

**REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 28, 2016 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Kupsik called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Alderman Hedlund

Roll Call. Present: Mayor Kupsik, Aldermen Chappell, Skates, Kordus, Flower, Gelting, Horne, Hedlund.

Absent: Alderman Howell. Also Present: City Attorney Draper, City Administrator Oborn, and City Clerk Waswo.

Awards, Presentations, and Proclamations.

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. None.

Acknowledgement of Correspondence. None.

Approval of Minutes. Horne/Gelting motion to approve the Regular City Council Meeting minutes of November 14, 2016, and Special City Council Meeting minutes of November 21, 2016, as prepared and distributed. Motion carried 7 to 0.

Consent Agenda

d. Original 2016-2017 Operator's (Bartender) License application filed by Rachael Engelhardt, Jason Fricke, Jennifer Hoffman, Allison McFarlan

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

Items removed from the Consent Agenda.

a. Beach Reservation Permit application filed by Lake Geneva Downtown (BID) to use the Riviera Beach and the beach house on February 9, 2017 for a Bonfire on the Beach from 12:00pm to 11:00pm, including setup and clean-up (sent to council without recommendation by Piers, Harbors and Lakefront on Nov. 16, 2016)

Kordus/Horne motion to approve with bonfire times restricted to 4:00pm to 8:00pm and charge the application fee of \$25.00.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting "yes." Motion carried 7 to 0.

b. Riviera Ballroom application from Lake Geneva Downtown (BID) with request for waiver of fees for Bingo Night during Winterfest on February 7, 2017 (sent to council without recommendation by Piers, Harbors and Lakefront on Nov. 16, 2016)

Alderman Kordus noted the BID is sponsoring the event and Genoa City Lions Club will be using the ballroom for Bingo Night. Mayor Kupsik added the Lake Geneva Lions Club did not have a bingo license to take the event so they could not take the event. Mr. Oborn recommended waiving the fees as did in the past with VISIT Lake Geneva.

Mayor Kupsik added in 2017 the Genoa City Lions Club will be celebrating 100 years.

Chappell/Skates motion to approve with waiver of fees. Mr. Kordus said the fact that it's already been published prior to going to Council leaves a bad taste in his mouth. We should not be setting precedence. We do have a fee for non-profit organizations to use the Riviera. He would be in favor of charging half the amount this year and the full amount next year. Mr. Oborn stated he originally thought he had the authority to waive the fee and implied that it would be waived. Mayor Kupsik stated this is the first time this event is going to be held at the Riviera. In the future, he would like the application in sooner.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

c. Temporary Class “B”/“Class B” Retailer’s License application for the sale of fermented malt beverages and wine filed by Lake Geneva Downtown (BID) for the Lake Geneva Bonfire on the Beach event on February 9, 2017 from 4:00pm to 10:00pm held on the Riviera Beach

Kordus/Horne motion to approve with alcohol being sold from 5:00pm to 10:00pm providing the entire alcohol serving area is fenced in with a single entrance/exit and the fire pit is located outside the alcohol area.

Mr. Kordus made a strong recommendation that port-a-potties be available as the beach bathrooms will not be open.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Chappell/Gelting motion to approve Second Reading of Ordinance 16-17, an ordinance amending Section 98-206, Detailed Land Use Descriptions and Regulations; Subsection (4) Commercial Land Uses to include tattoo services above the clavicle

Roll Call: Chappell, Skates, Gelting, Horne, Hedlund voting “yes.” Motion carried 5 to 2 with Alderman Kordus and Flower voting “no.”

Kordus/Horne motion to approve Second Reading of Ordinance 16-18, an ordinance amending Chapter 62, Streets, Sidewalks, and Other Public Places, Article III, Obstructions and Encroachments, Section 62-67, adding an exception for certain creameries

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Finance, License and Regulation Committee Recommendations – Alderman Kordus

Kordus/Horne motion to approve BID request for funding of Downtown Cameras

The BID will be paying for the cameras and installation. Once installed the security cameras would become city property monitored by the Police Department. The BID came to Police Chief Rasmussen asking if they would be interested in monitoring them if they are put up. The BID had some damage after Oktoberfest and this is to protect the BID district and their property. They will be placed on our traffic signals on Main Street, in the most core intersections in the BID. It covers Broad Street, which was affected by the damage. Mayor Kupsik noted the City will be responsible for maintaining the cameras. Ms. Flower stated the BID is providing the equipment, but we are providing a service over and above for the BID. Mr. Rasmussen stated they will not be watching the cameras 24/7. It records and keeps the recordings for 7 to 10 days. If anything happens, the PD can go back and investigate through that method. Ms. Chappell questioned if she paid for cameras and mounted them on City lamp posts in her neighborhood, would the City monitor them.

Roll Call: Kordus, Skates, Gelting, Horne, Hedlund voting “yes.” Motion carried 5 to 2 with Chappell and Flower voting “no”.

First Reading of Ordinance 16-19, removing parking in front of the Theater and changing to a no parking zone

Kordus/Horne motion to waive first reading and go directly to the second reading. Mr. Kordus stated the weather is changing and this needs to be done before the theater opens. He would like to direct Public Works to get that done. Mr. Oborn added this has always been considered temporary, so that warrants the speedy change.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Horne motion to approve the second reading of Ordinance 16-19.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Skates motion to approve 2017 Summer Season Lifeguard Services Contract with the Geneva Lake Water Safety Patrol (approved by Piers, Harbors and Lakefront on Oct. 27, 2016)

City Administrator Oborn noted this is the shorter season option.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on Riviera Building Improvements Proposal from Kehoe-Henry and Associates for Architectural & Engineering Design Services and Condition Assessment & Preliminary Design (approved by Piers, Harbors and Lakefront on Nov. 16, 2016)

Mr. Kordus stated this was sent to council by FLR with no recommendation.

Kordus/Skates motion to approve with the monies coming from the lakefront fund. Alderman Skates stated there are multiple maintenance issues at the Riviera so they consulted with the Director of Public Works. Together they decided to go outside the City to get a Consultant/Architect/Engineer to take a look. City Attorney Draper confirmed that since this is for engineering services it does not have to go out for a formal bid. Alderman Flower is concerned that this is not the only building that we have that has been ignored. The library has its issues and the utility building has water stains. This should not be the only building we decide to look at. She knows that the beach and Riviera make good income. There has been discussion that it has lost its appeal. She feels this should not be just about the Riviera.

Mr. Skates agreed. The City should have a roofing company come in and give a full estimate on all roofs. It gets very expensive. This is the top down approach. Mr. Oborn explained this mirrors between the equipment replacement fund and the capital borrowing. Ms. Flower questioned the proposal, stating it seems like a high fee for just design plans.

Kordus/Skates motion to suspend rules and allow Bill Henry to speak. Motion carried 7 to 0.

Mr. Henry stated they toured the interior and exterior of the facility along with the boardwalk. There is quite a bit of deterioration of the masonry caps on top of those walls and the back balcony. This proposal will prepare a shopping list of items that need attention. There were also some improvements that were discussed that were looked back in 2010 but didn't quite get the funding. This report will have preliminary drawings as to how to address those items and estimated costs for those items. There is a breakdown of hours based on personnel in our office along with participating consultants.

Ms. Flower stated there are heavy hours on the principal, which is the highest rate. Mr. Henry answered the company prides itself in service to the clients. That is the time we have estimated that he and his partner will be spending on the project.

Ms. Flower asked Mr. Oborn if he feels this price is reasonable. She asked if we are looking at spending millions. Mayor Kupsik stated depending on what they find, we could spend \$1 million repairing the Riviera. We are talking about HVAC, roof, plumbing and so on. They will give us a consensus as what needs to be done. In 2010 there was patch work on the roof and structural work underneath the building. It was not a fix all, just a patch to get by for \$600,000. The building is due for serious repairs. Ms. Flower is not objectionable to doing this but wants to see a maintenance plan. This is a step in the right direction, but she is tired of being surprised by hearing that we need to spend another half million dollars. Mr. Oborn said we are trying to be proactive and listening to our staff. Mr. Skates challenges each person on these committees to take ownership and look around. He feels it is money well spent.

Mr. Gelting felt it is a cost of doing business to come up with a plan. This helps to take care of the deferred maintenance and get on a maintenance schedule going forward.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting "yes." Motion carried 7 to 0.

Kordus/Horne motion to approve Michael's Signs Escrow Draw Request No 5 for \$2,160.00 with overage of \$1,160.00 from General Fund

This is the final payment. Mayor Kupsik asked if there was a change order or written request of this change order. Mr. Oborn stated no, the prior Public Works Director had approved it. Mr. Gelting appreciates change orders but wants site management when these things come up.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting "yes." Motion carried 7 to 0.

Kordus/Gelting motion to approve Resolution 16-R53, establishing the 2017 West End Pier, Lagoon Slip, Buoy, Dinghy and Kayak Rack Rates *(approved by Piers, Harbors and Lakefront on Nov. 16, 2016)*

Mr. Kordus noted we are still significantly lower than both Williams Bay and Fontana. Neither municipalities have raised their rates for 2017, so we are on track to catch up with them.

Roll Call: Kordus, Skates, Flower, Gelting, Horne, Hedlund voting "yes." Motion carried 6 to 1 with Chappell voting "no".

Kordus/Horne motion to approve Resolution 16-R54, updating the Schedule of Fees to include a fee for the sale of radon test kits

The kits are made available from the county. We are not allowed to give them away, so there is an administrative fee. It is a service we are providing for the County.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Horne motion to approve acceptance of City of Lake Geneva Tax Incremental District Number 4 Financial Statements (Closing Audit) from Creation through May 12, 2016

The advance amount and remaining funds to be dispersed are listed in the report.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Horne motion to approve acceptance of the City of Lake Geneva share of Tax Incremental District Number 4 refund to the Equipment Replacement Fund

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Horne motion to approve the consolidation of the Communications Committee into the Finance, License and Regulation Committee and corresponding ordinance change

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Horne motion to approve the consolidation of the Parking Commission into the Public Works Committee and corresponding ordinance change

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on Commission, Board and Committee meeting date changes and possible consideration of further consolidation

Kordus/Chappell motion to approve moving FLR to 6:00pm on the 1st and 3rd Tuesday of the month with corresponding ordinance changes. The only thing that really requires the change is Public Works as that is designated by ordinance. The rest are at the discretion of the committee chairs. For future consideration, it was suggested that meeting start times are all in sync. Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Plan Commission Recommendations – Alderman Skates

Discussion/Action on Resolution 16-R55, a Conditional Use application filed by Rodger Fisher, 946 Ceylon Court, Lake Geneva, WI, to construct an addition using the SR-4 Zoning requirements in an ER-1 (Estate Residential) Zoning District located at 946 Ceylon Court, Lake Geneva, WI 53147, Tax Key No. ZA124000002 including staff recommendations and finding of fact (approved by Plan Commission on Nov. 21, 2016)

Skates/Kordus motion to approve. Mr. Skates explained this was approved years ago, but the conditional use lapsed. They came back with a similar design.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Discussion/Action on a Precise Implementation Plan (PIP) Amendment Application filed by Peter Jurgens for Oakfire Restaurant, 831 Wrigley Drive, Lake Geneva, WI 53147 for modifications to the Precise Implementation Plan (PIP) in the Central Business (CB) Zoning District at 831 Wrigley Drive, Tax Key No. ZOP 00340 including staff recommendations, finding of fact, exterior materials as presented, and all previous approved requirements to apply (approved by Plan Commission on Nov. 21, 2016)

Skates/Horne motion to approve. Mr. Skates noted the previous plan was cost prohibitive. This involved a complete raising of the old house and starting new. The height dropped by 5 feet. Mayor Kupsik added they will be paying for some parking spaces that will be blocked during construction. Ms. Flower does not feel the architecture fits the area.

Roll Call: Chappell, Kordus, Skates, Gelting, Horne, Hedlund voting “yes.” Motion carried 6 to 1 with Alderman Flower voting “no.”

Discussion/Action on a Precise Implementation Plan (PIP) Application filed by Lake Geneva 50120, LLC c/o GMX Real Estate Group, LLC, 3000 Dundee Rd, Northbrook, IL 60062 for two new commercial buildings in the Planned Business Zoning District at 281 N Edwards Blvd., Tax Key No. ZA297300001 including staff recommendations, finding of fact, City Engineer letter dated November 2, 2016, and exterior materials as presented (approved by Plan Commission on Nov. 21, 2016)

Skates/Gelting motion to approve. Mr. Skates said this is a tweak in the plan. The Fire Department had a different request on some of the things and there was a change engineering-wise. It was noted that semi trucks park in that area now; however there is adequate parking in the Lake Geneva business park. Ms. Flower said the frontage aisle does not

line up. It was noted in Plan Commission that by law the property has to be a separate lot and meet the parking requirements even though it is connected to the Walmart parking lot.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Presentation of Accounts – Alderman Kordus

Purchase Orders. None.

Kordus/Gelting motion to approve Prepaid Bills in the amount of \$4,007.91

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Kordus/Gelting motion to approve Regular Bills in the amount of \$70,143.30

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Mayoral Appointments. None.

Closed Session

Kordus/Gelting 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 regarding the Police Officer’s Union Negotiations and include the City Attorney and City Administrator.

Roll Call: Chappell, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Council entered into closed session at 8:33pm

Kordus/Skates 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, Kordus, Skates, Flower, Gelting, Horne, Hedlund voting “yes.” Motion carried 7 to 0.

Council returned to open session at 8:56pm.

Kordus/Hedlund motion to negotiate as discussed in closed session. Motion carried 7 to 0.

Adjournment. Kordus/Hedlund motion to adjourn at 8:57pm. Motion carried 7 to 0.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL