

**REGULAR CITY COUNCIL MEETING  
MONDAY, AUGUST 14, 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, Straube, Halverson, 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.**

Kent Martzke, 1144 Rolling Lane, Owner of Lake Geneva Boat Line, spoke on amending the pier lease agreement for additional space. The item was proposed to Piers and Harbors for a way to more efficiently run his business during summer. He is in agreement with the monthly increase in the lease and also to pay any applicable construction costs. He will take on any expenses as they arise.

MaryJo Fesenmaier, 1085 South Lakeshore Drive, thanked the Finance Committee for having a thorough discussion on the costs for the pier lease agreement and coming to a resolution. She hopes they reached out to more people and do a survey before taking action on a Trick or Treat date. She noted the Public is welcome during the budget workshops with staff but it's not the time for public comment. She's assuming there will be public comment at the Special FLR meeting on October 10. On the Budget Goals, she hoped they give extreme consideration of a recreation position and not selling our parks.

**Acknowledgement of Correspondence.**

The City received correspondence from Charlene Klein, Zoe Gorecki, Karen Katzan, Ellen Garb, Karen McKinney, James Good, Casey Schiche, Dick Malmin, and Ray Lucivansky opposing the Riviera Beach expansion.

**Approval of Minutes.** Regular City Council Meeting minutes of July 24, 2017, as prepared and distributed Kordus/Skates motion to approve. Unanimously carried.

**Consent Agenda**—*Recommended by Finance, License and Regulation on August 1, 2017*

Any item listed on the consent agenda may be removed at the request of any member of the Council. The request requires no second, is not discussed, and is not voted upon.

- a. Temporary Operator's License applications filed by Ryan Stelzer, Bryan Iwicki, Nathan Love, Michael Hayes, Ryan Smith, Joe Chambers, Gregg Christenson, Douglas Bartz, Eric Akuetteh, and Andrew Collins on behalf of the Lake Geneva Jaycees for the Venetian Festival held on Aug. 16 – Aug. 20, 2017 (*recommended for approval by the Police Chief*)
- b. Temporary Class "B"/Class "B" Retailer's License application for the sale of fermented malt beverages and wine at St. Francis De Sales Church, 148 W Main St, Lake Geneva, for a Fall Festival on Sept. 17, 2017 from 11am to 8pm (*recommended for approval by the Police Chief*)
- c. Temporary Operator License application filed by Carole Nevin on behalf of St. Francis de Sales Church for the Fall Festival on Sept. 17, 2017 (*recommended for approval by the Police Chief*)
- d. Original 2017-2018 Operator's (Bartender) License applications as listed in packet
- e. Renewal of 2017-2018 Operator's (Bartender) License application filed by Tiffany Taylor

Chappell/Kordus motion to approve.

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

**Items removed from the Consent Agenda.** (none)

## **Finance, License & Regulation Committee Recommendations from Aug 1, 2017 – Ald. Kordus**

**Discussion/Action on Kehoe-Henry & Associates July 17, 2017 invoice for \$16,940.99 and authorizing payment of overage of \$13,150.00 above the Riviera Building Improvements Condition Assessment Agreement from Lakefront Fund.** Kordus/Hedlund motion to approve. At the time of contract they did not have a fixed dollar amount and we agreed to pay any overages.

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

**Discussion/Action on Amending Pier Lease Agreement with Lake Geneva Boat Line, Inc. to include additional parking on Riviera Drive with corresponding rent increase for additional space at \$100 per month with applicant to pay \$1,800 construction costs.** Kordus/Skates motion to approve. This was discussed at Piers and Harbors, Public Works and FLR. As Mr. Martzke stated in public comments, he has agreed to pay the additional costs.

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

**Discussion/Action on Park System - Memorial and Donation Application filed by Andrew Taylor for the donation of a park bench with plaque in the amount of \$2,890.** Kordus/Hedlund motion to approve.

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

### **Discussion/Action on 2018 Budget Process Schedule**

Kordus/Flower motion to approve. The Council Chambers is not available on Wednesday, Sept. 27 so we would like to move all the meetings to Thursday, Sept. 28 and make it an all day session.

Kordus/Flower motion to approve with an amendment to move Sept. 27 meetings to Sept. 28. Ald. Kordus stated we may allow 2 or 3 minutes of public comments before each meeting as long as they pertain to those specific items.

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

### **Discussion/Action on 2018 Budget Goals**

Kordus/Skates motion to approve. Ald. Kordus stated as part of those goals there is going to be discussion at FLR tomorrow about fee waivers and in-kind contributions for events. Ald. Flower suggested another possible goal of getting a better handle on the clerk duties and potential for an upgraded website or mobile app.

Flower/Chappell motion an amendment to include website and/or mobile app upgrades.

Ms. Flower explained this also ties to the Rec. Director position. There may be a need for a website and/or mobile app for that position as it applies to the Clerk’s duties and event applications. If there is a cost associated for it in the next year, we should have a line item associated with that. Ald. Skates felt it was already included as part of budget goal 19. Ald. Flower said we need to increase staffing or do it electronically. The consensus the item should be a budget line item rather than a goal. Roll Call on Amendment: Chappell, Skates, Flower, Straube voting “yes.” Motion failed 4 to 5 with Ald. Kordus, Halverson, Hedlund, Howell and Mayor Kupsik voting “no.”

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

### **Discussion/Action on establishing “Trick or Treat” hours for the City of Lake Geneva**

Skates/Kordus motion to approve Trick or Treat hours for October 31, 2017 from 5:00pm to 7:00pm. Ald. Howell was opposed as parents do not have enough time to eat dinner and get the kids dressed for trick or treating on a weeknight. He would like it on Sunday afternoon as in the past years. Ald. Chappell requested a time change of 5:00pm to 8:00pm. Ald. Flower explained part of the reason they decided to switch was due to people from out of the area coming to our neighborhood. We ended up handing a lot of candy out to people that were not local.

Ald. Skates did a ride along with Officer Spatz last year noting the heavy neighborhoods were out in our district between the high school and Burger King, as well as Maple Park. In the past they saw a lot of Illinois tags, but it was nobody they knew. He received 5 complaints last year where the 4:00pm time did not work as the last bus was at 4:15pm. By having it on the weeknight, it limits the number of cars in the neighborhoods. The downtown businesses really like it as they get to focus on locals. Local people felt they could go downtown and take part in the festivities. This is an opportunity to give back to our residents. It is harder to get reserve officers on the weekend; whereas it’s a lot easier on Monday, Tuesday, or

Wednesday. He felt that more neighbors participated and were fine with the 2 hours. When he did research last year, the only people that didn't have trick or treating on Halloween was us and the Town of Delavan. Mayor Kupsik did not have any negative feedback and noted there definitely was a police preference.

Ald. Hedlund replied the Police Chief has no preference so I was give deference to what the Police Chief stated versus another Alderman's research. As far as the hours, we have a hard time getting Alderman here for a committee meeting at 5pm. A lot of people don't get home until 5 or 5:30pm. It kills a lot of the spirit of Halloween. In a lot of neighborhoods, they use it as a neighborhood get together time, where 4 or 5 families walk down the street and participate in it as a group. Mr. Hedlund personally enjoys toddlers and pre-schoolers trick or treating but it's hard for them to stay up past 7 or 8 at night. He's lived here for 32 years and it's always worked well. Why should it be changed just because people are afraid that somebody from outside Lake Geneva might come in and take some candy. If you don't want to participate, don't buy candy, turn the lights out, don't answer the door.

Chappell/Kordus motion an amendment to extend the hours to 8:00pm.

Having the time at 7 or 8 did not make a difference to Ald. Kordus. He's more of a traditionalist and enjoyed having it on Halloween night. Last year he had 2 kids knock on his door after 7pm, most came between 6pm and 7pm.

Roll Call on Amendment: Ald. Chappell, Skates, Kordus, Straube, and Mayor Kupsik voting "yes." Motion carried 5 to 4 with Ald. Flower, Halverson, Hedlund, Howell voting "no."

Main Motion including amendment: Skates/Kordus motion to approve Trick or Treat hours for October 31, 2017 from 5:00pm to 8:00pm. Roll Call: Ald. Chappell, Skates, Kordus, Straube, and Mayor Kupsik voting "yes." Motion carried 5 to 4 with Ald. Flower, Halverson, Hedlund, Howell voting "no."

**Discussion/Action on Outside Dining, including Sidewalk Café and Creamery Permits (*requested by Alderman Chappell and Hedlund*).** Ald. Chappell thanked the Public Works Dept for marking in a stylish way with the little white dots. She is concerned with outside seating with a couple of businesses. They are over stepping what she felt was the nature/reasoning behind what we wanted to do with outside seating. What has happened, especially on the lakefront, is they have overtaken the sidewalks. It certainly helped with Public Works marking, but one of the businesses has the POS systems, large fans, ice machine, a soda machine, all to-go items, silverware, and garbage cans on the sidewalk. They are keeping it neat and tidy, but in effect are doing business on the street. They are violating the clause that states items have to be taken in at the end of the night; instead they have an entire restaurant set up on the sidewalk.

The dining is an exception to conducting business on the sidewalks, but Ms. Chappell doesn't feel it lines up with our ordinances. It seems double sided. She presented a picture showing a bollard that includes signage which is also against the ordinance. This needs to be reined in with a sensible amount of tables. She suggested more conditional use permits. She is asking for enforcement and looking to curtail the use of the sidewalk from these instances right now. They are not adhering to the permit which states no signage and they have to take their items in at night.

Mayor Kupsik explained some of the items may be on the restaurants property, not on the city's property. In that case, they are not required to take it in. Some of the businesses along the lakefront do have limited private property that does not necessarily belong to the city. The signage would be an enforcement issue that the Building Department would address. Ald. Halverson feels we should talk about this in more detail at a committee and bringing tables in at night is no longer practical and should be reconsidered.

Ald. Flower noted there is a problem trying to walk between the tables. She would like the enforcement addressed and streamlined. The department who approves the plan and enforces the plans should fall on the same line. Mayor Kupsik read the ordinance which states the code enforcement officer or Building Inspector should have the authority to enforce the provisions of this ordinance. Ald. Flower replied the problem is that they don't work on the weekends and there is an agreement between staff to not enforce it in that way.

The ordinance also states that all tables, chairs and bollards must be properly secured during closing hours. City Attorney Draper explained they had to remove the tables in the original ordinance. They came in a year later and asked us to change it so they didn't have to bring the tables in and out all the time. We granted them that right. Some people still take them in and out by choice.

Ald. Chappell made a motion to amend the ordinance to restrict outside dining to one side of the sidewalk while keeping a 5 foot easement. Motion fails for lack of second. Ald. Flower made a motion to take this to the Finance, License and Regulation Committee. Motion fails for lack of second. Ald. Kordus feels this is more of an enforcement issue. He asked Ald. Flower and Chappell to provide him some specifics and he will put it on the FLR agenda for discussion. This was implemented as an experiment; they knew they were going to make some tweaks.

**Presentation of Accounts – Alderman Kordus** (*Recommended by Finance, License and Regulation on Aug 1, 2017*)

**Purchase Orders (none)**

**Kordus/Skates motion to approve the Prepaid Bills in the amount of \$20,970.75**

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

**Kordus/Chappell motion to approve the Regular Bills in the amount of \$150,223.00**

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

**Kordus/Skates motion to approve the Treasurer’s Report for June 2017**

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

**Mayoral Appointments.** (none)

**Closed Session**

- a. 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. Administrative Assistant Papenfus
  6. Assistant City Clerk Candidate
- b. Motion to go into Closed Session pursuant to Wisconsin Statutes 19.85 (1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session for negotiations with the YMCA

Kordus/Halverson motion to go into closed session.

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

Council entered into closed session at 7:07pm

**Open Session: Kordus/Hedlund 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 8:07pm.

**a. (1.-6.)** Kordus/Hedlund motion to proceed as discussed in closed session.

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

**b.** Kordus/Hedlund motion to authorize Mayor Kupsik and City Administrator Oborn to discuss the closed session findings with the YMCA.

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

**Adjournment.** Kordus/Hedlund motion to adjourn at 8:09pm. Unanimously carried.

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/s/ Sabrina Waswo, City Clerk

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