



**REGULAR CITY COUNCIL MEETING**  
**MONDAY, APRIL 28, 2014 – 7:00 PM**  
**COUNCIL CHAMBERS, CITY HALL**

**MINUTES**

- 1. Mayor Connors calls the meeting to order at 7:00pm.**
- 2. Pledge of Allegiance – Alderman Kehoe**
- 3. Roll Call**  
Present: Chappell, Wall, Kordus, Kehoe, Kupsik, Taggart, Lyon  
Not Present: Hill (excused)  
Also Present: Clerk Neubeck, Attorney Draper, Administrator Jordan, Director of Public Works Winkler
- 4. Awards, Presentations, and Proclamations**
  - A.** Proclamation National Nursing Home Week – May 11<sup>th</sup> -17<sup>th</sup>
  - B.** Retirement Award for Lawrence Covi
  - C.** Retirement Award for Artis Roenspies
  - D.** Certificate of Recognition to Teresa Klein
- 5. Re-consider business from previous meeting**  
None
- 6. 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.**  
None
- 7. Acknowledgement of Correspondence**  
Clerk Neubeck acknowledged a letter from Steven Madson requesting Mayor Connors accept his resignation from the Police and Fire Commission effective at the close of the May 8, 2014 meeting.
- 8. Approve Regular City Council Meeting minutes of April 14, 2014 and Organizational Meeting minutes of April 15, 2014, as prepared and distributed**  
**Motion #1:** Alderman Wall moved to approve Regular City Council Meeting minutes of April 14, 2014 and Organizational Meeting minutes of April 15, 2014, as prepared and distributed, Alderman Kupsik seconded, and the motion passed unanimously.
- 9. CONSENT AGENDA.** 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. Original 2013-2014 Operator (Bartender) License applications filed by Amanda Dudley, Rikki Jepsen, Sherry Koehn, Sarah Papineau, Kelsey Ibarra.
- B. Massage Establishment application filed by Clear Waters Salon/Spa, 734 Main Street, Lake Geneva WI 53147

**Motion #2:** Alderman Wall moved to approve the Consent agenda, Alderman Lyon seconded, and the motion passed unanimously.

**10. Items removed from the Consent Agenda**

None

**11. Plan Commission Recommendations – Alderman Kupsik** *(all recommended at the April 21, 2014 Plan Commission Meeting)*

- A. **Discussion/Action recommendation to extend the General Development Plan (GDP) and the Precise Implementation Plan (PIP) for Southwind Prairie II, LLC for an additional five years through April 2019**

**Motion #3:** Alderman Kupsik moved to extend the General Development Plan (GDP) and the Precise Implementation Plan (PIP) for Southwind Prairie II, LLC for an additional five years through April 2019, Alderman Taggart seconded, and the motion passed unanimously.

- B. **Discussion/Action to extend the Planned Development (PD) and the Precise Implementation Plan (PIP) with revisions for Prairie Wind Condominium for an additional five years through April 2019**

**Motion #4:** Alderman Kupsik moved to extend the Planned Development (PD) and the Precise Implementation Plan (PIP) with revisions for Prairie Wind Condominium for an additional five years through April 2019, and Alderman Wall seconded.

Alderman Kupsik explained this is being done due to the economic downturn and to give more time for this development to take place.

**Motion #4** passed unanimously.

- C. **Discussion/Action on a Land Division Review Application filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 to amend the Condominium Plat for Prairie Wind Condominiums, Tax Key No. ZPRW 00054A**

**Motion #5:** Alderman Kupsik moved to approve a Land Division Review Application filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 to amend the Condominium Plat for Prairie Wind Condominiums, Tax Key No. ZPRW 00054A, and Alderman Lyon seconded.

Alderman Kupsik said this was done in order to accommodate the condominiums.

**Motion #5** passed unanimously.

- D. **Discussion/Action on a Precise Implement Plan (PIP) Amendment filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 for Prairie Wind Condominium to allow for an initial five unit building instead of the approved six unit building and to allow either a five unit or six unit building for the remainder of the building pads, Tax Key No. ZPRW 00054A**

Alderman Kupsik explained this includes satisfactory developer's agreement and reviewed by the City Engineer.

**Motion #6:** Kupsik moved to approve Precise Implement Plan (PIP) Amendment filed by McMurr I, LLC, 351 W. Hubbard St., Suite 610, Chicago, IL, 60654 for Prairie Wind Condominium to allow for an initial five unit building instead of the approved six unit building and to allow either a five unit or six unit building for the remainder of the building pads, Tax Key No. ZPRW 00054A, and Alderman Taggart seconded.

Alderman Kupsik explained the developer felt they would have better luck selling units in a five unit building rather than a six unit.

**Motion #6** passed unanimously.

- E. Resolution 14-R26, a Conditional Use Application filed by Stop-N-Go of Madison, Inc., 2934 Fish Hatchery Road, Madison, WI 53713, to install an electronic message board displaying LED fuel prices at 896 Wells Street, Tax Key No. ZLB 00008**

**Motion #7:** Alderman Kupsik moved to approve Resolution 14-R26, a Conditional Use Application filed by Stop-N-Go of Madison, Inc., 2934 Fish Hatchery Road, Madison, WI 53713, to install an electronic message board displaying LED fuel prices at 896 Wells Street, Tax Key No. ZLB 00008, and Alderman Wall seconded.

Alderman Kupsik explained there were discussions at the Plan Commission about installing a monument sign as well as the shrubbery planted.

Alderman Taggart explained the owner of the facility should make necessary repairs due to its unsightly nature.

**Motion #7** passed unanimously.

- F. Resolution 14-R27, a Conditional Use Application filed by Phillip Bona, N1749 East Beach Drive, Lake Geneva, WI 53147, to open an Indoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 848 Main Street, Tax Key No. ZOP 00335**

Alderman Kupsik explained the building has until 2016 to upgrade its sprinkler system per a letter from the Lake Geneva Fire Chief.

**Motion #8:** Alderman Kupsik moved to approve Resolution 14-R27, a Conditional Use Application filed by Phillip Bona, N1749 East Beach Drive, Lake Geneva, WI 53147, to open an Indoor Commercial Entertainment (Restaurant) in a Central Business (CB) Zoning District located at 848 Main Street, Tax Key No. ZOP 00335 in addition to staff recommendations, comments, and fact finding; and Alderman Kordus seconded.

Alderman Kupsik explained the location was previously a bar and currently sits vacant.

**Motion #8** passed unanimously.

- G. Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted on by Ronald J. Amann, W3430 Park Drive, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area at W3430 Park Drive, and being in the Town of Geneva**

**Motion #9:** Alderman Kupsik moved to approve an Application for Land Division Review for a Certified Survey Map submitted on by Ronald J. Amann, W3430 Park Drive, Lake Geneva, WI 53147 for land located in the extra-territorial plat review area at W3430 Park Drive, and being in the Town of Geneva, and Alderman Taggart seconded.

Alderman Kupsik explained Walworth County and the Town of Geneva have signed off, and the City Engineer approves.

**Motion #9** passed unanimously.

- H. Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 to combine the properties at 421 Baker Street and 304 Wells Street, Tax Key No's ZOP 00352 and ZOP 00352A with the condition the CSM match comments in City Engineer's letter dated April 10, 2014**

**Motion #10:** Alderman Kupsik moved to approve an Application for Land Division Review for a Certified Survey Map submitted by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 to combine the

properties at 421 Baker Street and 304 Wells Street, Tax Key No's ZOP 00352 and ZOP 00352A with the condition the CSM match comments in City Engineer's letter dated April 10, 2014, and Alderman Wall seconded.

Alderman Kupsik explained this will make both properties contiguous as well as allowing new landscaping.

**Motion #10** passed unanimously.

**I. Resolution 14-R28, on a Conditional Use Application filed by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for a Group Development in the General Business (GB) Zoning District on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A**

**Motion #11:** Alderman Kupsik moved to approve Resolution 14-R28, on a Conditional Use Application filed by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for a Group Development in the General Business (GB) Zoning District on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A, and Alderman Wall seconded.

Alderman Kupsik explained this will allow the developer to create a homogeneous development and unite existing buildings

**Motion #11** passed unanimously.

**J. Discussion/Action on an Application for Site Plan Review for landscape and parking lot alteration filled by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for land located on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A with Staff recommendations, Fire Chief Letter dated April 1, 2014, City Engineer letter dated April 10, 2014, and consideration that if Oak trees are ever lost or destroyed public sidewalks would be considered**

**Motion #12:** Alderman Kupsik moved to approve an Application for Site Plan Review for landscape and parking lot alteration filled by Geneva Bay Club, 327 Wrigley Drive, Lake Geneva, WI 53147 for land located on a CSM created by the combining of Tax Key No's ZOP 00352 and ZOP 00352A with Staff recommendations, Fire Chief Letter dated April 1, 2014, City Engineer letter dated April 10, 2014, and consideration that if Oak trees are ever lost or destroyed public sidewalks would be considered, and Alderman Wall seconded.

Alderman Kehoe asked what the issues are.

Mayor Connors explained the main issue is regarding lighting for the parking in front of buildings

**Motion #12** passed unanimously.

**K. Resolution 14-R29, a Conditional Use Application filed by Paul Lauterbach, 914 Bennett Ct. Walworth, WI 53184 on behalf of Lake Geneva Tennis Club, to operate and Indoor Tennis Club (Physical Activity Studio) in the Planned Business Park (PBP) zoning district in a proposed building on Veterans Parkway Tax Key No's ZLGBP 200029 & ZLGBP 200030**

Attorney Draper explained he received a letter asking this item be continued to the next meeting.

**Motion #13:** Alderman Kupsik moved to continue this item to May 12 at request of applicant, Alderman Kordus seconded, and the motion passed unanimously.

**12. Personnel Committee Recommendations – Alderman Kupsik**

**A. Accept resignation letter of Deputy City Clerk Artis Roenspies**

**Motion #14:** Alderman Kupsik moved to accept the resignation letter of Deputy City Clerk Artis Roenspies with regret, and Alderman Lyon seconded.

Alderman Kupsik thanked Deputy Clerk Roenspies for her sixteen years of service.

**Motion #14** passed unanimously.

### 13. Finance, License and Regulation Committee Recommendations – Alderman Lyon

**A. Discussion/Action on Pond and Beach Treatment Project bids**

**Motion #15:** Alderman Lyon moved to approve a contract with Bio-Aquatic Services, LLC for \$4,675 plus the cost of a permit from the Department of Natural Resources for pond and beach treatment, and Alderman Wall seconded.

Attorney Draper asked for an indemnity from Bio-Aquatic services and the City be named as additionally insured on their insurance.

Alderman Kupsik asked about the cost of the Department of Natural Resources permit.

Director Winkler it could be a couple hundred dollars as it depends on the acreage.

**Motion #15** passed unanimously.

**B. Discussion/Action on Riviera Sidewalk Replacement Change Order #1**

Alderman Lyon explained this adds \$10,000 to the cost of the project.

**Motion #16:** Alderman Lyon moved to approve Riviera Sidewalk Replacement Change Order #1 with Mohr Construction, and Alderman Kupsik seconded.

Alderman Lyon explained unforeseen problems were discovered such as thickness of sidewalks as well as damage to drains and pipes.

**Motion #16** passed unanimously.

**C. Discussion/Action on a contract with Government Payment Services, Inc. for credit card transaction services**

Alderman Lyon explained City Hall, the Municipal Court, and Police Department will be able to utilize credit card payment. The City will not be charged; rather, payers will be charged

**Motion #17:** Alderman Lyon moved to approve a contract with Government Payment Services, Inc. for credit card transaction services, Alderman Wall seconded, and the motion passed unanimously.

**D. Discussion/Action on a contract with Tom Earle for Assistant Director of Public Works (*recommended at the April 24, 2014 Personnel Committee meeting*)**

Alderman Lyon explained FLR moved this would be an employment approval rather than a contract approval.

**Motion #18:** Alderman Lyon moved to approve the employment of Tom Earle as Assistant Director of Public Works, and Alderman Kupsik seconded.

Attorney Draper explained Mr. Earle will not have a contract and will be subject to the employee handbook

**Motion #18** passed unanimously.

**E. Discussion/Action on capital project borrowing for 2014-2016 in the amount of \$ 2,499,000**

**Motion #19:** Alderman Lyon moved to direct the staff to proceed with seeking proposals for capital project borrowing for 2014-2016 in the amount of \$2,499,000 while striking the purchase of glass heaters, Alderman Kordus seconded, and the motion passed unanimously.

#### 14. Presentation of Accounts – Alderman Lyon

**A. Purchase Orders (none)**

**B. Prepaid Bills in the amount of \$ 3,293.74**

**Motion #20:** Alderman Lyon moved to approve Prepaid Bills in the amount of \$ 3,293.74, Alderman Wall seconded, and the motion passed unanimously.

**C. Regular Bills in the amount of \$ 126,110.74**

Alderman Lyon read off the bills over \$5,000.

**Motion #21:** Alderman Lyon moved to approve Regular Bills in the amount of \$ 126,110.74, Alderman Kupsik seconded, and the motion passed unanimously.

#### 15. Mayoral Appointments – Mayor Connors

- **Parking Commission**

- Reappointment of Dennis Swangstu to May 1, 2016
- Reappointment of Kevin Fleming to May 1, 2016

- **Historic Preservation Commission**

- Reappointment of Ken Etten to May 1, 2017
- Reappointment of Mary Tanner to May 1, 2017
- Reappointment of Dee Bark to May 1, 2017

- **Board of Park Commissioners**

- Reappointment of Brian Olsen to May 1, 2017

- **Police & Fire Commission**

- Reappointment of Rick Bittner to May 1, 2019

- **Tree Board**

- Reappointment of Candy Kirchberg to May 1, 2017
- Reappointment of George Troupis to May 1, 2017

- **Zoning Board of Appeals**

- Appointment of Thomas Anthony to May 1, 2017 (changed from 1<sup>st</sup> Alternate to regular member)
- Reappointment of Bernie Williams to May 1, 2017

- **Communications Committee**

- Reappointment of C. Andrew Fritz, IV to May 1, 2016

- **Geneva Lake Use Committee**

- Appointment of Bill Binn to May 1, 2016

**Motion #22:** Alderman Kupsik moved to approve all Mayoral citizen appointments to the various boards, committees, and commissions of the City as presented, Alderman Taggart seconded, and the motion passed unanimously.

#### 16. Closed Session

Motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for Fire union negotiations (Administrator Jordan) and pursuant to Wis. Stat. 19.85 (1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with Benchmark Builders & Developers, LLC

**Motion #23:** Alderman Kupsik moved to go into closed session pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for Fire union negotiations (Administrator Jordan) and pursuant to Wis. Stat. 19.85 (1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with Benchmark Builders & Developers, LLC, Alderman Taggart seconded, and the motion passed unanimously.

#### 17. Motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in Closed Session

**Motion #24:** Alderman Kupsik moved to return to open session, Alderman Taggart seconded, and the motion passed unanimously.

The meeting returned to open session at 8:08pm.

**Motion #25:** Alderman Kehoe moved to approve the 2014 Fire Department contract, Alderman Kupsik seconded, and the motion passed 6-0-1 with Alderman Wall abstaining.

**Motion #26:** Alderman Kordus moved to instruct the City Attorney to pursue litigation as discussed in closed session, Alderman Wall seconded, and the motion passed unanimously.

**18. Adjournment**

**Motion #27:** Alderman Kordus moved to adjourn, Alderman Chappell seconded, and the motion passed unanimously.

The meeting adjourned at 8:11pm.

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Tim Neubeck, City Clerk.

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