

FINANCE, LICENSE & REGULATION COMMITTEE

MONDAY, MARCH 12, 2012 - 6:00PM

COUNCIL CHAMBERS, CITY HALL

Chairman Krause called the meeting to order at 6:00 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/O'Neill motion to approve Finance, License and Regulation Committee regular meeting minutes of February 27, 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.

Barbara Phillips Hartigan, 1600 Evergreen Lane, Lake Geneva, addressed the Committee to express support for construction of the new skate park. She stated the project is very important for the City and its youth. She said the design includes plenty of seating for spectators to watch. Ms. Phillips noted that skateboarding is a very popular sport and is now an Olympic sport. She urged the Committee to approve the project.

Cory Ackley, Haskins Street, Lake Geneva, said he was in support of the skate park. He suggested the new park would bring new revenue to the City as people would visit the City to use the park and purchase other goods while in the City.

Brian Chavez, 433 Haskins Street, Lake Geneva, spoke in favor of constructing the new skate park at Dunn Field. He said he is 12 years old and he has been scootering for 2 or 3 years. He spends a lot of time at the current skate park and brings his younger brother who also enjoys scootering. He said a new skate park would mean a lot to him and his friends.

Shane Straight, 522 Spring Street, Lake Geneva, addressed the Committee to express support for the new skate park. He said many of his friends have used the current park for many years.

Jacob Lindberg, 1371 Edgewood Drive, Lake Geneva, said he supported the new skate park because the current park is falling apart. Mr. Lindberg said the new park would be constructed with concrete and would last at least 30 years and require less maintenance.

Calvin Abbott, 309 Haskins Street, Lake Geneva, approached the Committee to speak in support of constructing the new skate park. He said the skate park is important for making friends and meeting new people.

Doug Skates, 1133 Bonnie Brae Lane, Lake Geneva, addressed the Committee as chairman of the Board of Park Commissioners. Mr. Skates said the Board has been working very hard on the skate park project. He said the project has taken some time, but they wanted to make sure all the angles of the project were planned for. Mr. Skates said the City has gotten good use from the current skate park and the park's users have made the best out of it for some time. He stated the City has put forth the money to make sure it is designed very well, with safety and accessibility in mind. He commented that local contractors would be constructing the park. Mr. Skates indicated he has received positive support and feedback from the public on the project.

RESOLUTIONS

Resolution 12-R16, authorizing the transfer of monies from the undesignated fund balance to the designated fund balance for Police Donations in the amount of \$1.294.00

Comptroller Pollitt indicated Resolution 12-R16 through Resolution 12-R24 are annual housekeeping items for the Police and Fire Departments to carry over funds from the previous year. She said in some cases they are increasing funds and other cases decreasing.

Marsala/Hartz motion to forward to Council for approval. Alderman O'Neill expressed concern that City departments accept donations. He suggested it makes it difficult for City departments to remain impartial with how services are carried out. He asked that the Council look at this issue at a future time. Administrator Jordan said if there are any specific issues of impartiality we need to know about that. Motion carried by vote of 3 to 2, Aldermen Krohn and O'Neill opposed.

Resolution 12-R17, authorizing the transfer of monies from the Designated Fund – Police Vest Donations to the undesignated fund balance in the amount of \$1,250.00

Hartz/Marsala motion to forward to Council for approval. Motion carried by vote of 4 to 1, Alderman O'Neill opposed.

Resolution 12-R18, authorizing the transfer of monies from the undesignated fund balance to the designated fund balance EMS Act 102 Program in the amount of \$4,770.37

Hartz/Marsala motion to forward to Council for approval. Unanimously carried.

Resolution 12-R19, authorizing the transfer of monies from the designated fund balance Fire Donations to the undesignated fund balance in the amount of \$4,055.38.00

Hartz/Marsala motion to forward to Council for approval. Motion carried by vote of 4 to 1, Alderman O'Neill opposed.

Resolution 12-R20, authorizing the transfer of monies from the undesignated fund balance to the designated fund balance for Fire CPR Donations in the amount of \$670.26

Hartz/Marsala motion to forward to Council for approval. Motion carried by vote of 4 to 1, Alderman O'Neill opposed.

Resolution 12-R21, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for Police State Seizures in the amount of \$379.52

Hartz/Krohn motion to forward to Council for approval. Unanimously carried.

Resolution 12-R22, authorizing the transfer of monies from the Designated Fund – Police Grants to the undesignated fund balance in the amount of \$7,300.13

Hartz/Marsala motion to forward to Council for approval. Alderman O'Neill asked if unspent grant monies could be carried over to the next year. Comptroller Pollitt indicated this resolution would undesignate grant funds. Unanimously carried.

Resolution 12-R23, authorizing the transfer of monies from the unreserved fund balance to the designated fund balance for Police Uniform Allowances in the amount of \$559.07

Hartz/Krohn motion to forward to Council for approval. Unanimously carried.

Resolution 12-R24, authorizing the transfer of monies from the Police 1033 Program designated fund to the unreserved fund balance in the amount of \$900.00

Hartz/Marsala motion to forward to Council for approval. Alderman O'Neill asked what is the 1033 Program. Comptroller Pollitt said it is a State depot program, where the Police Department can go to the depot and purchase items. Unanimously carried.

Resolution 12-R25, authorizing the transfer of monies from the undesignated reserve funds for Riviera Beach Dredging in the amount of \$36,350.00

Marsala/O'Neill motion to forward to Council for approval. Chairman Krause said this is a housekeeping item from the last meeting to allocate the funding for the beach dredging project. Unanimously carried.

Resolution 12-R26, authorizing the carry-forward of capital project funds for EM Storm Sirens in the amount of \$4,800.00 and revising the carry-forward amount for PD Radio Replacement System from \$33,840.00 to \$9,105.00

Comptroller Pollitt said EM Storm Sirens in the amount of \$4,800.00 was inadvertently left out of the carry-forward list of capital projects approved at the last meeting. She also said the carry-forward for PD Radio Replacement System could be reduced from \$33,840.00 to \$9,105.00 because they had an invoice from December that was paid.

Hartz/Marsala motion to forward to Council for approval. Unanimously carried.

Resolution 12-R27, establishing the 2012 West End Pier, Lagoon Slip, Buoy, Dinghy and Kayak Rack Rates (referred by Piers, Harbors & Lakefront Committee 3/1/12)

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

LICENSES & PERMITS

Original “Class B” Fermented Malt Beverage and “Class C” Wine License Application for the Lake Geneva Creperie Inc., 234 Broad Street, Lake Geneva, Christine Purich, Agent

Chairman Krause said this application was withdrawn by the applicant; no action taken.

Temporary Class “B” License application filed by Brian Olsen, representing Lake Geneva Jaycees, for the sale of fermented malt beverages at Venetian Festival, on the 100 block of Center Street, Flat Iron Parking Lot from 6 a.m. to 12:30 a.m. on August 14 – August 20, 2012

Hartz/Marsala motion to forward to Council for approval. Chairman Krause said this is an annual request to serve beer as part of Venetian Fest. Unanimously carried.

Street Use Permit application filed by Cathy Nickels, representing Lake Geneva YMCA, for “Shamrock Shuffle 5k Run/Walk” using section of Geneva Parkway North, from 9 to 11 a.m. on March 17, 2012

Hartz/Krohn motion to forward to Council for approval. Unanimously carried.

Park Permit application filed by Cathy Nickels, representing Lake Geneva YMCA, for “Shamrock Shuffle 5k Run/Walk” event at Veteran’s Park, from 9 to 11 a.m. on March 17, 2012 (recommended by Board of Park Commissioners 3/7/12)

Hartz/Marsala motion to forward to Council for approval including the waiving of permit fees. Unanimously carried.

Park Permit application filed by Ryan Lasch, representing Lake Geneva Jaycees, for “Easter Egg Hunt” event at Seminary Park, from 8 a.m. to 12 p.m. on April 7, 2012 (recommended by Board of Park Commissioners 3/7/12)

Marsala/Hartz motion to forward to Council for approval. Chairman Krause noted the applicant requested a squad car siren to be used to kickoff the Easter Egg Hunt. Krause/Hartz motion to suspend the rules to allow Police Chief Rasmussen to approach the Committee. Unanimously carried. Police Chief Rasmussen said he was aware of the request and said the Police Department has accommodated the request in the past if they are not busy responding to a call. Unanimously carried.

Park Permit application filed by Penny Erickson, representing First Congregational United Church of Christ, for “Early Sunrise Worship Service” event at Library Park, from 6:15 to 7:15 a.m. on April 8, 2012 (recommended by Board of Park Commissioners 3/7/12)

Hartz/Marsala motion to forward to Council for approval including the waiving of permit fees. Alderman Hartz asked why they submitted a Park Permit application for a small gathering. DPW Winkler said they were going through the application process in order to request the use of the park’s electricity. Unanimously carried.

Park Permit application filed by Timothy Townsend, representing Black Circle Records, for a grand opening/live music event at Flat Iron Park, from 12 to 5 p.m. on June 3, 2012 (recommended by Board of Park Commissioners 3/7/12)

City Clerk Hawes said the request is for a live music event in recognition of the grand opening of the music store. Hartz/O’Neill motion to forward to Council for approval contingent upon the Police Chief’s approval. Unanimously carried.

Park Permit application filed by Nathan Duda, representing Clear Water Outdoor, for stand-up paddle boarding races and demonstrations at the east end of Library Park, from 7 a.m. to 4 p.m. on July 7, 2012 (recommended by Piers, Harbors & Lakefront Committee 3/1/12 and Board of Park Commissioners 3/7/12)

Marsala/Hartz motion to forward to Council for approval with July 8, 2012 being reserved as a rain date. Alderman Marsala said the event has taken place the last two years. He indicated it was a very positive event with no problems. Unanimously carried.

Street Use Permit application filed by Brian Olsen, representing Lake Geneva Jaycees, for “Venetian Festival” event using Wrigley Street, from Center Street to Broad Street, from 6 a.m. to 12:30 a.m. on August 13 through August 20, 2012

Hartz/Marsala motion to forward to Council for approval including the waiving of permit fees. Unanimously carried.

Park Permit application filed by Brian Olsen, representing Lake Geneva Jaycees, for “Venetian Festival” event at Flat Iron, Library and Seminary Parks, from 6 a.m. to 12:30 a.m. on August 13 through August 20, 2012 (recommended by Board of Park Commissioners 3/7/12)

Marsala/Hartz to forward to Council for approval including the waiving of permit fees. Unanimously carried.

Original Operator License applications filed by Jonathon Pena, Kyle Waschow, Nicholas Fischer, Margaret Fucela and Shelby Kowalski

Chairman Krause indicated the application filed by Jonathon Pena was recommended for denial by the Police Chief. He said Mr. Pena requested the item be discussed in open session. Mr. Pena approached the Committee and affirmed that he wished the item be considered in open session. Chairman Krause asked Mr. Pena why the Police Chief may have recommended denial of his Operator License application. Mr. Pena said he has two OWI offenses, with the most recent one occurring in 2011. He said he also has a misdemeanor on his record for inadvertently entering a stranger’s home while intoxicated. Alderman Hartz asked the City Attorney how they should determine whether the individual’s record is related to the license application. City Attorney Draper said the Committee has to determine if the applicant’s offenses are substantially relating to serving alcohol. City Attorney Draper indicated the applicant may have an additional charge on his record. Mr. Pena said he was charged for possessing drug paraphernalia in 2007. He stated the charges against him are in the past and do not represent the person he is today. He said he takes his job seriously and does not overserve alcohol to patrons. Alderman Hartz said he is troubled by how recent the latest charge is.

Hartz/Marsala motion to forward to Council the approval of Original Operator License applications filed by Kyle Waschow, Nicholas Fischer, Margaret Fucela and Shelby Kowalski. Unanimously carried.

Hartz/Marsala motion to forward to Council the denial of Original Operator License application filed by Jonathon Pena because of the pattern of offenses related to alcohol with the most recent offense occurring as recent as last year. Unanimously carried.

Discussion/Recommendation on award of bid to Breezy Hill Nursery for Landscaping – 2012, 2013 and 2014 seasons in the amounts of \$15,902.00, \$15,902.00 and \$16,379.06, respectively

Marsala/Hartz motion to forward to Council for approval. Alderman Hartz asked if the City can approve a contract for multiple years. Administrator Jordan indicated that they could and the City has done it in the past. Alderman Hartz said he was surprised the City only received two bids. DPW Winkler read a list of 14 businesses that were issued bid packets. Chairman Krause asked why perhaps only two of the 14 submitted bids. DPW Winkler said it could be that it is a lot of small work in small landscaping areas. He stated it is also a spring through fall commitment. DPW Winkler indicated that Breezy Hill Nursery was hired for this project the last few years. He said he’s been happy with their work in the past, but that last year they didn’t do nearly as good of job. He said it had to do with someone else being in charge of the job last year. Mr. Winkler said he was assured they would do a better job this time.

Alderman O’Neill asked how many plantings are involved with the work. DPW Winkler referenced the last of maintenance areas in the packet. He said the work was pruning and maintaining but not planting. Alderman Hartz asked if the contract could be terminated if we were not happy with their work. Administrator Jordan indicated there is a clause to terminate the contract with 60 days notice.

Hartz/Marsala motion to amend the motion requiring the City Attorney to assure a 60 day revocation clause in the contract. Unanimously carried.

Alderman Marsala said he was under the impression that the Business Improvement District would be having someone maintain the parking lot beds. DPW Winkler said he was not aware of that. Alderman O'Neill asked who maintains the landscaping around Pot Belly's. DPW Winkler said they maintain their own parkway. Unanimously carried.

Discussion/Recommendation on award of bid to Scherer Construction Co. for Skateboard Park at Dunn Field in the amount of \$448,000

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

Presentation of Accounts

Hartz/Marsala motion to recommend approval of the Purchase Order to Duncan Solutions for parking system upgrades in the amount of \$15,800.00. Unanimously carried.

Hartz/Marsala motion to recommend approval of Prepaid Bills in the amount of \$3,342.68. Unanimously carried.

Hartz/Krohn motion to recommend approval of Regular Bills in the amount of \$500,293.07. Alderman O'Neill referenced the two bills to Stafford Rosenbaum for outside attorney fees related to the Peller case. He asked if these would be reimbursed by the City's insurance carrier. City Attorney Draper said that the City is in the process of two claims with Peller. He said the City's insurance carrier is reimbursing attorney fees related to the special assessment case, but not reimbursing fees relating to the eminent domain case. Unanimously carried.

Adjournment

Marsala/Hartz motion to adjourn at 7:15 p.m. Unanimously Carried.

/s/ Michael D. Hawes, City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED
BY THE FINANCE, LICENSE & REGULATION COMMITTEE**