

**REGULAR CITY COUNCIL MEETING
MONDAY, JULY 24, 2017 – 6:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was led by Alderman Halverson

Roll Call. Present: Aldermen Chappell, Skates, Kordus, Flower, Halverson, Hedlund, Howell. Arrived late: Ald. Straube. 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.

Bridget Leech, W1336 Maureen Court, spoke on behalf of the Business Improvement District, stating the BID is in favor of creating the Alderman Liaison position. The board asked Ald. Halverson is approved in a non-voting capacity.

Dick Malmin, N1991 South Lake Shore Drive, spoke on item 15.d., representing Ed Yeager who passed away yesterday. He had spoken to Ed and his thoughts were of Lake Geneva. Ed did not feel the sidewalk being combined with the road was a good item. He was a devoted loyal citizen and wanted to leave this world telling Mayor Kupsik how important the city was to him and how important the railroad spot is.

Acknowledgement of Correspondence. (none)

Alderman Straube arrived.

Approval of Minutes. Regular City Council Meeting minutes of July 10, 2017, as prepared and distributed Kordus/Hedlund motion to continue the minutes to the next city council meeting. Unanimously carried.

Presentation of 2016 Financial Audit by David Maccoux, CPA of Schenck SC

David Maccoux presented and explained the 2016 Financial Audit. He noted the city has a very solid financial position entering into 2017.

Acceptance of 2016 Financial Audit and Report, as presented by Schenck SC

Kordus/Flower motion to approve the 2016 Financial Audit and Report.

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

Consent Agenda – Recommended by Finance, License and Regulation on July 18, 2017

- a. Original Taxi Driver License application filed by Robert McAllister *(approved by the Police Chief, informational only)*
- b. Original Taxi Company License application filed by Lakefront Shuttle, W3746 Lakeview Dr., Lake Geneva, contingent upon City Attorney approval of liability insurance requirement
- c. Original 2017-2018 Operator’s (Bartender) License applications as listed in packet
- d. Renewal of 2017-2018 Operator’s (Bartender) License applications as listed in packet

Kordus/Chappell motion to approve.

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

Items removed from the Consent Agenda. None.

Second Reading of Ordinance 17-12, An Ordinance Amending the Joint Uniform Lake Law Ordinance of Geneva Lake. Kordus/Flower motion to approve.

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

Finance, License & Regulation Committee Recommendations from July 18, 2017 – Alderman Kordus

Discussion/Action on Payne & Dolan Main Street Widening Contract Change Order #3 with increase of \$5,330.47 from the TIF4 Escrow Contingency. Kordus/Skates motion to approve. We did anticipate some overruns for the Main Street Project and there was contingency set aside for it.

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

Discussion/Action on TIF4 Escrow Payment Request #3 to Payne & Dolan for the Main Street Widening Project in the amount of \$38,604.19. Kordus/Flower motion to approve. Most of the project is complete. There was money held back for completion of the street lights and landscaping.

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

Discussion/Action on TIF4 Escrow Payment Request #3 to System Design for the Main Street Widening Project in the amount of \$2,897.78. Kordus/Hedlund motion to approve. This is the completion of the irrigation system near the Water Department. There is a significantly greater amount of funds in there so we may look at additional irrigation. As soon as the lights and bases are done, the landscaping will be complete. City Administrator Oborn stated there is \$25,000 left for Breezy Hill landscaping.

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

Discussion/Action on 2017 Street Improvement Program Bid award to Payne & Dolan in an amount not to exceed \$525,942.84. Kordus/Skates motion to approve. This is the Street Improvement Program for the entire City that will be starting in the fall of this year. The 900 block of Main Street will come out for a reconstruct, which will come back to council as a separate line item once bids are received. The resurfacing of Wrigley Drive was pulled out as well. We didn’t want to bring the heavy equipment for the Beach renovations onto Wrigley Drive right after it was resurfaced. This is why the amount is lower than previously approved.

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

Discussion/Recommendation on adding an Alderman Liaison to the Lake Geneva Business Improvement District (BID) (Recommended by BID on July10, 2017)

Kordus/Hedlund motion to approve.

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

Plan Commission Recommendations from July 17, 2017 – Alderman Skates

Discussion/Action on a General Development Plan (GDP) filed by Mark & Jeanne Hathaway, 420 Elmwood Avenue, Lake Geneva, to allow for an existing two story accessory structure alteration at 420 Elmwood Avenue, Tax Key No. ZYUP00067, including finding of fact, staff recommendations, and that the 2nd story area will not be allowed as a sleeping environment or dwelling unit

Skates/Halverson motion to approve. This fell in between the cracks from our past and current building inspector.

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

Discussion/Action on a Precise Implementation Plan (PIP) filed by Mark & Jeanne Hathaway, 420 Elmwood Avenue, Lake Geneva, to allow for an existing two story accessory structure alteration at 420 Elmwood Avenue, Tax Key No. ZYUP00067, including finding of fact and staff recommendations

Skates/Hedlund motion to approve.

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

Discussion/Action on Resolution 17-R50, a Conditional Use Resolution for a Site Plan Amendment filed by Rick Bittner, 259 Skyline Drive, Lake Geneva, on behalf of Next Door Pub, to renovate two existing parking stalls to allow for an additional exterior waiting area at 411 Interchange North, Lake Geneva, Tax Key No. ZYUP00137M, including finding of fact and staff recommendations

Skates/Halverson motion to approve. They need more room to accommodate the area. They have more than enough parking stalls with the leased parking lot in the back.

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

Discussion/Action on an Amendment to a Precise Implementation Plan filed by Eric Drazkowski, Engineer & Tom Schermerhorn, Architect of Excel Engineering, Inc, 100 Camelot Drive, Fond du Lac, WI 54935, on behalf of Brunk Industries, to modify the walk and culvert connection between the existing facilities and new facility along East Sheridan Springs Road at 1225 Sage Street, Lake Geneva, Tax Key No. ZA471200001, including finding of fact, staff recommendations and contingent upon right-of-way agreement with the city, addressing volume and signage on both ends of the sidewalks, indemnity and insurance.

Skates/Kordus motion to approve. This is the sidewalk connection. The sidewalk was installed by Brunk to keep their employees off the road. Brunk reinforced the sidewalk and made it 10 feet wide as they will be using a golf cart type vehicle on that path to avoid going in the road, which was approved by Plan Commission. They are open to sidewalks all the way up Sheridan Springs. If any time we want the sidewalk back, we can get that back. Mr. Oborn stated they are using some of the city's right-of-way as they can't put the sidewalk on their property due to it being wetlands. Ald. Chappell feels the sidewalk needs to be functioning for all city residents to use, not just Brunk.

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

Discussion/Action on a Precise Implementation Plan filed by McMurr II, LLC, 351 W. Hubbard, Suite 610, Chicago, IL 60654, for the continuation of phase I of the Summerhaven of Lake Geneva Condominiums, including finding of fact and staff recommendations: setback exceptions provided for the existing dwelling and the proposed setback reduction to install attached garage to existing house, the pool house and pool installation, reduce unit 209 & 207 duplex to a single family residence, the final road lift installation for phase 1 roadway complete and road installation to a temporary tee turn around for fire department vehicles on the proposed Murray Drive extension, and to include a development agreement amendment to add the 5 years for paving and the cost added to the existing letter of credit. Skates/Kordus motion to approve, contingent upon City Attorney's approval on the amendment to the Development Agreement. Summerhaven has stabilized and is growing. The multiple components were explained. City Attorney Draper said we are amending the Development Agreement to include this as part of the existing bond that is already out there.

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

Discussion/Action on Brunk Industries right-of-way agreement on Sheridan Springs Road

Howell/Halverson motion to approve. This is the second phase of the right-of-way agreement. Mr. Draper explained it's a nonexclusive easement; part of the agreement is they are supposed to provide some sort of designation where equipment will be moving along that sidewalk. They are also putting up signs warning pedestrians there is equipment there. They have to indemnify us and provide insurance in case anything happens. It means they have the right to use the easement but not the exclusive right. They can't get adverse possession. If it becomes a problem we have the right to enforce it. This is a cooperative effort.

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

Update/Discussion/Action on parking rate increase and beach attendance

Parking Manager Mullally gave an update. We are down on the beach, most likely due to weather. We are up on parking. The price change has brought in almost double the revenue. It has changed behavior a little bit. It's been positive and a good change. Mr. Oborn acknowledged last year the beach and parking were record years. If we are getting close to those years, we are still doing strong. Ald. Hedlund feels this is changing the behavior and they are not staying there all day. Ald. Chappell stated she heard some complaints. Ald. Kordus has gotten complaints from employees. It is changing behavior, at least with employees, which is part of what we tried to accomplish.

Mayor Kupsik found it discouraging that the new parking by the Cove is underutilized. Ms. Mullally stated it has been filled on the 4th of July and during the hot summer week, but not so much during the week. Our staff is promoting it.

Update/Discussion on storm damage and flooding

Ald. Kordus attended an emergency management meeting with the state. Walworth County came out rather well versus Kenosha and Racine County. Most of the damage that occurred was infrastructure, roads and bridges. The state is compiling information of the total damage of the 3 county areas that were declared disaster areas. That total package will go up to the federal government, which is how the FEMA aid will be determined. We are still going to hit 8 to 10 million in damages or more. Mr. Oborn acknowledged the flooding damage to city property. The list will probably grow as they continue to find more areas of damage. At the minimum we should get state aid and possibly FEMA aid.

Presentation of Accounts – Alderman Kordus (*Recommended by Finance, License and Regulation on July 18, 2017*)

Purchase Orders (none)

Kordus/Chappell motion to approve the Prepaid Bills in the amount of \$7,930.77

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

Kordus/Skates motion to approve the Regular Bills in the amount of \$129,826.86 (amended from FLR)

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

Mayoral Appointments.

Appointment of John Halverson as Alderman Liaison to the Lake Geneva Business Improvement District

Kordus/Skates motion to approve. This is a yearly appointment and will be added to the annual reorganizational appointments. Ald. Kordus hopes in the future they add this member as a voting member. City Attorney Draper stated we would have to change our ordinance as an appointed city position and they would have to change their bylaws. Ald. Halverson stated being a voting member was discussed, but he recommended not to at this time.

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

Closed Session

- a. Motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Hanna Brewer 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)
- b. 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
 2. Lieutenant Gritzner
 3. Lieutenant Way
 4. Communications Supervisor Froggatt
 5. Police Administrative Assistant Papenfus
 6. City Administrator Blaine Oborn

Kordus/Skates motion to go into closed session and include Hanna Brewer to take part in closed session in item a. only, City Attorney Draper, City Administrator Oborn and City Clerk Waswo

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

Council entered into closed session at 7:18pm.

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, Straube, Halverson, Hedlund, Howell voting “yes.” Unanimously carried.

Council returned to open session at 9:23pm.

a. Kordus/Hedlund motion to grant Hanna Brewer a probationary Bartender/Operator’s license valid only at Champs and expiring June 30, 2018.

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

b. (1.-5.) Kordus/Chappell motion to proceed as discussed in closed session.

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

b.6. Kordus/Chappell motion to refer City Administrator Blaine Oborn to the Personnel Committee for further discussion.

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

Adjournment. Kordus/Skates motion to adjourn at 9:27p.m. Unanimously carried.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL