

**REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 8, 2015 – 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 City Administrator Oborn.

Roll Call. Present: Mayor Connors, Aldermen Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell. Also Present: City Administrator Oborn, City Attorney Draper, Director of Public Works Winkler, Comptroller Pollitt, City Clerk Waswo.

Awards, Presentations, and Proclamations.

Mayor Connors congratulated the Geneva Lakes Women's Association on starting the 35th year of Safety Town.

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.

Mary Jo Fesenmaier, 955 George Street, stated she is addressing the appointment of Dennis Jordan to the PFC and believes he is not qualified. She referred to several documents pertaining to the Library theft that Mr. Jordan had approved. She requested the council not appoint the former City Administrator to the PFC.

Terry O'Neill, 954 George Street, said due to Mr. Jordan's involvement with the salt trial, he feels his appointment would be a conflict of interest; stating the police officer testifying would have to answer to Mr. Jordan on the PFC. He also spoke on the proposed Capital Improvement Referendum ordinance; explaining the exemptions would cover just about everything without the council having to do a referendum.

Richard Malmin, N1991 South Lake Shore Drive, spoke on the Maribu Hummel lawsuit. He noted the lawsuit sued everyone except Dennis Jordan. During mediation Hummel came out ahead with the City paying them 4 million and allowing them to have special contract zoning. Care for Lake Geneva sued the City because of this to see who approved this special zoning, and believes it was most likely Dennis Jordan. He feels the appointment came at the same time as the Ron Carstensen case, which Mr. Malmin feels Mr. Jordan was solely involved in. He also questioned the bidding process under Dennis' employment. He further added that appointing Mr. Jordan sends a message of inappropriate conduct in City Administration.

Acknowledgement of Correspondence. None.

Approval of Minutes

Wall/Kordus motion to approve Regular City Council Meeting minutes of May 26, 2015, as prepared and distributed. Unanimously carried.

Consent Agenda

Park Reservation Permit application filed by Harold Johnson on behalf of the Friends of the Lake Geneva Library for Beachside Bookfest on July 11, 2015 from 8:00 am to 7:00 pm (actual event to run from 10:00 am to 6:00 pm) at Library Park including approval of vendors selling food and merchandise (recommended by the Board of Park Commissioners on June 3, 2015)

Street Use Permit application filed by Gertrude Suhajda on behalf of Anchor Covenant Church for Troastapalooza on June 20, 2015 from noon to 8:00 pm closing the westbound lane of Park Row between Maxwell and Clover Street contingent upon payment and placement of barricades

Park Reservation Permit application filed by Kimberly Armitage for a 1st birthday party on July 25, 2015 from 2:00 pm to 4:00 pm at Veterans Park (recommended by the Board of Park Commissioners on June 3, 2015)

Park Reservation Permit application filed by Ray Ortiz for a birthday party on June 20, 2015 from 2:00 pm to 7:00 pm at Seminary Park (recommended by the Board of Park Commissioners on June 3, 2015)

Alcohol License Premises Extension Application filed by Hogs & Kisses Inc d/b/a Hogs & Kisses, 149 Broad Street, Linda Chironis, Agent, for Sidewalk Café Area, amending 2014-2015 License

Alcohol License Premises Extension Application filed by Hogs & Kisses Inc d/b/a Hogs & Kisses, 149 Broad Street, Linda Chironis, Agent, for Sidewalk Café Area, amending 2015-2016 License

Alcohol License Premises Extension Application filed by Beachside Hospitality Inc d/b/a Barriquee Wine and Brew Bar, 835 Wrigley Drive, Nancy Trilla, Agent, for Sidewalk Café Area

Renewal “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) **Harbor Shores Hotel Management Inc d/b/a Harbor Shores on Lake Geneva, 300 Wrigley Drive, William Strangeway, Agent**
- 2) **Gleneagles LLC d/b/a Sopra, 724 W. Main Street, Alastair Cumming, Agent**
- 3) **L&B Main Street Inc d/b/a Champs Sports Bar & Grill, 747 W. Main Street, Gregory Bush, Agent**
- 4) **Jackson Wine LLC d/b/a Studio Winery, 401 Sheridan Springs Road, Kathleen Jackson, Agent (Winery)**
- 5) **Oakfire LLC d/b/a Oakfire Pizzeria & Restaurant, 831 Wrigley Drive, David Scotney, Agent**
- 6) **DCR Restaurant Group LLC d/b/a Next Door Pub, 411 Interchange North, Chad Bittner, Agent**
- 7) **Medusa Grill & Bistro LLC d/b/a Medusa Grill & Bistro, 501 Broad Street, Gregory Anagnos, Agent**
- 8) **American Legion Post 24, 735 Henry Street, Charles Schlehlein, Agent**
- 9) **422 S. Wells St. LTD d/b/a Celebration on Wells, 422 S. Wells Street, Charles Lorenzi, Agent**
- 10) **Chubby Kitty LLC d/b/a Fat Cat’s, 104 Broad Street, Mark Basil, Agent**
- 11) **Samson Enterprises LLC d/b/a Carvetti’s, 642 W. Main Street, Eugene Grahler, Agent**
- 12) **LG Hospitality Group LLC d/b/a Tuscan Tavern & Grill, 430 Broad Street, James Georgalas, Agent**
- 13) **Pop More Corks Inc d/b/a Pop More Corks, 615-617 W. Main Street, David Biegemann, Agent**
- 14) **Capitol Geneva LLC d/b/a Sprecher’s Restaurant & Pub, 111 Center Street, Elizabeth Dion, Agent**

Renewal Reserve “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) **Meridian Condominium Association, d/b/a Bella Vista Suites, 335 Wrigley Drive, Charles Lorenzi, Agent**
- 2) **Su Wings Corp, d/b/a Su Wings Chinese Restaurant, 743 North Street, Siu Wing Leung, Agent**

Renewal Class “B” Fermented Malt Beverage & “Class C” Wine License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) **Beachside Hospitality Inc d/b/a Barriquee Wine & Brew Bar, 835 Wrigley Drive, Nancy Trilla, Agent**
- 2) **PH Hospitality Group LLC d/b/a Pizza Hut, 801 Williams Street, Butch Nocek, Agent**
- 3) **Happy Restaurant Inc d/b/a Happy Café, 526 Wells Street, Min Ting Zhong, Agent**

Renewal “Class A”/Class “A” Liquor & Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Cove Condominium Association Inc d/b/a The Cove of Lake Geneva, 111 Center Street, Patrick McCarthy, Agent
- 2) Queso Corp d/b/a The Cheese Box, 801 S. Wells Street, Zbigniew Borowiec, Agent
- 3) Target Corporation d/b/a Target Store T2348, 660 N. Edwards Blvd., Nicholas Schmidt, Agent
- 4) QuickNSave LLC d/b/a Quick N Save, 1231 Grant Street, Jatinder Dhillon, Agent
- 5) Geneva Country Store, 605 Williams Street, Thomas Kaczmarek, Agent
- 6) Kwik Trip Inc d/b/a Kwik Trip 219, 710 Williams Street, Jillian Ricker, Agent
- 7) H&P Enterprises LLC d/b/a Geneva Liquors, 797 S. Wells Street, Kanwal Singh, Agent

Renewal “Class B”/Class “B” Intoxicating Liquor & Fermented Malt Beverage (Hotel Exemption) License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Cove Condominium Association Inc d/b/a The Cove of Lake Geneva, 111 Center Street, Patrick McCarthy, Agent

Renewal Class “B” Fermented Malt Beverage License applications filed by the following, contingent upon payment of all outstanding liabilities and delinquencies with the City of Lake Geneva and wholesaler invoices, and clearance of any Department of Revenue holds:

- 1) Re-Vive LLC d/b/a Re-Vive Gallery & Studio, 721 Geneva Street, Samantha Strenger, Agent
- 2) Geneva Lakes Hotel Group LLC d/b/a Comfort Suites, 300 E. Main Street, Sara Remlinger, Agent

Renewal of 2015-2016 Operator’s (Bartender) License applications (located in packet)

Original 2015-2016 Operator’s (Bartender) License applications (located in packet)

Renewal Taxi Company License application filed by All Star Cab, W1044 Evergreen, Pell Lake

Original Taxi Driver License application filed by Matthew Trane *(approved by Police Chief; informational only)*

Renewal Taxi Driver License application filed by Ronald Skipper, Sr. and Debra Skipper *(approved by Police Chief; informational only)*

Renewal Massage Establishment License application filed by Bella Vista Suites/Heartland Spa, 335 Wrigley Drive

Hill/Chappell motion to approve. Unanimously carried.

Second Reading of Ordinance 15-05, amending Chapter 2, Sec. 2-345 Capital Improvement Referendum for City Capital Expenditures raising the limit to \$1,500,000 with a 2.5% annual increase starting 2016 and including provisions for exempting Capital Expenditures for new utilities, and maintenance, repair or replacement of existing utilities or other infrastructure

Kordus/Wall motion an amendment to link the annual increase to the CPI as published by the WERC on January 1 of each year using 2015 as a baseline. Alderman Kordus felt the annual increase should not be tied to a fixed amount and noted it is not a budgeting item. He felt it should have been adjusted for inflation all the way along. Alderman Chappell requested they note that it is only used in extreme cases for new utilities, and maintenance, repair or replacement of existing utilities or infrastructure. City Attorney Draper questioned which CPI should be used. City Administrator Oborn recommended using the labor CPI. Mr. Draper questioned if they wanted increases and decreases or just increases. Mr. Kordus stated whatever the inflation is, it would be adjusted. In a period of deflation, it would go down. Alderman Howell would like to continue with the 2.5%. Alderman Hill agrees. She would rather have a predictable process and outcome and felt 2.5% is fair. Alderman Gelting stated they are already raising it to

what the CPI would have brought it to based on the original referendum. He feels this gives a little wiggly room so that even if the CPI goes down in a period of deflation, it would not go below what the original referendum amount was. He sees it as a compromise already and said it makes sense to tie it to the CPI.

Roll Call on Amendment: Chappell, Wall, Kordus, Gelting, Kupsik, voted “yes.” Motion carried 5 to 3 with Alderman Hill, Hedlund and Howell voting “no.”

Chappell motion an amendment to add language stating capital expenditures for new utilities, and maintenance, repair or replacement of existing utilities or other infrastructure for extreme cases or disaster related. Ms. Chappell stated she is trying to stick to the original intent of the ordinance and preserve public involvement. Motion failed for lack of second.

Alderman Kordus stated his intention was to allow for utilities and necessary infrastructure improvements to move forward without the need to go to referendum.

Roll Call on Main Motion: Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Motion carried 7 to 1 with Alderman Chappell voting “no.”

Second Reading of Ordinance 15-06, amending Chapter 46 Nuisances, to include Article III, Abandoned Property and Section 46-10, Disposal of Abandoned Property

Wall/Kordus motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Finance, License and Regulation Committee Recommendations – Alderman Kupsik

Discussion/Action on renewal of CD in the amount of \$143,818.73 plus interest, maturing on June 21, 2015 from BMO Harris Bank

Kupsik/Wall motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Discussion/Action on renewal of CD in the amount of \$314,480.01 plus interest, maturing on June 10, 2015 from Associated Bank

Kupsik/Hill motion to approve. Alderman Chappell questioned if the CDs were earmarked for the future or contingency. Comptroller Pollitt stated it is TID#4 money, which cannot be used for general purposes.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Personnel Committee Recommendations – Alderman Hedlund

Resolution 15-R31, authorizing a 1.5% wage increase for full-time, non-union, non-contracted current employees retroactive to January 1, 2015

Alderman Hedlund stated the resolution was amended at FLR to include seasonal and non-season part-time employees. Comptroller Pollitt stated she spoke with a couple Department Heads and recommended a resolution be brought back at the next meeting for seasonal and part-time employees so that they do not miss anyone. Alderman Hill stated the intention of her motion at Personnel was to only exclude the City Clerk, who has a step increase and the City Administrator, who just negotiated his contract.

Hill/Chappell motion to approve Resolution 15-R31 and include the Comptroller, Building and Zoning Administrator, Assistant Director of Public Works, Parking Manager, Police Chief, Assistant Police Chief, Police Lieutenant, Police Sergeant Hall, Police Sergeant Way, Police Sergeant Derrick, PD Communications Supervisor, and PD Administrative Assistant for a 1.5% raise retroactive to January 1.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Discussion/Action on adoption of employee health insurance change in plan benefits to \$1,000 single, \$2,000 family deductibles and various other copay increases

Hedlund/Kordus motion to recommend adoption of employee health insurance normalized plan. Alderman Kordus stated he is in favor of this resolution with the understanding that it is a step approach. Mayor Connors stated the taskforce will still be in place as this will be a continuous process. Technically, this is a 6 month plan that can be extended at the first of the year if that is what the council wishes to do. The recommended start date of an HSA plan would be January 1. The goal is to reduce costs due to the 2018 Affordable Care Act and Cadillac tax penalty. With the present numbers, the City would be subject to a \$411,000 penalty. Mr. Connors noted they are trying to be proactive and change in steps. Ms. Hill stated her end goal would be to avoid any excess tax. Alderman Gelting stated they were over by \$360,000 and the \$200,000 is an annualized savings. They are really getting a \$100,000 projected savings and noted it is only a 6 month deal.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Presentation of Accounts – Alderman Kupsik

Purchase Orders. None.

Kupsik/Hill motion to approve Prepaid Bills in the amount of \$12,690.77.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Kupsik/Gelting motion to approve Regular Bills in the amount of \$120,160.98

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Kordus/Wall motion to approve Acceptance of Monthly Treasurer’s Report for April 2015

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Mayoral Appointments.

Mayor Connors asked Mr. Draper who is responsible for approving payments made by the Library under State Statute. City Attorney Draper stated the Library Board, which is also under the City ordinances.

Avian Committee - Reappointment of Maureen Winkler to May 1, 2017

Wall/Hill motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Historic Preservation Committee - Appointment of Jim Davis to May 1, 2017

Kordus/Kupsik motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted “yes.” Unanimously carried.

Police & Fire Commission - Appointment of Dennis Jordan to May 1, 2020

Wall/Kordus motion to approve. Alderman Kordus feels Mr. Jordan is well qualified for this role and stated he believes he would be a good addition to the PFC. Alderman Kupsik questioned if there is any conflict of interest with the upcoming salt trial and would feel better sending it back to the Mayor for reconsideration. Mayor Connors stated he is not aware of any pending charges against Mr. Jordan. He noted this is one person on a commission of five, so no one person makes any decision.

Alderman Hill thinks this is the worst idea out of the City yet and feels it does not consider the interests of the City and residents. She stated this has nothing to do with him personally; it is strictly a professional matter. She found Mr. Jordan’s position as Administrator to be highly deficient. She was concerned that the Mayor refused to provide Mr. Jordan with a performance evaluation over the last three years. To appoint Mr. Jordan to a five year term on the most powerful commission in the City is irresponsible and unfair to the new Administrator. For all the reasons noted through public comments and the fact that they refused to manage Mr. Jordan, is a failure of this Council and Mayor. Ms. Hill stated his appointment to the PFC is entirely inappropriate.

Mr. Kordus stated he has heard positive and negative about Mr. Jordan; and feels there is personal animosity against him, and was not making accusations on whether it was from anyone on the Council. He said Mr. Jordan has the background and is qualified. He noted there is no pending legal action that he is aware of either.

Alderman Wall feels the former Administrator served them well and believes the community thinks that also. He does not know where Mr. Kupsik is coming from with a trial as Mr. Wall has not heard of Mr. Jordan having to testify. Mr. Wall said Mr. Jordan would be a great asset to the PFC. Alderman Chappell agrees with Ms. Hill and stated when somebody chooses to retire, they should honor that. She suggested picking someone fresh who has new perspectives. Alderman Gelting stated he agrees with Ms. Hill on the separation. He feels Mr. Jordan did a good job with the City and the Council overall did a great job as stewardship and financially for the City. Anybody can be criticized for any element of their job, especially in a position such as that. Mr. Gelting wants to make sure they are empowering the new Administrator to push forward in a new era. He would prefer to break with the old and stated any of the speculative issues are not part of his concern. Mr. Gelting stated Mr. Jordan would be a good fit and do a great job but feels there should be more time to allow for separation with the Police and Fire.

Alderman Hedlund stated he certainly thinks he is qualified. From his short time here, he has seen some shortcomings, but has no question with his morals. He understands the separation and that Mr. Jordan would be one of a commission of five. After being here for 14 years, Mr. Jordan does know how the City works and would not have to go through any transition period. Mr. Hedlund noted he is still undecided. Alderman Howell stated he spent 10 years on the Police and Fire Commission and someone like Mr. Jordan would be an asset they could use.

Mayor Connors noted the purpose of the PFC is to be apolitical and felt they were politicizing it. Mr. Connors stated Mr. Jordan has a special skill set who knows how the functions overlap in municipal finance and municipal law. He said Mr. Jordan would be an asset to the commission as Alderman Howell stated. Ms. Chappell questioned if the PFC would like Mr. Jordan on the board. Mr. Connors stated he spoke with two commissioners who were in favor of it. He did not speak with more than that as it would possibly affect a quorum; however, there really is no business upon them.

Roll Call: Mayor Connors, Alderman Wall, Kordus, Hedlund, Howell voted "yes." Chappell, Hill, Gelting, Kupsik voted "no." Motion carried 5 to 4.

Utility Commission - Appointment of Dennis Lyon to October 1, 2019

Wall/Chappell motion to approve.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Closed Session

Kordus/Chappell motion to go into Closed Session pursuant to Wis. Stat. 19.85 (1)(b) for considering licensing of Yvette Gray by a board or commission or the investigation of charges against such person and the taking of formal action on any such matter (City Attorney Draper).

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

The Council entered into closed session at 8:30 p.m.

Return to Open Session

Kupsik/Hedlund 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, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

The Council reconvened in open session at 8:35 p.m.

Kordus/Hill motion to deny operator's license of Yvette Gray.

Roll Call: Chappell, Wall, Kordus, Hill, Gelting, Kupsik, Hedlund, Howell voted "yes." Unanimously carried.

Adjournment

Kordus/Chappell motion to adjourn at 8:36 p.m. Unanimously carried.

/s/ Sabrina Waswo, City Clerk

THESE ARE NOT OFFICIAL MINUTES UNTIL APPROVED BY THE COMMON COUNCIL