyna Wismer for a Wedding on September 12, 2015 at Library Park from 12:00pm to 4:00pm *(recommended by Board of Park Commissioners on 5/6/2015)*

Temporary “Class B” Retailer License application filed by Geneva Lake Arts Foundation for the sale of wine during the Summer Exhibit Opening Reception at 647 W. Main Street, Lake Geneva, on June 5, 2015, from 6:00pm to 8:00pm

Temporary Operator License application filed by Carol Smith on behalf of Geneva Lake Arts Foundation for the Summer Exhibit Opening Reception at 647 W. Main Street, Lake Geneva, on June 5, 2015

Temporary Operator License applications filed by Douglas Bartz, Dave Bergmann, Gregg Christenson, Craig Evans, Stephen Schroeder, Joshua Spiegelhoff, and Ryan Stelzer from the Lake Geneva Jaycees for Venetian Festival

Renewal “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) **Harry’s Café and Place Inc. d/b/a Harry’s Café, 808 Main Street, Lake Geneva, James Chironis, Agent**
- 2) **Hogs & Kisses, Inc. d/b/a Hogs & Kisses, 149 Broad Street, Lake Geneva, Linda Chironis, Agent**
- 3) **Popeye’s Galley & Grog, LTD d/b/a Popeye’s, 811 Wrigley Dr., Michael Anagnos, Agent**
- 4) **Swatek Sales Corp./SS2 Inc. d/b/a The Red Geranium Restaurant, 393 N. Edwards Boulevard, Lake Geneva, Lyle H. Swatek, Agent**
- 5) **Two Thumbs Up, LLC d/b/a Thumbs Up, 260 Broad St., Lake Geneva, Benjamin Barels, 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 Cafe, 100 Broad Street, Lake Geneva, Spyro G. Condos, Agent**
- 2) **Lake Aire Restaurant, 804 Main Street, Lake Geneva, George Argiropoulos, Agent**
- 3) **The Restaurant Tempura House, LLC d/b/a The Tempura House, 306 Center Street, Lake Geneva, Pai Tsung Wang, Agent**

Renewal Class “B” Fermented Malt Beverage & “Class C” Wine 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) **K&B Restaurant Group LLC d/b/a The Original Chicago Pizza Company, 150 Center Street, Lake Geneva, Benjamin W. Wooten, Agent**
- 2) **Mama Ciminis d/b/a Mama Cimino’s Pizza, 131 Wells Street, Lake Geneva, Nick Cimino, 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 B. Kearns, Agent**
- 2) **Stinebrink’s Lake Geneva Foods LLC d/b/a Stinebrink’s Piggly Wiggly, 100 East Geneva Square, Lake Geneva, Mark E. Stinebrink, Agent**
- 3) **Stop-N-Go of Madison, Inc. d/b/a Stop-N-Go #265, 896 Wells Street, Lake Geneva, Andrew Bowman, Agent**
- 4) **Wal-Mart Stores East, LP d/b/a Wal-Mart Supercenter #910, 201 S. Edwards Boulevard, Lake Geneva, Barbara C. Godan, 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**

Renewal of 2015-2016 Operator’s (Bartender) License applications

Renewal Taxi Company License applications filed by the following:

- 1) **N & T Enterprises, Inc., d/b/a Lakes Area Taxi, 112 S. 4th Street, Delavan**
- 2) **Senior Cab Plus LLC d/b/a Senior Cab, W3099 Krueger Road, Lake Geneva**
- 3) **A1 Lake Geneva Limousine & Taxi, 612 Crawford Street, Lake Geneva**

Original Taxi Driver License application filed by David Rock (approved by Police Chief; informational only)

Renewal Taxi Driver License application filed by Larry Rygielski, Sean Gradt, Robert Nei, Goldie Stacey, Richard Skipper, Sr., Vito Gieron, Martin Blackmore, Robert Phelps, Russell Ford, Curtis Sawyer, Brian Koszykowski, John Albert, Nancy Rock, Keith Woods, and Jeff Robbins (approved by Police Chief; informational only)

Renewal Massage Establishment License applications filed by the following:

- 1) **Element Massage Studio, 647 Main Street, Suite 400, Lake Geneva**
- 2) **Lake Geneva Massage Therapy, 905 Marshall Street, Lake Geneva**
- 3) **Jasmine Salon & Spa, LLC, d/b/a Jasmine Salon & Spa, 251 Cook Street, Lake Geneva**
- 4) **Healing Muscle Therapies, 201 Broad Street, Suite 1-D, Lake Geneva**
- 5) **Clear Waters Salon Spa, Inc, d/b/a Clear Waters Salon Spa, 734 Main Street, Lake Geneva**
- 6) **Loosen Up LTD, 201 N. Broad Street, Lake Geneva**

Hill/Kordus motion to approve the consent agenda. Unanimously carried.

Items Removed from the Consent Agenda

Renewal of Brandon Stevens Operator’s (Bartender) License subject to review by City Council as per minutes of April 13, 2015

Kordus/Wall motion to approve the renewal of Brandon Steven’s Operator’s license valid only while employed at Sprecher’s Restaurant and Pub.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Original 2015-2016 Operator's (Bartender) License application filed by Nicole H. Chester, Elizabeth Cooper, Samantha Cunningham, Jacqueline Lawler, Stephanie Akright, Yvette Gray, Kristen Miles, Kelsey Hynning, Christina Sheen, Katelyn Anderson, Beverly Kasten, Kimberly Kasten, Jacob Mason, and Jacob McGuire.

Kupsik/Kordus motion to remove Yvette Gray's name and continue to the June 8th meeting.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Kupsik/Kordus motion to approve all Operator's licenses with the exception of Yvette Gray.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Kupsik

Discussion/Action on renewal of CD in the amount of \$64,168.70 plus interest, maturing on May 28, 2015 from Town Bank

Kupsik/Gelting motion to renew CD in the amount of \$65,000 with People's Bank for a 15 month term at 0.35%.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Resolution 15-R30 adopting the City of Lake Geneva Park and Open Space Plan 2015-2020

Kupsik/Howell motion to approve adoption. City Administrator Jordan stated this was brought to council and approved, however, in order to qualify for grants from the State, the plan must be put in resolution form in an ordinance. Mayor Connors reiterated it is the same plan that was originally approved, however it was not formally adopted to qualify for grants.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

First Reading of Ordinance 15-05, amending Chapter 2, Sec. 2-345 Capital Improvement Referendum for City Capital Expenditures raising the limit to \$1,500,000 with a 2.5% annual increase starting 2016 and including provisions for exempting Capital Expenditures for new utilities, and maintenance, repair or replacement of existing utilities or other infrastructure

First reading only; no action taken.

First Reading of Ordinance 15-06, amending Chapter 46 Nuisances, to include Article III, Abandoned Property and Section 46-10, Disposal of Abandoned Property

First reading only, no action taken.

Discussion/Action on service agreement with Vandewalle and Associates to proceed with TIF #4 amendments

Kupsik/Gelting motion to approve. City Administrator Jordan stated this is informational to proceed with the billing for the amendment for the projects. Alderman Hedlund mentioned that Vandewalle originally did the TIF and the amendments and would like to continue with them. Alderman Hill questioned if the money would come from TIF, which Mr. Jordan confirmed.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Plan Commission Recommendations – Alderman Kupsik

Resolution 15-R26, authorizing the issuance of a Conditional Use Application filed by Great Eggs Lake Geneva, Paul Ochalek agent, N53W34959 Road B, Okauchee, WI 53069, to open an Indoor & Outdoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 220 Cook Street, Tax Key No. ZOP 00243 including Findings of Fact, and subject to Staff recommendations, and Fire Department requirements in letter dated April 29, 2015.

Kupsik/Hill motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Resolution 15-R27, authorizing the issuance of a Conditional Use Application filed by Re-Vive, Samantha Strenger agent, 721 Geneva Street, Lake Geneva, WI 53147, to open an Outdoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 721 Geneva Street, Tax Key No. ZOP 00159 including Findings of Fact, and subject to Staff recommendations, and Fire Department requirements for a rear exit gate.

Kupsik/Kordus motion to approve adding that the sound not be discernible past the lot line.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Resolution 15-R28, authorizing the issuance of a Conditional Use Application filed by Francis Beidler III and Elizabeth Tisdahl, 698 S. Lake Shore Drive, Lake Geneva, WI 53147, to construct an addition (Attached Garage with Second Level Bedrooms) to a Single Family Residence using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at 698 S. Lake Shore Drive, Tax Key No. ZBB 00006 including Findings of Fact, and subject to City staff review and comments.

Kupsik/Gelting motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Resolution 15-R29, authorizing the issuance of a Conditional Use Application filed by Basso Builders, 405 Skyline Drive, Lake Geneva, WI 53147, for a Group Development to construct two (2) six (6) unit and two (2) eight (8) unit Townhome apartments in a Multi-family Residential District (MR-8) at the parcel created from the following Tax Key No’s: ZMEA 00052 and ZYUP 00130C including Findings of Fact, and subject to City staff review and comments, Engineers letter dated May 6, 2015 and Plan Commission requirements to include a speed table at the Manning Way Exit, an entrance only at the West driveway on Skyline Drive, increased refuse and recycling collection pads, and City Staff approval of Bollards or other restrictive devices on the bike trail to prevent vehicles from driving on the bike trail.

Kupsik/Hill motion to approve. Alderman Kupsik stated staff has no objection to this request. He read into the record the staff report stating the development will act as a buffer between the Single Family Development to the North and the Multi-Family Planned Developments to the South West. The developer has worked with Staff to alleviate most of the concerns that were brought up in previous meetings and Staff requirements. The density requirements fall well below the allowable standards within the Multi-family Residential District (MR-8) Zoning District. Therefore, Staff recommends approval of the Group Development with any Plan Commission requirements.

Alderman Kordus stated he is a supporter of personal property rights, being this is a Basso property, he is in favor of the development. Alderman Wall stated he does not have a problem with Basso building it, but a year ago when the zoning was changed, the neighborhood should have been notified of changes to allow them to voice their opinion. He has compassion for the people that live on Manning Way. Alderman Hill noted that they have adopted a 5 month process in order to change the comprehensive plan with multiple options for public input. She feels this is a nice addition to the city as we are short on quality rentals. Ms. Hill is comfortable that both Staff and Plan Commission have worked through all the details.

Alderman Hedlund questioned the traffic on Manning Way and location of the bollards. Mayor Connors stated a speed table (elongated speed bump) was included and that bollards or other restrictive devices will be on the bike trail to prevent vehicles from driving down the trail. Mr. Hedlund stated he is still concerned with the extra traffic on Curtis Street especially since there are no sidewalks on Curtis Street. He noted the plan for the development looks like a perfect addition for what the city needs. Mr. Kordus stated it was his understanding from the original plan that Manning Way was always planned to go all the way through.

Roll Call: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 1 with Alderman Chappell voting “no.”

Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted on behalf of Tri-State Farms, LLC by Margaret G. Lass Gardiner, Trustee of the Clarence Trust, N1208 State Road 120, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area at State Road 120, Lake Geneva, WI 53147.

Kupsik/Hill motion to approve including the corrections as noted by the City Engineer in the drawing.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Presentation of Accounts – Alderman Kupsik

Purchase Orders. None.

Kupsik/Gelting motion to approve Prepaid Bills in the amount of \$6,944.74. Alderman Hill questioned the invoice for cell charges from 2013 for Ron Carstensen and stated she is not in favor of paying that bill. City Administrator Jordan

stated a check was sent to him back in 2013, which has not been cashed. The check has been reissued to clear out the account.

Hill/Chappell motion an amendment to remove the invoice for cell phone charges related to Ron Carstensen from the prepaid bills.

Roll Call: Chappell, Hill, Gelting, Kupsik, Hedlund voted “yes.” Motion carried 5 to 3 with Alderman Wall, Kordus and Howell voting “no.”

Main Motion: Kupsik/Gelting motion to approve the Prepaid Bills with the exception of the Ron Carstensen cell phone invoice from 2013.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Kupsik/Hill motion to approve Regular Bills in the amount of \$138,513.09

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Kupsik/Wall motion to acceptance the Monthly Treasurer’s Report for March 2015

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Mayoral Appointments. None.

Mayor Connors asked City Administrator Jordan if he would like to say a few words. City Administrator Jordan stated it has been a very interesting 14 years and enjoyed working with the council and wished them all the best. He hopes he has left the city in better shape than when he came in. Mr. Connors invited the public to the Open House on Friday, May 29, 2015.

Closed Session

Kupsik/Kordus motion to go into closed session pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for Fire Union negotiations (Administrator Jordan).

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

The Council entered into closed session at 8:35 p.m.

Return to Open Session

Kupsik/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, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

The Council reconvened in open session at 8:40 p.m.

Hill/Kordus motion to instruct City Attorney and the Administrator to negotiate with the Fire Union as discussed in closed session.

Roll Call: Chappell, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 1 with Alderman Wall “abstaining.”

Adjournment

Kordus/Hill motion to adjourn at 8:42 p.m. Unanimously carried.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL