

**REGULAR CITY COUNCIL MEETING  
MONDAY, NOVEMBER 23, 2015 – 7:00 PM  
COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:12 p.m.

The Pledge of Allegiance was led by Alderman Chappell.

**Roll Call.** Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell. Absent: Alderman Hill. Also Present: City Attorney Draper, City Administrator Oborn, Comptroller Pollitt 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.**

Terry O’Neill, 954 George Street, spoke regarding Resolution 15-R55. He felt funds were double dipped with regard to the TIF.

Dick Malmin, N1991 S. Lake Shore Drive, questioned the motivation for Pollard running an ad for Symphony Bay citing specific amenities.

Mary Jo Fesenmaier, 955 George Street, commented on the closure of TID #4, stating escrowing remaining money for projects has to have a signed contract. She assumed item r would be continued as there are new projects the joint review board needs to approve. She questioned the credit card issuance process to City staff. She did not feel any should be issued to the BID for the time being.

**Acknowledgement of Correspondence.** City Clerk Waswo stated the City received a letter from Birdell Brellenthin on November 13, 2015 submitting his resignation from the Lake Geneva Utility Commission effective immediately.

**Approval of Minutes.** Wall/Gelting motion to approve the Regular City Council Meeting minutes of November 9, 2015 and Special City Council minutes of November 16, 2015, as prepared and distributed. Motion carried 7 to 0.

**Consent Agenda**

**Original 2015-2016 Operator’s (Bartender) License application filed by Megan Melonas**

**Original 2015-2016 Class “B” Fermented Malt Beverage License application filed by Board and Brush LLC d/b/a Board and Brush Lake Geneva, 252 Center Street, Lake Geneva, Julie Selby, Agent**

Gelting/Kordus motion to approve. Motion carried 7 to 0.

**Items removed from the Consent Agenda.** None.

**Finance, License and Regulation Committee Recommendations – Alderman Kupsik**

**First reading of Ordinance 15-15 adding a stop sign on Lake View Drive at the first intersection with Orchard Lane**

**Kupsik/Howell motion to approve Resolution 15-R56, a resolution approving the 2015 tax levy for the City of Lake Geneva.** Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Kupsik/Kordus motion to approve Resolution 15-R54, a resolution updating the schedule of fees to reflect increase in dog license fees.** City Administrator Oborn explained the City must pay a portion of the fee to the County. As the County's fee increased, the City's remained flat, receiving nothing for administrative costs. He recommended raising only the unaltered dog fee from \$24 to \$25.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Howell motion to approve utilizing center area of Veteran's Park for adaptive playground equipment** (*recommended Nov. 4, 2015 by Board of Park Commissioners*). Alderman Chappell was in favor of this proposal. It is not only ADA accessible; but allows for individuals to use the playground equipment while still in a wheelchair.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Kordus motion to approve Resolution 15-R57, a resolution establishing a designated fund balance account and transferring \$15,000 of park funds set aside for adaptive playground equipment** (*recommended Nov. 4, 2015 by Board of Park Commissioners*)

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Gelting motion to approve the Business Improvement District (BID) Operating Plan, budget and map**

City Administrator Oborn stated this fully complies with state statute.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Wall motion to approve the request from Lake Geneva BID to use the Riviera Grounds (Richard Dreihaus Plaza) and downstairs of the Riviera building during the Festival of Lights ceremony**

Mayor Connors noted the Festival of Lights is Friday, December 4<sup>th</sup> from 5:00pm to 6:00pm at the Riviera.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Gelting motion to approve limited issuance of credit cards to City Administrator, City Clerk, Assistant Public Works Director and BID Events Coordinator.** City Administrator Oborn stated the 3 predecessors to these three City positions had credit cards. The Comptroller is looking at a P-Card system where the City will receive money back. The City does the accounting for the BID and retains the financing and funding so the controls are in place. It is also subject to approval of the BID Board as well. It would be limited to \$2,000, all statements will go straight to the Comptroller, and the individual will provide receipts.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Discussion/Action on correction of retirement benefits for Ralph Braden with corresponding loan**

This was sent to Council without recommendation from FLR. City Attorney Draper stated it is an interest free promissory note and if something happens to Mr. Braden it becomes a claim against the state. Alderman Kordus questioned the timeframe. Mr. Oborn stated the sooner the better as Mr. Braden had already requested a postponement from the WRS. Mr. Oborn is unsure if it can be continued to December 14.

Wall/Kordus motion to approve with City Attorney drafting a promissory note with agreement of the promissory note. Alderman Howell is not comfortable setting precedent for the City to loan money to individuals. Mr. Kupsik agrees. Alderman Kordus said he agrees as well; while he is not comfortable with this, as it was a City error he feels it is something they need to do to set this right. This is not a common occurrence. Alderman Hedlund said he does not think the City is totally responsible. The City would not be setting a precedent as it comes to the Council and they can certainly say no. He feels we owe it to the retired Officer to take care of this.

Alderman Gelting commented the City is proposing a consumer loan and feels an unsecured loan can be risky. They have to presume he has the ability to repay but do not know his liabilities or income and expenses. A no collateral loan can be wiped out with another type of legal action. The City would not be covered in that instance.

Roll Call: Aldermen Wall, Kordus, Kupsik, Hedlund voting "yes." Motion carried 4 to 3 with Alderman Chappell, Gelting and Howell voting "no."

**Kordus/Gelting motion to continue health benefits plan design modification including changing from a self-insured plan to a fully-insured plan.** Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Discussion/Action on HVAC maintenance agreement for City Hall/Police Department, Museum, and Firehouse**  
Kupsik/Howell motion to approve the contract to Mared Mechanical in the amount \$5,475. Mr. Kupsik explained the couple of low bidders did not seem to be qualified. He felt comfortable with Mared Mechanical. Alderman Wall stated Peck and Weis had the low bid. He feels whenever possible the City should use local vendors and is opposed to Mared Mechanical getting the bid. Mr. Kordus replied there is a lot of HVAC equipment in this building, and it is a complicated system. He suggested just because they are the low bid on the maintenance side does not necessarily make it the best bid. Mayor Connors stated the equipment in this building has multiple systems, and is more commercial than residential. Mr. Kupsik does not feel it is a good idea to bring in contractors that are not familiar with the equipment.

Roll Call: Aldermen Chappell, Kordus, Kupsik, Howell voting “yes.” Motion carried 4 to 3 with Aldermen Wall and Gelting voting “no” and Alderman Hedlund abstaining.

**Kupsik/Kordus motion to approve EMS medical billing contract (recommended by Police & Fire Commission 11/5/2015).** City Attorney Draper worked closely on the contract and has already reviewed it. Mr. Oborn noted they will continue with our own collection company and added credit cards. The EMS billing company allowed us to modify the contract to benefit the City.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Kupsik/Gelting motion to approve the shared services agreement with the Town of Geneva for fire protection and emergency services for the term of January 1, 2016 to December 31, 2017 (recommended by Police & Fire Commission 11/5/2015).** City Attorney Draper reviewed the contract and noted it is not much different than prior years. Mr. Hedlund suggested being more aggressive with future rate increases.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Kupsik/Gelting motion to approve Luke maintenance and support contract (recommended by Parking Commission 11/18/15).** Parking Manager Mullally did a serious evaluation of the options. If the City opted out of annual updates, they would have to pay it back when they do update the system. Ms. Mullally has been minimizing the work by doing as much in-house to lower costs. Ms. Chappell asked if this is the full contract or has it been cut down. Mr. Oborn said it has been pared down over the years. Ms. Chappell added there was discussion about not needing it which is probably not realistic. Mayor Connors said probably not.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Kupsik/Gelting on limiting residential parking stickers to 4 per residence with a fee of \$25.00 for each additional sticker over 4 and adding to the fee schedule. (recommended by Parking Commission 11/18/15)**

Ms. Chappell questioned where this came from. Mr. Oborn stated it was discussed as part of the budget process. There are around 84 residences that are over 4 vehicles. The \$25 fee is the same that is charged for business stickers. Mayor Connors stated we have about 5½ active stickers for every parking stall.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Kupsik/Wall motion to approve Geneva Lake Use Committee Bylaws**

Mayor Connors stated the four municipalities around the lake revived the bylaws through a series of inter-governmental meetings. This is clarification to address the uniform lake laws.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Discussion on proposed closure of TID 4 by May 2016 with escrow for remaining projects**

This was sent to Council without recommendation from FLR. Mr. Oborn explained the audit and proposed plans. The City should escrow as much as they can and close the TIF off in May. Mayor Connors clarified this is for discussion stating the City’s intent as each item would still need to come back to Council for a vote. Mr. Kordus is in favor of

moving forward with these projects. Ms. Chappell said she has been a proponent to keeping it open but thinks it is a good direction to have the intention to close.

Mr. Wall questioned how many trees are going to be planted based on the amount listed. Mayor Connors stated we lost trees from the Cove and through the White River/Dunn Field area due to the tornado. Trees are not covered by insurance.

City Attorney Draper stated all these are in line with the whole intention of the TID. There is a provision in the TID that states you can redistribute project costs within the total budget estimate. It won't require any type of amendment, which is stated in the original TID agreement. It would be good to know the intention is working with our joint review partners. Ms. Chappell noted we are working diligently to get these contracts. Mr. Kupsik stated we have a little over 5 months. Mayor Connors commented the list is what they working with in May and staff looked at existing open line items.

**Resolution 15-R55, a budget resolution appropriating the funding of Tax Incremental District No. 4 (TID 4) remaining proposed projects; and proposed distribution of an advance of surplus funds to taxing jurisdictions**

This was sent to Council without recommendation by FLR. Mayor Connors explained this is just a budget that allows us to do each one of these projects. Any action will be brought individually by project before Council.

Kordus/Wall motion to approve including each item to come back for individual consideration.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Plan Commission Recommendations – Alderman Kupsik**

**Kupsik/Kordus motion to approve Resolution 15-R52, authorizing the issuance of a Conditional Use Application for Indoor Commercial Entertainment submitted by Julie Selby for Board & Brush, 800 Blue Spruce Circle, Hartland, WI 53029, for tenant space at 252 Center Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00258 including staff comments and finding of fact**

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Kordus motion to approve Resolution 15-R53, authorizing the issuance of a Conditional Use Application for a Physical Activity Studio (Yoga Studio) submitted by Samantha Strenger, 721 Geneva Street, Lake Geneva, WI 53147 for an upper level space at Good Vibes, at 234 Broad Street, Lake Geneva, WI 53147, Tax Key No. ZOP 00257 including staff comments and finding of fact.**

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Gelting motion to approve a Site Plan Amendment filed by Basso Builders, 405 Skyline Drive, for property at the corner of Skyline Drive and Curtis Street, Lake Geneva, WI 53147, Tax Key No. ZA459300001 including Staff Comments, two Spruce trees planted to west of pool, a walkway installed between buildings 2&3, and developer to work with staff on an attractive fence to be installed around the pool.**

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting "yes." Motion carried 7 to 0.

**Kupsik/Wall motion to approve a Preliminary Plat filed by Kapur & Associates, Inc. for Symphony Bay, for property located South of Townline Road, North of Bloomfield Road and East of Edwards Blvd. Lake Geneva, WI 53147, formally known as Southland Farms Subdivision, Tax Key No's to be assigned including Staff Comments, an independent engineer to review engineering and traffic study, and walking path to be extended to Bloomfield Road on Southeast corner of property.** Alderman Kupsik questioned why they need an independent engineering review. He noted it does not make sense to require another engineer to review something that Kapur will be reviewing and ultimately making the final decision on. It seems like a moot area to involve another engineer. City Attorney Draper replied it's a recommendation from Planning and Zoning and Council has the ultimate decision. Mr. Kordus noted Kapur did disclose this during the bidding process. Mr. Draper does not have a problem with the traffic study as there are only a few firms that actually do traffic studies. Mayor Connors said the water and sewer would be

designed by the City Engineer regardless. He noted the traffic study was done by another firm. Mr. Kupsik agreed that would eliminate the traffic study. It would just provide engineering review for grading and elevation.

Kordus/Kupsik motion an amendment to exclude the traffic study and the sewer and water. Motion carried 7 to 0.

Roll Call on Main Motion with Amendment: Aldermen Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 6 to 1 with Alderman Chappell voting “no.”

**Kupsik/Gelting motion to approve the 2016 Summer Season Lifeguard Services Contract with the Geneva Lake Water Safety Patrol** (*postponed from the October 26, 2015 Council meeting*)

Gelting/Wall motion an amendment to include changes to the 65 degrees in the revised contract. Motion carried 7 to 0.

Roll Call on Main Motion with Amendment: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Discussion/Action on contacting WI Department of Transportation for consideration of a “Park and Ride”** (*recommended by Parking Commission 11/18/15*). City Administrator Oborn stated this went to the Parking Commission and they wanted to focus on the concept of supporting the DOT considering a potential park and ride rather than focusing on a particular area. There are a lot of benefits of having a park and ride. It could be used for commuters as well as a permanent spot for the downtown shuttle. Home Depot lets the City use their parking lot, but it would be nice to have a city owned permanent area. Mr. Kordus said it would be advantageous to the City and knows people that park in the Home Depot lot and use it as a commuter lot.

Kordus/Chappell motion to authorize and instruct staff to discuss a Park and Ride with the WIDOT.

Roll Call: Aldermen Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voting “yes.” Motion carried 7 to 0.

**Presentation of Accounts – Alderman Kupsik**

Purchase Orders. None.

Kupsik/Wall motion to approve Prepaid Bills in the amount of \$4,634.20.

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 0.

Kupsik/Kordus motion to approve Regular Bills in the amount of \$150,251.74.

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 0.

**Mayoral Appointments.**

Wall/Kordus motion to approve appointment of Business Improvement District Board of Directors:

- Michael Kocourek, Roger Wolff, and Andrew Fritz for a term expiring January 1, 2017
- Kevin Fleming, Sean Payne, Steve Monticello, and Tammie Carstensen for a term expiring January 1, 2018

Motion carried 7 to 0.

**Closed Session**

Kordus/Kupsik motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) for purposes of conducting other specified public business, whenever competitive bargaining reasons require a closed session concerning Police Union and Fire Union Negotiations (City Administrator Oborn).

Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 0.

The Council entered into closed session at 8:52 p.m.

**Return to 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, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 0.

The Council reconvened in open session at 9:40 p.m.

**Closed Session**

Kordus/Gelting motion to instruct staff to proceed as discussed in closed session on negotiations with police and fire unions. Roll Call: Chappell, Wall, Kordus, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 0.

**Adjournment**

Kordus/Gelting motion to adjourn at 9:41 p.m. Motion carried 7 to 0.

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/s/ Sabrina Waswo, City Clerk

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