

# CITY COUNCIL MEETING

## MONDAY, AUGUST 11, 2014 – 7:00 PM

### COUNCIL CHAMBERS, CITY HALL

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

The Pledge of Allegiance was led by Alderman Wall.

**Roll Call.** Present: Mayor Connors, Aldermen Hill, Chappell, Wall, Kordus, Kehoe, Kupsik and Lyon. Also present: Administrator Jordan, City Attorney Draper and City Clerk Waswo. Absent: Alderman Taggart (excused).

**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 be limited to 5 minutes.**

Roger Wolff, owner of The Bootery, 771 W. Main Street, Lake Geneva, spoke about information that was provided in the council packet regarding approving free parking for Maxwell Street Days. He stated the free parking would draw local residents back into shopping in the downtown business district and would like the council to consider this as an investment in the town and community.

**Acknowledgement of Correspondence.** None.

#### **Approval of Minutes**

Lyon/Kupsik approved the Regular City Council minutes of July 14, 2014 and July 28, 2014, as prepared and distributed. Motion carried 7 to 0.

#### **Consent Agenda**

- a. Original "Class A"/Class "A" Liquor & Fermented Malt Beverage License applications filed by Kwik Trip, Inc. d/b/a Kwik Trip 219, 710 Williams Street, Lake Geneva, Jillian L. Ricker, Agent
- b. Park Permit Application filed by Amanda Braun to use Cobb Park for a baby shower on August 16, 2014 from 12:00 pm to 10:00 pm. (*recommended by Park of Board Commissioners on August 6, 2014*)
- c. Park Permit Application filed by Colleen LaMonte for use of Veterans Park for a Baptismal Party on August 16, 2014 from 10:00 am to 2:00 pm. (*recommended by Park of Board Commissioners on August 6, 2014*)
- d. Park Permit Application filed by Cherish Melton for a Graduation Party in Seminary Park on August 23, 2014 from 1:00 pm to 5:00 pm. (*recommended by Park of Board Commissioners on August 6, 2014*)
- e. Renewal Taxi Company License application filed by A1 Lake Geneva Limousine & Taxi, 612 Crawford Street, Lake Geneva, Vita Gieron, owner, contingent on proof of vehicle insured on liability insurance.
- f. Renewal Taxi/Trolley Driver License application filed by Vito Gieron (*approved by the Police Chief; information only*).
- g. Original 2014-2015 Operator's (Bartender) License applications filed by Seline Blachly, Kim Caputo, Sharon Corey, Todd Kalmerton, Kimberly Kurowski, Shani McKay, Jeff Robbins, Pamela Rollmiller-Peters, Laurie Scheer, Logan Schulte, Hannah Schultz, Robert Scoville, Johnathon Steltenpohl, Deanna Swonger, and Michael Tarr.
- h. Renewal 2014-2015 Operator (Bartender) License applications as per attached report summary.

Kupsik/Kehoe motion to approve the consent agenda. Motion carried 7 to 0.

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

**Resolution 14-R40, authorizing the Issuance and Sale of \$2,560,000 General Obligation Promissory Notes, Series 2014A.**

Lyon/Kordus motion to approve Resolution 14-R40, authorizing the Issuance and Sale of \$2,560,000 General Obligation Promissory Notes, Series 2014A.

Hill/Lyon motion to suspend the rules and allow representative Jerry Dudzik from Springsted Incorporated to address the council. Motion carried 7 to 0. Mr. Dudzik stated the City had a very aggressive bidding for the promissory notes which highlights the City's strong bond rating of Aa2. He stated that back in June, the true interest cost was at 1.77% and the City received a lower interest rate from PNC at 1.66%. He pointed out that the City received a large premium of \$103,000. The overall interest to the City would be \$247,000.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

**Discussion/Action on approval of GAI Consultants Engineering Design and Construction Management Proposal for 2014 Street Improvement Program not to exceed \$59,100.**

Lyon/Kupsik to approve the GAI Consultants Engineering Design and Construction Management Proposal for 2014 Street Improvement Program not to exceed \$59,100. Alderman Lyon stated this is the fee for the engineering services for the design and management of the 2014 Street Improvement Program. Administrator Jordan confirmed that this would include the inspection of the work to make sure it is done to standard. Alderman Hill requested clarification on how GAI is selected as the City's Engineering firm. Administrator Jordan stated that the City does not go out for an RFP every year; they automatically renew unless the City would be unhappy with the services. Ms. Hill suggested reviewing the contract once every 5 years. The item will be put on the Public Works agenda.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

**Discussion/Action on free parking during Maxwell Street Days.**

Alderman Lyon stated this was discussed at Finance, License and Regulation and referred to Council without recommendation.

Kordus/Wall motion to not approve free parking for Maxwell Street Days and continue with normal parking enforcement during Maxwell Street Days. Alderman Kordus stated he thinks shopping local is a great idea, but he does not believe free parking for two days will bring residents into the downtown area or improve the shop local suggestion. Alderman Hill stated the business community has her full support and she understands the situation they are in. Through past parking studies, Ms. Hill has heard rather strongly that residents do not come downtown to shop but instead, frequent businesses outside the downtown area. Ms. Hill stated this is a perfect opportunity to support our businesses and also a phenomenal public relations move. She suggested alternative ideas such as one day of free parking on Friday, free parking for resident stickers only, or allowing business owners or the Jaycees to sponsor a stall for the day. Alderman Chappell added that if this is passed, parking should be free throughout the whole town, not just the downtown area. She was also concerned with how it would be publicized in such a short time period. She suggested looking into this more next year and encourages the businesses to track resident feedback. Ms. Chappell also suggested offering a Walworth County residents pass.

Alderman Wall stated he is strongly opposed to giving away the taxpayers dollars at the amount of \$20,000 to \$25,000 to support the downtown businesses. He stated the largest taxpayers to the City are Walmart, Geneva Square, Home Depot, and Best Buy, who all have paid for their own parking lots to provide parking for their customers. He questioned that if the City allows free parking for the downtown businesses, would they also compensate the businesses on the outskirts? Mayor Connors stated free parking is a misconception as businesses build that fee into the price of the products they sell. Alderman Wall agreed, however, he felt that since the downtown businesses are not paying for any parking, they should then be more reasonable in their price. Mayor Connors stated that he is opposed to this item as all the publications on parking state that free parking is the worst thing to do as there is no incentive for the

stall to turnover. This would essentially force people to park further away due to the finite capacity of parking in the downtown area. Alderman Kehoe stated there is a limit to how much we do to attract tourists and one of the positive things is that the city provides a free shuttle that will take them downtown.

Alderman Lyon stated our basic parking problem is capacity, not price. He agrees that free parking might have a bit of a feel good aspect to it but in terms of speaking as a resident, the aversion to going downtown on the weekends in the summer is common due to the capacity of parking. Mr. Lyon stated the City is trying to address that and hopefully will be successful, but at this point, there is no real benefit from a couple days of free parking. Mayor Connors mentioned that he's been to other communities, such as Indianapolis, Maryland, where the merchant will reimburse the customer their parking fee if they spend money in their store. With no further discussion, Mayor Connors restated the motion as "we have a motion and a second to continue regular parking during Maxwell Street Days."

Roll Call: Chappell, Wall, Kordus, Lyon voted "yes." Hill, Kehoe, Kupsik voted "no."

Mayor Connors stated the items carries 4 to 3 to have regular enforcement with Hill, Kehoe and Kupsik voting "no." Several Alderman stated this was not the way they intended to vote as they didn't understand how the motion was restated. Mayor Connors reiterated the motion and second was to have normal parking enforcement during Maxwell Street Days. There was discussion on whether they could do a revote.

Attorney Draper clarified that the question is can a member change his or her vote. He stated that a member has the right to change the vote up until the result is announced, which it had been. He further stated, after the result is announced, the member can change his or her vote only by permission of the assembly. Permission can be granted by general consent or by a motion to grant permission which needs a second, is undebatable and takes majority to adopt.

Hill/Chappell motion to reconsider the vote. Motion carried 7 to 0.

Mayor Connors stated there is a motion and a second to continue normal parking enforcement over Maxwell Street Days. Mayor Connors stated that a "yes" vote means you are in favor of normal parking enforcement. And a "no" vote means you are opposed to normal parking enforcement, which would require another motion.

Roll Call: Wall, Kordus, Kupsik, Kehoe and Lyon voted "yes." Chappell and Hill voted "no." Motion carried 5 to 2.

#### **Discussion/Action on Dunn Field Concession Agreement.**

Alderman Lyon stated Finance, License and Regulation approved to take no action to modify the contract. Mayor Connors clarified with Attorney Draper that if there is no action, the contract would remain enforced during the balance of the year. Alderman Lyon stated the concessionaire has written a letter to the City describing her disappointment with various aspects of the business operation. She is requesting the City provide her some relief and compensate her for these shortfalls. Mr. Lyon stated it was discussed at Park Board and they recommended keeping the contract in place as is and the Finance, License and Regulation committee agreed with no action taken to modify the contract.

Alderman Hill asked if Ms. Kasten is not allowed to have signage. Kupsik stated she is allowed to have a flag and portable signage on or around the building, but nothing out on the street. Alderman Hill asked how to get out of this contract, which Mayor Connor replied; it is a one year contract. Ms. Kasten stated in her letter that she is not planning on operating any further for this year and asked the Park Board to reconsider refunding part of her lease fee. Alderman Kupsik asked what the city's position would be to allow someone else to operate in the interim. Mayor Connors stated that if she has the contract, no one else would be able to use it until the contract expires. Attorney Draper clarified that if the City wanted someone else to come into that space, they would have to obtain a release from Ms. Kasten. Mr. Kupsik was concerned that because Ms. Kasten has the contract, the City would not be able to allow anyone else to use that concession stand. Discussion followed on whether or not she could terminate her lease. Alderman Kupsik asked that since Ms. Kasten wrote in her letter that she is obligated to end her lease due to financial reasons, could the City interpret this as terminating the lease. Attorney Draper stated based on her letter the City could rent it out without recourse. Mayor Connors stated it is close to the end of the season. The lease would expire on October 1<sup>st</sup>.

Hill/Kupsik motion to accept Tonya Kasten's letter terminating her lease for the Dunn Field Concession. Alderman Wall clarified that this is just terminating the lease with no refund. Mayor Connors stated the lease was for \$1,000.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

**Discussion/Action on renewal of CDARS in the amount of \$600,000 maturing on August 21, 2014 from Community Bank of Delavan.**

Lyon/Hill to approve the renewal of the CDARS in the amount of \$600,000 for 6 months at 0.15% from Community Bank of Delavan.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

**Discussion/Action on Disallowance of Claim filed by Mark C. Sieh for damage to his vehicle caused by falling city tree limb, pursuant to Wis. Stats. 893.80 (1g).**

Lyon/Wall motion to disallow the claim filed by Mark C. Sieh for damage to his vehicle caused by falling city tree limb, pursuant to Wis. Stats. 893.80 (1g). Alderman Lyon stated the letter from Statewide Services says the denial is based on the fact that the investigation revealed no negligence on behalf of the city.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, and Lyon voted "yes." Alderman Kehoe voted "no." Motion carried 6 to 1.

**Discussion/Action on placing a referendum on the November 4, 2014 ballot, to request approval to construct a public parking structure located at 818 Cook Street paid for by funds from the Tax Incremental District #4 at a cost not to exceed \$6,999,999.99.**

Alderman Lyon stated this was forwarded from Finance, License and Regulation to Council with no recommendation. Mayor Connors stated there was a revised version noting the address change of 818 Geneva Street and cost change to \$6,999,995.00.

Hill/Kordus motion that we move forward with placing the referendum on the November 4, 2014 ballot, to request approval to construct a public parking structure located at 818 Geneva Street paid for by funds from the Tax Incremental District #4 at a cost not to exceed \$6,999,995.00.

Alderman Hill expressed that she believes the City should allow the voters to decide on this item. Alderman Wall was concerned about what was already paid and if this amount included the parking study. Mayor Connors stated that the parking study was previously paid for out of the parking fund, which was needed to get the design to this stage and allow for an accurate number for the referendum. Alderman Hill stated there is a number of expenses that have been incurred relating to parking to get us to this point and believes it's a cost of doing business. Administrator Jordan stated the other funds were paid out of the parking fund and this amount would be paid from the TID. Alderman Kordus stated this is a not to exceed number due to a couple of unknowns such as the setback, fire codes and moving of electrical boxes. Mr. Kordus stated they had to take all of the items into account but they may or may not come to fruition. He stated this cost could go down significantly and he is anticipating that this number will not be reached.

Mayor Connors read the revised Notice of Referendum into the record.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

**Presentation of Accounts – Alderman Lyon**

Purchase Orders. None.

Lyon/Kupsik motion to approve Prepaid Bills in the amount of \$724.79

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted "yes." Motion carried 7 to 0.

Lyon/Kordus motion to approve Regular Bills in the amount of \$198,160.44

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted “yes.” Motion carried 7 to 0.

**Closed Session**

Kupsik/Lyon motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation which it is or is likely to become involved in with CJB Investments LLC.

Roll Call: Chappell, Wall, Kordus, Hill, Kupsik, Kehoe and Lyon voted “yes.” Motion carried 7 to 0.

The council entered into closed session at 8:05 p.m.

**Return to Open Session**

Kupsik/Hill motion to return to open session.

Roll Call: Chappell, Wall, Kordus, Hill, Kehoe, Kupsik and Lyon voted “yes.” Motion carried 7 to 0.

The Council reconvened in open session at 8:50 pm.

Hill/Kordus motion as discussed in closed session to instruct staff to continue with current enforcement as already initiated.

Roll Call: Chappell, Wall, Kordus, Hill, Kehoe, Kupsik and Lyon voted “yes.” Motion carried 7 to 0.

**Adjournment**

Kordus/Lyon motion to adjourn at 8:51 pm. 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**