

FINANCE, LICENSE & REGULATION COMMITTEE

MONDAY, FEBRUARY 27, 2012 - 6:00PM

COUNCIL CHAMBERS, CITY HALL

Chairman Krause called the meeting to order at 6:04 p.m.

Roll Call. Present: Aldermen Krohn, O'Neill, Hartz, Marsala, and Krause. Also Present: Comptroller Pollitt, Administrator Jordan, DPW Winkler, and City Clerk Hawes.

Approval of Minutes

Marsala/Hartz motion to approve Finance, License and Regulation Committee regular meeting minutes of February 13, 2012 as distributed. Unanimously carried.

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 be limited to 5 minutes.

Penny Roehrer, 951 South Lakeshore Drive #1, Lake Geneva, addressed the Committee to discuss item #12 relating to the settlement for attorney fees. She said she was hoping this matter wouldn't be on the agenda because it is an insurance matter and the City shouldn't be involved. She disapproved of the original appeal being included in the meeting's agenda packet because it made it look like the four aldermen were seeking \$400,000 in legal fees. She said the purpose of their lawsuit against the City was to recover \$90,000 in legal fees. She gave a recap of the events leading up to the claim for attorney fees. Ms. Roehrer said the Council has an opportunity to make the four aldermen whole. She suggested it would make a statement about protecting all current and future elected officials from being vulnerable to paying out-of-pocket legal expenses of doing the jobs they were elected to do. Ms. Roehrer said she is grateful for two conflict-free years with the new mayor.

Richard Malmin, N1991 S. Lakeshore Drive, Town of Linn, addressed the Committee in regard to item #12. Mr. Malmin asserted it is important for members of the public to be able to participate in government without fearing that their personal finances and reputation will be at risk. He said tonight the Council has an opportunity to send the message that Lake Geneva is a fair-minded City by agreeing to assist with the aldermen's attorney fees.

Richard Peterson, 300 S. Edwards Boulevard #57, Lake Geneva, addressed the Committee in regard to items #8-11. He asked that the Committee describe the process of how bids are approved.

RESOLUTIONS

Resolution 11-R11, a budget amendment allowing for a carry-forward of the capital project budget balances totaling \$505,290.00

Comptroller Pollitt said the carry-forward list includes unspent funds for capital projects approved in 2011. She said the list has been revised to a total of \$480,325. The EM narrow band sirens was removed from the list because this item was paid for in 2011.

Hartz/Marsala motion to forward to Council for approval, in the amount of \$480,325.00. Unanimously carried.

ORDINANCES

First reading of Ordinance 12-05, amending Chapter 78, Utilities, of the Lake Geneva Municipal Code, to establish Regulation of Water Softeners in New Construction (Administrator Jordan)

DPW Winkler said he originally requested this ordinance in 2002 but it fell through cracks. He said the ordinance would prohibit the installation of timer-generated water softeners in new construction. Mr. Winkler said the ordinance would require water softeners that regenerate on an as-needed basis, which waste less salt and are more efficient. He noted the

Utility Commission has a \$100 rebate for residents who install this type of water softener. First reading only; no action taken.

LICENSES & PERMITS

Taxi Company License Application filed by Lakefront Shuttle & Services, W3746 Lake View Drive, Geneva (continued 2/13/12)

Marsla/Hartz motion to forward to Council without recommendation. Unanimously carried.

Original “Class A” Intoxicating Liquor and Class “A” Fermented Malt Beverage License Application for Fischer’s on Button Bay, Inc. d/b/a Salami Sam’s Deli and Market, 880 West Main Street, Lake Geneva, Deborah Dalzell, Agent

Hartz/Marsala motion to forward to Council for approval, subject to the applicant providing proof of ownership prior to being issued the license. Unanimously carried.

Original “Class B” Fermented Malt Beverage and “Class C” Wine License Application for Mama Cimos, 131 Wells Street, Lake Geneva, Nick Cimino, Agent

Marsala/O’Neill motion to approve. Unanimously carried.

Original “Class B” Intoxicating Liquor and Class “B” Fermented Malt Beverage License Application for Chubby Kitty LLC d/b/a Fat Cats, 104 Broad Street, Lake Geneva, Mark Basil, Agent

Hartz/Marsala motion to forward to Council for approval, subject to the applicant providing proof of ownership prior to being issued the license. Alderman Krohn asked why the applicant has a state seller’s permit, but does not yet own the business. Alderman Hartz said the seller’s permit is not necessarily tied to the location of the business. Unanimously carried.

Discussion/Recommendation on 2012 Street Maintenance List and Crispell-Snyder engineering services proposal (recommended by Public Works Committee 2/16/12)

DPW Winkler referenced a street maintenance list that has been updated to reflect the streets that have recently been improved and those that are slated for improvement in 2012. Hartz/Marsala motion to forward to Council for approval. Unanimously carried.

Discussion/Recommendation on award of bid to Western Contractors for Riviera Beach Dredging in the amount of \$36,350 (recommended by Public Works Committee 2/16/12)

Administrator Jordan said about every five years the City hires a contractor to dredge the sand and bring it in towards the beach. Chairman Krause noted the project was not budgeted and it would require a budget resolution at the next Council meeting. He suggested that it be funded through the lakefront reserve fund. Alderman Hartz asked when the project was last done. DPW Winkler said it was at least five years ago. He indicated it probably should be done every four years. Alderman Krohn asked if the City has worked with Western Contractors before. DPW Winkler said the City has not worked with this company but that he reviewed their financials and they were qualified for the project.

Marsala/O’Neill motion to forward to Council for approval, subject to approval of a budget resolution to fund the project from the lakefront reserves. Unanimously carried.

Discussion/Recommendation on award of bid to Mohr Construction for Chamber of Commerce Public Restroom Remodel in the amount of \$29,800.00 (recommended by Public Works Committee 2/16/12)

DPW Winkler said the Council gave staff direction to remodel the restrooms at the Chamber of Commerce and Library. They started with bidding the Chamber of Commerce restrooms. Mohr Construction was the low bidder. The project would begin as soon as possible with a May deadline.

Hartz/Marsala motion to forward to Council for approval. Alderman Hartz asked about the bidding process. DPW Winkler said a bid notice is published publically in the newspaper and on the website. He said a copy of the bid plans can be picked up from him at the Utility Commission. Mr. Winkler said sealed bids are submitted directly to the Clerk’s

Office. City Clerk Hawes said he receives the bids at City Hall where they are date-stamped and opened publically. Unanimously carried.

Discussion/Recommendation on award of bid to Humphreys Contracting for Downtown Concrete Repairs in the amount of \$76,155.00

Administrator Jordan indicated the project includes sidewalk and curb/gutter repairs throughout downtown, as well as the concrete pads for the new parking kiosks. DPW Winkler said he issued nine sets of plan specifications to contractors and received four bids. Chairman Krause asked why five contractors did not submit a bid. Mr. Winkler said it could have been due to geographical distance from Lake Geneva or the contractor not being a good fit for the project. Alderman Hartz asked if Mr. Winkler felt the project could be completed in the time needed. DPW Winkler said he discussed the timetable with the contractor and made sure that the parking pads would be a high priority. Alderman Marsala indicated the City would be recovering 50% of the cost for the sidewalk repairs from property owners.

Chairman Krause said \$11,502 of the cost was for the parking kiosk pads and should be funded from the TID parking system account. He said the remaining \$64,653 would be funded through TID discretionary funds.

Hartz/Krohn motion to forward to Council for approval, with \$64,653 funded from the TID discretionary fund and \$11,502 from the parking system account in the TID. Unanimously carried.

Discussion/Recommendation on settlement of claim filed by Mary Jo Fessenmaier, Arleen Krohn, Penny Roehrer and Thomas Spellman for attorney fees

Hartz/Marsala motion to forward to the Council without recommendation. Unanimously carried.

Discussion/Recommendation on disallowance of claim filed by Benchmark Builders & Developers, LLC for damages relating to infrastructure improvements made in the Cottages of Lake Geneva Hills development

Administrator Jordan said Benchmark Builders & Developers filed a claim against the City to recapture funds for infrastructure improvements that they made. He said the City's insurance carrier is recommending disallowance because the contractor did not follow public projects procedures that were necessary for assessing property owners. Unanimously carried.

Presentation of Accounts

Marsala/Hartz motion to recommend approval of Prepaid Bills in the amount of \$7,671,592.99. Comptroller Politt indicated the prepaid checks amount was so high because it included a tax settlement to the other taxing jurisdictions. Unanimously carried.

Hartz/Krohn motion to recommend approval of Regular Bills in the amount of \$80,840.37. Chairman Krause said there was a typo on the agenda and the correct amount is \$80,840.37. Unanimously carried.

Adjournment

Marsala/Krohn motion to adjourn at 6:59pm. Unanimously Carried.

/s/ Michael D. Hawes, City Clerk