

**REGULAR CITY COUNCIL MEETING  
MONDAY, JUNE 27, 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 Horne

**Roll Call.** Present: Mayor Kupsik, Aldermen Chappell, Skates, Kordus, Flower, Gelting, Horne, Hedlund, Howell. Also Present: City Attorney Draper, City Administrator Oborn 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.** None.

**Acknowledgement of Correspondence.**

The City received a letter on June 24, 2016 from Stephen Pickett with suggestions on how the City can generate revenue.

**Approval of Minutes.** Kordus/Horne motion to approve the Regular City Council Meeting minutes of June 13, 2016, and Special City Council Meeting minutes of June 20, 2016, as prepared and distributed. Unanimously carried.

**Consent Agenda**

**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) Oakfire LLC d/b/a Oakfire Pizzeria & Restaurant, 831 Wrigley Dr, David Scotney, Agent, contingent upon approval of Conditional Use Permit
- 2) Popeyes Galley & Grog LTD d/b/a Popeyes, 811 Wrigley Dr, Michael Anagnos, Agent
- 3) Cove Condominium Association Inc d/b/a The Cove of Lake Geneva, 111 Center St, Patrick McCarthy, Agent
- 4) Geneva Bay Club LLC d/b/a Maxwell Mansion, 421 Baker St, Charles Fritz IV, Agent
- 5) Stone Soup LLC d/b/a Baker House, 327 Wrigley Dr, Charles Fritz IV, Agent
- 6) Chubby Kitty LLC d/b/a Fat Cat’s, 104 Broad St, Mark Basil, Agent
- 7) Two Thumbs Up LLC d/b/a Thumbs Up, 260 Broad St, Benjamin Barels, Agent

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

Renewal Class “B” Fermented Malt Beverage License application filed by Geneva Lakes Hotel Group LLC d/b/a Comfort Suites, 300 E Main St, Sara Remlinger, Agent, 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

**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) Gaur Enterprises Inc d/b/a GT66, 605 Williams St, E. Thomas Kaczmarek, Agent
- 2) Cove Condominium Association d/b/a The Cove of Lake Geneva, 111 Center St, Patrick McCarthy, Agent

Original Class “B” Fermented Malt Beverage & “Class C” Wine License application filed by Geneva Java Coffee Shop d/b/a Geneva Java, 252 Center St, Halvar Petersen, Agent, 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

Original 2016-2017 Operator’s (Bartender) License applications filed by Autumn Mikrut, Anthony Ricci, and Shane Tisa

Renewal of 2016-2017 Operator’s (Bartender) License applications filed by Morgan Foley, Scott Hardwick, Christina Lewis, Calley Sharkus, Kayla Skomski, and Robyn Smith

Renewal Massage Establishment License application filed by The Therapeutic Touch, 601 W Main St contingent upon Police Chief approval

Kordus/Horne motion to approve. It was noted the Massage License application has been approved by the Police Chief. Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Unanimously carried.

**Items removed from the Consent Agenda.**

**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:**

American Legion Post 24, 735 Henry St, Charles Schlehlein, Agent, with premises extension to all fenced or roped in areas between Gardner St and Henry St

Two Thumbs Up LLC d/b/a Thumbs Up, 260 Broad St, Benjamin Barels, Agent

Kordus/Gelting motion to approve the American Legion Post 24, 735 Henry St, Charles Schlehlein, Agent, without the premise extension, and the clerk to contact the Legion to fill out the proper paperwork for the temporary extension of the premises only during the July 30, 2016 car show. Alderman Kordus stated if it is extended once and something happens, the council would have to go through a revocation process for the entire license or they would have to continue to extend it. Since this is a onetime use, there really is no reason to extend it out to the perimeter for the entire season.

Roll Call: Chappell, Kordus, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 0 with Alderman Skates “abstaining.”

Chappell/Gelting motion to approve Two Thumbs Up LLC d/b/a Thumbs Up, 260 Broad St, Benjamin Barels, Agent Alderman Chappell said from the outside it looks like Thumbs Up has issues as the bar is spilling out onto the sidewalk. City Attorney Draper explained the process to deny a license. The Finance, License, and Regulation Committee would make a recommendation to deny the license to Council. Then they have to give Thumbs Up an opportunity to have a hearing. The hearing is a quasi-judicial hearing where there is evidence presented.

Internally Mr. Draper and the Police Chief are aware of some issues. They will be composing a letter explaining things might be getting out of hand and they will be watching them carefully. If it becomes necessary, they will go through the process to revoke the license if it is not brought under control. In all fairness the Police Chief and officers have been in contact with them and the last three weeks have been much better than previously. It was noted there is no restriction that something can be done during the renewal period only. Any citizen can bring a complaint.

Roll Call: Skates, Kordus, Flower, Gelting, Horne, Hedlund, Howell voting “yes.” Motion carried 7 to 1 with Alderman Chappell voting “no.”

**Kordus/Gelting motion to approve Ordinance 16-05, amending the Sidewalk Café ordinance restaurant definition to include retail food establishments whose primary sales are comprised of frozen dairy products**

City Attorney Draper explained the current Sidewalk Café Permit states you must have bollards around the tables, not only just when serving alcohol. Creameries are not serving food to their tables. He suggested a permitting process that

allows for the obstruction of tables on the city right of way, the requirement of insurance, governed by the Department of Public Works and sent to Council for approval. This way the Council can see what sort of sidewalk permits are being applied for and still have control over the public right of ways.

The current draft ordinance seems overly cumbersome. The more Mr. Draper looked into the ordinance, the more flaws he noted. Not only is there the problem with bollards everywhere, businesses will also start making themselves primary dairy product sellers. He would rather have an easier process than make creameries have to put bollards around all their tables if people are just sitting out there.

There was discussion on language for a different type of sidewalk right of way permit for non-restaurant use. The consensus was a permit for tables, open to everyone with council discretion. The application would be made through the Department of Public Works with the Director recommending approval to the council or sending to the Public Works Committee if there were issues. Restaurants would be able to obtain the right of way permit and not have to have bollards as long as they were not serving to their customers outside. Alderman Flower was concerned about opening it up to everyone as we cannot keep the tables and chairs under control that are out there now.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Hedlund, Howell voting “no.” Motion failed 7 to 0 with Alderman Horne “abstaining.”

**Kordus/Hedlund motion to approve Ordinance 16-06, amending the Sidewalk Café ordinance to include a Penalties and Enforcement section.** This allows the city to enforce the ordinance. Mr. Kordus would like to see this incorporated with the new right of way permit as well.

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

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

**Kordus/Horne motion to approve disallowance of claim filed by Denise Reberski for an alleged injury caused by a slip and fall at the Riviera Dock on April 25, 2014, pursuant to Wis. Stat. 893.80(1g)**

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

**Kordus/Horne motion to accept Director of Public Works Resignation/Retirement effective September 16, 2016**

This is a formality accepting Mr. Winkler’s resignation/retirement.

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

**Kordus/Chappell motion to approve planning services from Vandewalle & Associates for proposal of Gateway Overlay Zoning District in the amount of \$2,535 from the Plan Commission Budget.** This procures services from Vandewalle & Associates. There is a possibility the Council may not consider it. Mr. Oborn feels it is a beneficial planning tool to regulate entrances into the city.

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

**Kordus/Gelting motion to approve Hein Electric Supply Co., Inc. TIF4 Escrow Draw Request No 2 for \$31,291.66**

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

**Kordus/Gelting motion to approve Kapur & Associates, Inc. TIF4 Escrow Draw Request No 1 for \$1,435.00**

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

#### **Plan Commission Recommendations – Alderman Skates**

**Skates/Kordus motion to approve a Land Division Review Application filed by Pathfinder Surveying LLC, for Thomas and Diane Murphy, 1806 Clover Rd, Northbrook, IL 60062 to split an existing lot into three parcels at 1325 Park Row with the two new lots fronting High St, current Tax Key No. ZCL 00080 including staff comments and two minor corrections on the Plat of Survey as reviewed by the city engineer (recommended by the Plan Commission on June 20, 2016)**

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

**Skates/Gelting motion to approve a Site Plan Review Application for a parking lot alteration filed by Richard Jachimek, 1109 Geneva St, Lake Geneva, WI 53147 for the property at 314 Sage St, Tax Key No. ZOP 00147 including Staff requirements that three parallel spaces be marked on the South side of the building and signage directing traffic be installed** *(recommended by the Plan Commission on June 20, 2016)*

There were problems with the neighbor next door. This opens up the parking lot to be able to let them get out.

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

**Skates/Gelting motion to approve Resolution 16-R35, authorizing the issuance of a Conditional Use Application filed by Prairie State Enterprises of Darien, LLC dba Lake Geneva Mobil, 350 N Edwards Blvd, Lake Geneva, WI 53147, for the installation of an electronic message center on a freestanding monument sign located at 350 N Edwards Blvd, Tax Key No. ZA261500001 including Findings of Fact, Staff recommendations and sign & electrical permits obtained** *(recommended by the Plan Commission on June 20, 2016)*

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

**Skates/Gelting motion to approve Resolution 16-R36, authorizing the issuance of a Conditional Use Application filed by Patricia and Samantha Strenger, 245 Country Club Dr, Unit 2A, Lake Geneva, WI 53147 to operate a Commercial Indoor Lodging facility at an existing Commercial Apartment in a General Business (GB) zoning district located at 721 Geneva St, Tax Key No. ZOP 00159 including Findings of Fact, Staff recommendations, parking for two vehicles, and no outside storage** *(recommended by the Plan Commission on June 20, 2016)*

This is a longer term rental that is being converted to a weekly rental.

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

**Skates/Kordus motion to approve Resolution 16-R37, authorizing the issuance of a Conditional Use Application filed by Anthony Scalzitti, 608 Fairview Ave, Elmhurst, IL 60123 to operate a Commercial Indoor Lodging facility at an existing Single Family Home in a General Business (GB) zoning district located at 233 S Lake Shore Dr, Tax Key No. ZNB 00003 including Findings of Fact, Staff recommendations, parking for two vehicles, no outside storage and removal of old garage** *(recommended by the Plan Commission on June 20, 2016)*. With these weekly rentals the Plan Commission is asking for hard surface parking. There is also an old garage that will be taken down. Mr. Scalzitti owns the B&B around the curve on Baker Street. They have a good track record with no issues and no negative feedback.

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

**Skates/Kordus motion to approve Resolution 16-R38, authorizing the issuance of a Conditional Use Application filed by Anthony Scalzitti, 608 Fairview Ave, Elmhurst, IL 60123 to operate a Commercial Indoor Lodging facility at an existing Single Family Home in a General Business (GB) zoning district located at 237 S Lake Shore Dr, Tax Key No. ZNB 00004 including Findings of Fact, Staff recommendations, parking for two vehicles, and no outside storage** *(recommended by the Plan Commission on June 20, 2016)*

The applicant is planning on upgrades and getting it looking much better than they do now.

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

**Skates/Kordus motion to approve Resolution 16-R39, authorizing the issuance of a Conditional Use Application filed by Anthony Scalzitti, 608 Fairview Ave, Elmhurst, IL 60123 to operate a Commercial Indoor Lodging facility at an existing Single Family Home in a General Business (GB) zoning district located at 419 Cass St, Tax Key No. ZNB 00002 including Findings of Fact, Staff recommendations, parking for two vehicles, and no outside storage** *(recommended by the Plan Commission on June 20, 2016)*

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

**Skates/Howell motion to approve a Planned Development (PD) Application, General Development Plan (GDP) & Precise Implementation Plan (PIP) filed by Shad Branen, 448 Milwaukee Ave, Burlington, WI 53105 for a Commercial Indoor Entertainment Facility (Movie Theater) and exterior modifications at 244 Broad St, Tax Key Nos. ZOP 00246, 00247, & 00248 including the proposed signage, projection lighting (exposed LED Edison bulbs), marquee color and design, electronic posters, lighting sconces on front of building with additional requirements of the Findings of Fact** *(recommended by the Plan Commission on June 20, 2016)*. This tells the public it’s a movie theater. The owner and general contractor have pretty specific outside cosmetic items that were met with optimism and overall approval. The lights are adjustable LED Edison bulbs. There were concerns with neon lights but the applicant wanted something less intrusive.

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

**Skates/Kordus motion to approve Resolution 16-R40, authorizing the issuance of a Conditional Use Application filed by Peter Jurgens for Oakfire Restaurant, 831 Wrigley Drive, to operate an Outdoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 831 Wrigley Drive, Tax Key No. ZOP 00340 including Findings of Fact, and Staff recommendations (recommended by the Plan Commission on June 20, 2016)**  
This adds tables to the front of the existing restaurant. The tables are on private property and do not fall under the outdoor dining permit.

Roll Call: Chappell, Skates, Kordus, Flower, Gelting, Horne, 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 \$23,563.74**

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

**Kordus/Gelting motion to approve Regular Bills in the amount of \$79,028.28**

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

#### **Mayoral Appointments.**

**Kordus/Skates motion to approve appointment of Maureen Allenstein to the Cemetery Commission with a term expiring May 1, 2018**

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

#### **Closed Session**

**Kordus/Chappell motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Susan Rediger by a board or commission or the investigation of charges against such person and the taking of formal action on any such matter (City Attorney Draper) including the City Administrator and City Clerk in closed session**

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

Council entered into closed session at 8:09 pm.

#### **Open Session**

**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, Horne, Hedlund, Howell voting “yes.” Unanimously carried.

Council entered into open session at 8:23 pm.

Kordus/Chappell motion to uphold the Chief’s recommendation to deny the license for Susan Rediger based on the Police Chief’s recommendation and the fact that Ms. Rediger was not here to present contrary evidence.

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

**Adjournment.** Kordus/Gelting motion to adjourn at 8:23 pm. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

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