

**REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 22, 2014 – 7:00 PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Connors called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was led by Alderman Kupsik.

Roll Call. Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Hill, Kehoe, Kupsik, and Lyon.
Also present: City Administrator Jordan, City Attorney Draper and City Clerk Waswo.

Awards, Presentations, and Proclamations.

Mayor Connors stated the city will be hosting a Parking Structure Open House on September 24, the Park and Open Space Open House will be on October 8 at City Hall, and the Walworth County Clean Sweep Program will be coming up in October with details on the city website.

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.

Terry O'Neill, 954 George Street, Lake Geneva, spoke on behalf of his concerns for ordinance 14-05. He stated that if department heads have the authority to hire and fire their employees, the employee's loyalty will shift to the department head rather than the city council.

Acknowledgement of Correspondence.

City Clerk Waswo stated the City had received letters on September 8, 9, 15, 16, 17 and 19, 2014 from Margaret Clark, Ken Cottingham, Midael & Aranda Duntenon, Stacey Finnegan, April and Shawn Lawrey, Nancy Picken, Ann Shlensky, Wanda Timmons and Dalton Waldeck in regards to the color restriction in the business district. The City also received a letter from Richard Hedlund expressing his interest in the vacant position in the 3rd aldermanic district.

Approval of Minutes

Kordus/Chappell motion to approve the Regular City Council Meeting minutes of September 8, 2014, as prepared and distributed.

Consent Agenda

- a. Establish "Trick or Treat" hours for the City of Lake Geneva for Sunday, October 26, 2014, from 1:00 p.m. to 4:00 p.m.
- b. Request for Temporary Extension of Licensed Premises filed by Chad Bittner on behalf of Next Door Pub & Pizzeria, 411 Interchange North, to include parking lot area behind the restaurant during the "Next Door Pub & Pizzeria Fall Fest" event on Saturday, October 5, 2014 from noon to 10:00 p.m.
- c. Original "Class B"/Class "B" Intoxicating Liquor & Fermented Malt Beverage License application filed by Scuttlebutts, 831 Wrigley Drive, Lake Geneva, Randy A. Horch, Agent.
- d. Original 2014-2015 Operator's (Bartender) License applications filed by Julia Hallock, Allyssa Ingram, Desiree Newell and Chaz Wagner.

- e. Renewal of 2014-2015 Operator's (Bartender) license applications filed by Gweneth Garber, Pamela Quiller and Kara Vogt.

Alderman Kupsik stated item b. should be corrected to Sunday, October 5.

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

Items Removed from the Consent Agenda. None.

Finance, License and Regulation Committee Recommendations – Alderman Lyon

Discussion/Action on award of contract to Dan Larsen Landscape of Cedarburg, WI for the 2014 Fall Tree Planting in the amount of \$27,772.00 funded by the Capital Projects Fund.

Lyon/Wall motion to approve. Alderman Lyon stated Dan Larsen Landscape had the winning bid on this contract and has successfully done work for the city in the past. Alderman Hill questioned the disparity in the bids as the other bid was almost twice the amount. Alderman Kordus stated that DPW Winkler thought it was due to the company being a new bidder out of Brookfield, where they may be higher priced. Mayor Connors stated the unit cost for all the trees for this bidder were significantly higher as well. He also noted that staff had contacted 15 possible vendors, 6 took out packets and only 2 returned bids. He said Dan Larsen Landscape has held the bid for the last two out of three years and they have always done quality work.

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

Discussion/Action on award of contract to Stark Asphalt of Milwaukee for the 2014 Street Improvement Program in the amount of \$879,325.61 funded by the Capital Projects Fund.

Lyon/Kupsik motion to approve.

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

Discussion/Action on renewal of Liability, Property and Workman's Compensation policy.

Lyon/Kupsik motion to approve. Alderman Lyon stated the premium for the prior year was just under \$305,000 and the premium for the current year is 331,000, approximately a 9% increase. Mr. Lyon stated the City Administrator informed the Finance Committee the 9% increase is primarily due the city's experience on workman's comp side. City Administrator Jordan stated there was a \$400 increase for all the coverage's including the increase to workman's comp. He received the final number today for the renewal of the policy of \$332,061. He stated the numbers are based on a three year average. If the city has a good year, the amount may decrease. Mr. Jordan noted that the state sets the rate for workman's comp by taking the salary multiplied by the rate that they categorize each job classification and then base it on the municipality's experience. He said it went up because the city had a bad year. Alderman Wall asked if the carrier puts on safety classes that the staff would be able to attend. Mr. Jordan confirmed that they do have classes that staff has been involved in and training is held at least every other month. However, he noted most of the incidents were accidents. Alderman Hill asked if this is a calendar year policy. Mr. Jordan stated the policy runs October 1 through September 30 and comes due the first of October. Ms. Hill asked if this had been included in the 2013 budget. Mr. Jordan stated, yes it is, however this part is for this coming year. He said we can't really estimate what our workman's comp will be as it depends on if we have had a good or a bad year. If we do not have enough, it is taken out of the general fund. Mayor Connors noted that with the renewal period now, we can budget for it as it is in front of the budget process.

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

Resolution 14-R43, amending the 2014 Capital Projects Fund Budget for the City of Lake Geneva.

Lyon/Kupsik motion to approve. Alderman Lyon stated this is a final statement of the projects, their amounts and what is included in the 2014 Capital Projects. He stated the council is essentially lining up the monies approved for borrowing against the capital budget list.

Alderman Kordus pointed out that there is a \$17,000 expenditure for Library blinds. He said the council had asked the Library Board to come forward with three bids and they did not, but went forward with the highest bid and already spent the money. Mayor Connors asked the City Attorney to address a recent article in the Municipality explaining how a Library Board functions. City Attorney Draper said the Library Board has control of their funds and the city council controls how much is given to the Library. However, once it is funded to the Library, they have the ability to spend it as they see fit. Mr. Connors noted this is similar to the Police and Fire Budget.

Alderman Wall stated he was under the assumption the Library was to obtain a third bid and bring it before the council for final approval. He stated the Library had asked for \$17,000 and the council asked for a third bid, however, he was unsure if the Library had obtained the third bid. He questioned how the council could give out the money if they had not received three bids. Mr. Connors stated the \$17,000 was a line item that was on the capital borrowing that council had already approved. Mr. Wall replied this is not how it was stated in the workshop and that the Library was to come forward with a third bid. Mr. Wall noted that otherwise, he would not have voted for it at the workshop. Mr. Connors stated if those were the reservations, the amount should have been limited or cut down at the capital workshop. Mr. Wall said there were two bids, one of \$17,000 and one of \$9,000. Alderman Chappell confirmed that this is what she understood as well and it didn't mean that they would get the full \$17,000, just that it was a maximum amount. Ms. Chappell asked if they had come back with a third bid. Mayor Connor stated they did not come back to this body with the third bid. There was further discussion if the Library had or had not received a third bid and what was included in the bids. Mr. Wall stated he did not feel the purchase of the Library blinds was a wise use of taxpayers' money as the Library could have purchased two sets of blind for the price they spent on one set. Alderman Hill stated she agreed with Mr. Wall as there was a large disparity in what they were asking for and noted that the vendor that was selected is one of the most expensive in the area. She agreed that the council should not have to garner three bids for every project that comes through and felt that department heads usually do a pretty good job of getting close to the ballpark, however this was just one particular item she felt was excessive and asked for an additional bid. Mr. Kupsik stated in this case, just like the Police and Fire Commission, once the council approves the money for the Library, the Library can spend it however they want and the council has no say.

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

Plan Commission Recommendations – Alderman Kupsik

Discussion/Action on an Application for Land Division Review for a Certified Survey Map submitted by David and Julie Merhar, 129 Thatcher Ave, River Forest, IL 60305 for James and Kathleen Springer, 1591 Orchard Lane, Lake Geneva, WI 53147 to combine two parcels into one. Current Tax Key Nos. ZLM 00077 & ZLM 00079.

Kupsik/Lyon motion to approve. Alderman Kupsik stated the applicant was looking to combine the lot numbers 18 and 21. He stated there were some staff and engineer recommendations included. Mr. Connors noted the engineer's comment was that he wanted Orchard Lane fully visible so that everyone understood there was a right-of-way involved with the property, which has been corrected.

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

Personnel Committee Recommendations – Alderman Kupsik

Second Reading of Ordinance 14-05, to amend Section 2-49(3)f pertaining to the personnel committee responsibilities.

Kupsik/Hill motion to approve. Mayor Connors asked there be a change of language to the last two words of 1(f) to state the Lake Geneva Employee Handbook, which matches the title of our document. There is no change to the actual document. Alderman Kordus stated that this ordinance allows the city to run more like a business and that the council should not have to be involved in the day to day hiring and operations. He also pointed out that it is in the council's best interest to keep tabs on our department heads and ensure we have a managing body for the department heads as we pass the responsibility on to them.

Alderman Lyon stated he believes the department heads that are closest to the employee can make the best objective determination relative to their employment at that level and not at the council level. He said the council ends up getting into debates where they don't have a lot of objective evidence on their side. He said he is fully in support of this and feels the responsibility should be put where it belongs and allow the department head to operate their department including their employees. Alderman Kupsik noted that if you refer to the employee handbook on page 18 and 19, there is a due process for termination, resignation and reduction in force. Mayor Connors stated this is the result from Act 10 and Act 32 and these are new rules that all municipalities are run by. Alderman Hill pointed out that every single person employed in the community is an at-will employee as Wisconsin is an at-will state, where you can be escorted to your car at any given time. She presumes that department heads are managing their employees in such a way that they would obviously have due cause, and noted there are not many people where are not already familiar with this process.

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

Discussion/Action on the process for appointment of an individual to fill the balance of the vacant aldermanic term in the third district.

City Attorney Draper stated he thought it would be wise for the council to discuss the process in filling the vacancy. He stated the statutes provide that the council will make an appointment for the replacement. In the past it was thought that the mayor made the replacement, however, it is actually the council. He stated the council should set up a process on how to gather candidates, how to determine which candidate to vote on or whether to take the whole slate of people who submit their names. Mr. Draper suggested letting the public know that the city is seeking someone to fill the position and allow people a certain amount of time to submit their name. He stated there should be a process established and followed. Mayor Connors stated per state statute and city ordinance, the council would appoint someone to the remainder of the term, ending this April. Had the vacancy been open for another year, it would have gone to a special election, but in this circumstance it's an appointment for the balance of the term. Alderman Hill asked what the previous process has been. Mr. Connors stated it was not done correctly in the past as the mayor would appoint someone and the council would vote on it, where the city ordinance clearly states it is the council's prevue to appoint someone. Although Mr. Connors said the council would be following the same process it had when Mr. O'Neill resigned and Mr. Tolar came in and filled the balance of his term. Ms. Hill noted there was not an ad put in the paper at that time. Mr. Connors stated he and Mr. Draper discussed this item prior to the agenda and felt it would be best to make the announcement tonight to allow for anyone wishing to submit their desire to serve. The council would then discuss it at the next meeting. There was further discussion on how the council wanted to proceed with the process. Alderman Kehoe suggested putting the opening on the city website. Mr. Connors encouraged the council to make a motion to ask anyone interested in filling the vacant spot to submit a letter stating such by Friday, October 3rd and the council would vote on a person to fill the vacancy on the next regularly scheduled meeting, October 13th. City Administrator Jordan suggested that applicants include a resume.

Kordus/Wall motion to allow anyone currently living in the 3rd district to submit a resume and letter of interest for the 3rd District Alderman position to the city by October 3rd, for review prior to the October 13th agenda where the council would vote to select a new alderperson. Motion carried 7 to 0.

Presentation of Accounts – Alderman Lyon

Purchase Orders. None.

Lyon/Kordus motion to approve Prepaid Bills in the amount of \$7,991.44.

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

Lyon/Kupsik motion to approve Regular Bills in the amount of \$212,710.34.

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

Lyon/Kordus motion to accept Monthly Treasurer’s Report for May 2014. Motion carried 7 to 0.

Closed Session

Kupsik/Lyon motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(e) for competitive bargaining reasons for Police and Fire union negotiations (Administrator Jordan) and deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Attorney Draper).

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

The Council entered into Closed Session at 7:55 p.m.

Return to Open Session

Kupsik/Hill 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, Wall, Kordus, Hill, Kehoe, Kupsik, and Lyon voted “yes.” Motion carried 7 to 0.

The Council reconvened in open session at 9:00 p.m.

Hill/Kordus motion to direct staff to negotiate with the police and fire unions as discussed in closed session. Motion carried 7 to 0.

Adjournment

Kordus/Hill motion to adjourn at 9:02 p.m. Motion carried 7 to 0.

/s/ Sabrina Waswo, City Clerk

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