

**REGULAR CITY COUNCIL MEETING MINUTES- AMENDED**  
**MONDAY, JULY 23, 2018 – 6:00 PM**  
**COUNCIL CHAMBERS, CITY HALL**

**Members:** Mayor Tom Hartz, Council President, Ken Howell, Council Vice President, John Halverson, Alderpersons: Selena Proksa, Doug Skates, Tim Dunn, Cindy Flower, Shari Straube, and Rich Hedlund

Mayor Hartz called the July 23, 2018 Common Council meeting to order at 6:01 p.m.

Aldersperson Halverson led the Council in the Pledge of Allegiance.

Roll Call: Clerk Kropf took the roll and noted that seven alderpersons were present with Straube being absent and excused. Others present included: Mayor Hartz, City Administrator Oborn, Finance Director Hall, Utilities Director Gajewski, and Clerk Kropf.

**Awards, Presentations, and Proclamations**

2017 City of Lake Geneva Financial Report Presentation by Dave Maccoux

City Administrator Oborn noted that Mr.Maccoux wasn't at the meeting presently, but requested that we postpone this presentation until such time he arrives. Motion by Hedlund to postpone the presentation until Mr. Maccoux arrives, second by Skates. Motion carried 7-0.

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.

Beverly Leonard; 1504 Dodge St; Spoke in favor of the creation of the GoFundMe Page for the Avian Committee.

Carol Zimmermann; 61 Lakeview Dr; Spoke in favor of the creation of the GoFundMe Page for the Avian Committee.

Motion by Hedlund to suspend the rules to allow Mr.Maccoux to give his presentation, second by Skates. Motion carried 7-0.

2017 City of Lake Geneva Financial Presentation by Dave Maccoux

Mr. Maccoux of Schenck Auditing Firm gave the Council a high level overview of the City's 2017 Financial Audit. He noted that the budget year for the City was a very strong year and that the City managed the budget very well. He added that there is a slight deficiency in the internal controls within the City, but that is due primarily to the size of the City staff which was consistent with last year. He stated that the audit went very well overall and that the City was prepared with all of the materials as requested. Maccoux stated that the general fund is very healthy and had an increased fund balance from 2016. He did add that the City should investigate the implementation of a fixed asset program.

Acknowledgement of Correspondence

Clerk Kropf noted that there is no correspondence to acknowledge at this time.

Approve Regular City Council Meeting minutes of July 9, 2018, as prepared and distributed

Motion by Hedlund to approve, second by Skates. No discussion. Motion carried 7-0.

CONSENT AGENDA– Recommended by Finance, License and Regulation on July 17, 2018

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.

-2018-2019 Original & Renewal Operator License applications filed by various applicants as listed in packet

-Event Permit Application filed by the Lake Geneva Public Library for the event of a Book Sale to be held August 10-12, 2018 to be held at the library and outside the Wrigley Drive entrance (Applicant is requesting waiver of all fees).

-2018-2019 renewal of Taxi Cab Company License for Lakefront Shuttle: W3746 Lakeview Drive., Lake Geneva, WI 53147

Motion by Skates to approve, second by Proksa. No discussion. Motion carried 7-0.

#### Items Removed from the Consent Agenda

None

#### **Finance, License, and Regulation Committee Recommendations of July 17, 2018- Ald. Howell**

Discussion/Action regarding Resolution 18-R55 acknowledging receipt of the 2017 City of Lake Geneva Annual Financial Report and Management Letter.

Motion by Howell to approve, second by Skates. Motion carried 7-0.

Discussion/Action regarding adjustment to Capital Borrowing as it pertains to the replacement/installation of exhaust for \$22,000, and lights for \$10,000 at the Public Works Department - 1065 Carey St. with corresponding 2018 Capital Budget adjustment.

Motion by Howell to approve, second by Skates. City Administrator Oborn explained that this was over budget, but that the City had saved money in other areas to compensate. Motion carried 7-0.

Discussion/Action regarding replacement of lawn tractor, John Deere 850, with a Kubota Tractor not to exceed \$25,057.47 for Veterans Park Maintenance with corresponding 2018 Equipment Replacement Budget adjustment.

Motion by Howell to approve, second by Flower. Howell noted that this needed replacement badly and the Kubota has universal hydraulics that would save money on future implements/attachments. Motion carried 7-0.

Discussion/Action on additional costs to raise elevation of pedestrian bridge in Disc Golf Course, not to exceed \$4,750 with corresponding 2018 Capital Budget adjustment.

Motion by Howell to approve, second by Flower. Howell noted that we have been in the hundred-year flood stage and that the current height of the bridge would have put it under water. This amendment is necessary to keep the bridge viable.

Motion carried 7-0.

Discussion/Action regarding the creation of a GoFundMe donation account from the Avian Committee linked to a separate bank account established through the City of Lake Geneva Finance Department.

Motion by Howell to approve, second by Proksa. Howell noted that this wouldn't have a down side to the City and it would greatly impact the Avian Committee. Finance Director Hall noted that she ran this past the City Auditors and they were okay with the idea and that the money be put into a separate bank account. Hall agrees with this, but also warned that GoFund Me takes 5% of the donations. Motion carried 7-0.

Discussion/Action regarding a parking pilot app with the company ParkPNP.

Motion by Howell to approve, second by Halverson. Mayor Hartz asked that this item be postponed as the City Attorney has concerns with the City needing to establish a resolution to assign a depository to this app. Motion was withdrawn by Howell and Halverson.

Motion by Howell to postpone to the next Council meeting pending research on whether the City needs a resolution to designate a depository for the Park PNP app, second by Halverson. Motion carried 7-0.

Discussion/Action regarding the Special Assessment Report for the Cemetery Road Water/Sewer/Curb and Gutter Extension Project and project implementation plan (Approved by the Finance, License, and Regulation Committee on June 19, 2018).

Motion by Howell to approve, second by Flower. City Administrator Oborn recommended that the City move forward with the special assessment public hearing process. Utilities Director Gajewski stated that he was approached by several property owners asking for the installation of the water and sewer utilities. He then outlined the necessary process the City would have to follow to exercise its power of special assessments. Gajewski noted that he would like to see the public hearing occur prior to the City bidding out the project. Gajewski gave a rough outline of what a ten year and twenty year

schedule of payments could be to those being special assessed. Hedlund stated that there is a twenty percent contingency built in, so if that isn't used these figures may be lowered. Motion carried 7-0.

Discussion/Action of **Resolution 18-R56** amending the Plan Sponsor Advisory Administrative Agreement and Service Agreement Fee Schedule for the City of Lake Geneva Security Benefit 457(b).

Motion by Howell to approve, second by Proksa. Finance Director Hall stated that our Financial Director Dodd recommended some changes such as changing the officer of the plan from the City Administrator to the Finance Director due to the resignation of City Administrator Oborn. He also suggested that approving the fee schedule with Security Benefit and the investment options are changing for participants. This change would also lower the cost to the participants. Motion carried 7-0.

#### **Planning Commission Recommendations of July 16, 2018- Ald. Skates**

Discussion/Action of a Land Division filed by Jeremy Kinsey, 908 Clover St., Lake Geneva, WI 53147 to create a Certified Survey Map (CSM) for the property located at 401 Host Drive, and to generate two individual lots for the property in the Planned Business (PB) zoning district - Tax Key No. ZA163000003.

Motion by Skates to approve, second by Proksa. Skates noted that this would split these existing lot into two so that one may be sold. Motion carried 7-0.

Discussion/Action of **Resolution 18-R50** of a Conditional Use Permit filed by Mohammad Kaid, 313 W. Summerhill Pl ace, Oak Creek, WI 53154 to utilize the property as Indoor Commercial Entertainment for a Fro Zone business at 270 Broad St, located in the Central Business (CB) zoning district Tax Key No. ZOP00244.

Motion by Skates to approve, second by Flower. Skates noted that this was already approved at the Plan Commission without much discussion. Motion carried 7-0.

Discussion/Action of **Resolution 18-R51** of a Conditional Use Permit filed by Robert D. Larson Trust, 2403 Comstock Ct., Naperville, IL 60564 for the demolition and new construction of a single family residence and requests to utilize the Single Family-4 (SR-4) zoning at 905 Bayview Drive which is located within the Estate Residential – 1 (ER-1) zoning district, Tax Key No. ZGB00005.

Motion by Skates to approve, second by Proksa. Flower expressed concerns of the large amount of impervious surface in this area with the absence of stormwater retention. She would like that item discussed further in the future and considered in the conditional use permit process. Motion carried 6-1, with Flower voting no.

Discussion/Action of **Resolution 18-R52** of a Conditional Use Permit filed by Robert D. Larson Trust, 2403 Comstock Court, Naperville, IL 60564 for the installation and addition of a 100' pier located at 905 Bayview Drive. Property located within the Estate Residential – 1 (ER-1) zoning district, Tax Key No. ZGB00005.

Motion by Skates to approve, second by Howell. Skates stated that the DNR approved this and no neighbors appeared to contest it. Motion carried 7-0.

Discussion/Action of **Resolution 18-R53** of a Conditional Use Permit filed by Lawrence & Pamela Frankel, 1240 Dolphin Bay Apt. 402, Sarasota, FL. 34242, for the demolition and new construction of a single family residence, and requests to utilize the Single Family-4 (SR-4) zoning at 75 Hillside Drive located within the Estate Residential – 1 (ER-1) zoning district, Tax Key No. ZYUP00094E.

Motion by Skates to approve, second by Proksa. Skates stated that there was concerns from the neighbors about losing a view, but that the applicants did consider that in the construction plans. Motion carried 6-1, with Flower voting no.

Discussion/Action of **Resolution 18-R54** of a Conditional Use Permit filed by Lake Geneva Public Library, 918 W. Main Street to install a new Community Information Sign for the property located in the Estate Residential -1 (ER-1) zoning district, Tax Key No. ZOP00348.

Motion by Skates to approve, second by Halverson. Skates noted that the sign is already up and that the proper approval procedure was missed due to misinformation. Motion carried 7-0.

Discussion/Action for the amendments to the Comprehensive Plan.

Oborn noted that there needed to a participation resolution that isn't in the packet and would ask that this be continued.

Motion by Skates to continue to the next Council meeting, second by Howell. Motion carried 7-0.

Discussion/Action to reconsider putting the Resolution 18-R42 concerning Closing Dark Store Loopholes on the November ballot as the county is also considering placing a resolution regarding Dark Stores on the same ballot.

Mayor Hartz explained that the County Board approved the same dark store language to be placed on the November ballot as well as the City. This would allow the City to not have the question on the ballot.

Motion by Flower to reconsider the motion second by Skates. Motion carried 7-0.

Motion by Skates to approve Resolution 18-R42 knowing that the County, second by Flower. Flower would like to see that the educational piece of this referendum still continue at a future Committee of the Whole. Motion failed 0-7 with all alderpersons voting no.

Motion by Flower to support the County efforts to have the closing of dark store loophole referendum on the November ballot, second by Proksa. Motion carried 7-0.

### **Personnel Committee Recommendations as of July 16, 2018 – Ald. Proksa**

Discussion/Action recommending the council to accept the resignation and notice of the City Administrator.

Motion by Proksa to accept the resignation and notice of the City Administrator, second by Skates. Mayor Hartz noted that his last day will be August 6, 2018 and this is his last Council meeting with the City. Motion carried 7-0.

Discussion/Action recommending the City Council direct city staff to begin the search for an interim and permanent City Administrator via low cost online platforms.

Motion by Proksa to approve, second by Skates. Mayor Hartz asked that this be amended to have a professional service complete this task. Proksa stated that she agrees with Mayor Hartz and offered an amendment to her motion to add that the City hire a professional hiring service.

Motion by Proksa to contract with a search firm for an interim and permanent City Administrator, second by Skates.

Hedlund outlined the process from the last time that this service was necessary.

Motion by Skates to suspend the rules to allow Kevin Brunner to speak to the Council, second by Proksa. Hedlund noted that this conversation should happen at the Personnel Committee and a candidate shouldn't be allowed an unfair advantage to speak when all applicants are not present and afforded the same opportunity. Motion failed 5-2, with Proksa, Flower, Halverson, Hedlund, and Howell voting no.

Original motion was re-read aloud to the Council. Motion carried 8-0.

Discussion/Action recommending the City Council direct city staff to begin the search for a project manager to address the question of how to provide the best employee health insurance in the most cost effective manner for the City and its employees.

Motion by Proksa to approve, second by Skates. Proksa noted that this project is so large and overwhelming that this may be too much for staff. Finance Director Hall noted that a current staff member is well versed in health insurance plans and is going to offer her help. Halverson stated that Warren Flintcroft should also be considered as well. Motion carried 7-0.

### **Presentation of Accounts – Ald. Howell (Recommended by Finance, License and Regulation Committee on July 17, 2018)**

#### Purchase Orders

None

#### Prepaid Bills in the amount of \$10,468.98

Motion by Howell to approve, second by Skates. No discussion. Motion carried 7-0.

#### Regular Bills in the amount of \$137,426.99

Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 7-0.

**Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) 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 with regard to:**

- 1) Selection and terms of retainer for Real Estate Broker to sell City property located at N. Edward Blvd and Sheridan Springs Rd.
- 2) Contracts with MSI for renovations to the Riviera

Motion by Howell to convene the Council into closed session, second by Halverson. Motion carried 7-0 on a roll call vote. The Council convened into closed session at 8:03 p.m.

**Motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session**

Motion by Hedlund to reconvene the Council into open session, second by Howell. Motion carried 7-0 on a roll call vote. The Council reconvened into open session at 8:28 p.m.

Motion by Skates to continue the selection and terms of retainer for Real Estate Broker to sell City property located at N. Edward Blvd and Sheridan Springs Rd. as discussed in closed session, second by Hedlund. Motion carried 7-0.

Motion by Skates to direct staff to continue negotiations as discussed in closed session, second by Hedlund. Motion carried 4-3, Proksa, Dunn, and Flower voting no.

#### **Adjournment**

Motion by Dunn to adjourn the meeting of the Common Council, second by Halverson. Motion carried 7-0. The July 23, 2018 meeting of the Common Council adjourned at 8:31 p.m.

THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMON COUNCIL