

REGULAR CITY COUNCIL MEETING

MONDAY, JANUARY 25, 2010 – 7:00 PM

COUNCIL CHAMBERS, CITY HALL

Council President Marsala calls the meeting to order at 7:12pm.

Pledge of Allegiance was lead by Alderman Mott.

Roll Call: Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer, Clerk Dykstra, Comptroller Pollitt, City Attorney Draper, and Administrator Jordan.

Statement of public notice by Council President Marsala.

Krause/Tolar motion to approve Regular City Council Meeting minutes of January 11, 2010 as published and distributed. Unanimously carried.

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.

Spyro Condos, 1760 Hillcrest Drive, noted he wanted to discuss the impact fees dealing with the Library. He wanted to thank the Finance Committee for tabling this item. There needs to be further discussion on this item. To transfer money out of a fund requires a vote and if you do what staff recommends to itemize things, then you will get around that resolution. They need oversight at that Library. He also asked to table the audit presentation to give the public an opportunity to ask questions of the accountant. If you allow it tonight you might recommend another opportunity at the Committee of the Whole. On the prepaid bills he wanted to commend the Comptroller for trying to put a policy together for this process. This has been a problem for years and this is a move in the right direction.

Ken Etten, speaking on item #14 for the 630 Williams Street recommendation. He noted that there is a rezone on this property and get approval on one portion of the building so they can get a roof on this building. On the item regarding the historic preservation sign at Library Park he noted the Sturges Family agreement may affect and the City Attorney is reviewing it so he asks they consider approval pending Attorney review.

Sara Schuester, N1970 S. Lakeshore Dr., she is discussing item #16 regarding Kayak and Canoe access and they just wanted to provide some facts to stay on top of these activities. She discussed advantages of Kayaking in the community and the potential revenue for the City. She also encouraged bicycle areas and racks.

Terry O'Neill, 954 George Street, commented he would recommend all monetary and zoning items not be on the same day City Council agenda. This would give them better opportunity to review. He also discussed the 2008 audit and his concern for a copy of the audit is not available to ask questions. Why was this not included? Is this another example of how to limit citizen input? What will be included in this audit?

Re-consider business from previous meeting.

Krause/Mott motion to reconsider **Resolution 10-R03**. Krause noted he wished to discuss the dollar allocations at the next meeting. Roll Call: "Yes" Alderman Mott, Marsala, Tolar, Krause. "No" Alderman Fesenmaier, Krohn, and Roehrer. Motion carried.

Acknowledgement of Correspondence. City Clerk Dykstra noted there were 17 letters from various people asking for consideration of the revocation of the Stein Liquor License for non-usage.

Mayoral Proclamation recognizing Lions Club International Director Robert Johnson for the accomplishments and to celebrate the 2010 District 27 A-1 Annual Convention held in Lake Geneva.
Mayoral Proclamation recognizing Lions Club International District Governor Carl Marquardt for the accomplishments and to celebrate the 2010 District 27 A-1 Annual Convention held in Lake Geneva.
Mayoral Proclamation recognizing Lions Club International Lioness Affiliate District President Mary Tatera for the accomplishments and to celebrate the 2010 District 27 A-1 Annual Convention held in Lake Geneva.

Alderman Marsala read the proclamations into the record.

2008 Audit Presentation by Art Tillman of Deignan and Associates.

Fesenmaier/Krause motion to continue to the Committee of the Whole and the February 8, 2010 Council Meeting. Alderman Fesenmaier noted the audit was not available online or to the Alderman. She likes to look through the items not to page through during the presentation. She feels he should do the presentation at the Committee of the Whole meeting and be available for questioning at the Council meeting.

Alderman Krause retracted his second since he noted Art Tillman was present.

Alderman Roehrer seconded the motion.

Roll Call: "Yes" Alderman Mott, Fesenmaier, Krohn, and Roehrer. "No" Alderman Marsala, Tolar, Krause.

Motion carried 4-3. Alderman Fesenmaier asked this item be placed on the internet, this is a public document. Art Tillman indicated he felt it was a draft and would like to present it first, however they are welcome to do what they would like with it. Alderman Krause asked for it to be submitted to the Clerk in that format.

Park Donation Policy as recommended by the Park Board. (Alderman Fesenmaier) (Continued on 12/14/09, 1/11/10)

Krause/Roehrer motion to table until February 8, 2010 as recommended by the Park Board. Unanimously carried.

Resolution 10-R01 a resolution to authorize the City Clerk to determine the number of poll workers at each polling place to be either three (3), five (5), or seven (7) depending on the number of ballots and anticipated turnout, and authorizing the split shifts of poll workers when necessary. (Tabled 1/11/10)

Fesenmaier/Krause motion to remove from the Table. Unanimously carried.

Krause/Roehrer motion to approve. Unanimously carried.

Revised request to approve the Library Impact Fee Budget for the Library not to exceed \$27,500 and request from the Lake Geneva Public Library for Library Impact Fees to purchase additional shelving units for the library collection, as recommended by the Library Board. (Original Tabled 1/11/10)

Krause/Mott motion to remove from the table. Krause/Mott rescind their motion.

Item was left on the table.

Impact Fee Budget for 2010.

Krause/Roehrer motion to table. Unanimously carried.

Resolution 10-R04 a resolution to set the EMS billing rates effective February 1, 2010.

Krause/Roehrer motion to approve. It was noted the resident rates did not change.

Unanimously carried.

Resolution 10-R05 a budget resolution to designate the WE Energies property purchase from TID and undesignated reserves. (Administrator Jordan)

Krause/Roehrer motion to table until February 8, 2010. Unanimously carried.

Resolution 10-R06 a budget resolution to authorize \$140,000 for the demolition and abatement of the WE Energies property.

Krause/Roehrer motion to table until February 8, 2010. Unanimously carried.

Agreement with Crispell-Snyder for Professional Construction Related Engineering Services for Edwards Boulevard Extension.

Krause/Tolar motion to allow Sue Barker to speak on this item. Unanimously carried.

Sue Barker noted this is an agreement for construction engineering services which includes survey administration and FEMA permit and inspection services. Alderman Fesenmaier questioned if this was included in the contract. Jordan noted this is a continuation of other aspects of the projects. Fesenmaier noted that when they were chosen to do the City work, they agreed to handle this. Jordan stated the design of the Bridge was included with that agreement.

Krause/Tolar motion to approve.

Alderman Roehrer questioned that based on the previous questions with the property can this really be done. Jordan noted that if the Council chooses, it can be by February 8, 2010 to prepare for award.

Roehrer/Fesenmaier motion to table. Roll Call: “Yes” Alderman Fesenmaier, Krohn, and Roehrer. “No” Alderman Mott, Marsala, Tolar, and Krause. Motion fails 4-3.

Roll Call on Original Motion: “Yes” Alderman Mott, Marsala, Fesenmaier, Tolar, and Krause. “No” Alderman Krohn, and Roehrer. Motion carried 5-2.

Review and recommendation on CDARS Investment renewals

Krause/Roehrer motion to take \$300,000 and place at Community Bank Delavan for .5%. Krause noted there are several more CDARS due next month and they will look at other investment options.

Roll Call: “Yes” Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer. Unanimously carried.

Accounts Payable Regular Check Policy and Accounts Payable Prepaid Check Policy as recommended by the City Comptroller.

Krause/Mott motion to table. Unanimously carried.

Request from Police and Fire Commission to pre-pay Foster Coach for the 2010 ambulance.

Krause/Roehrer motion to approve. Krause noted this was an approved purchase and there is an opportunity to save \$3,500 for a prepay purchase. Krause/Roehrer motion to allow Chief Connelly to speak. Unanimously carried.

Chief Connelly noted that Pierce Manufacturing and Oshkosh Trucking and they have been in business for 50 years. They are the top three manufacturer. He also noted there is a performance bond on that also.

Roll Call: “Yes” Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer. Unanimously carried.

Second reading of Ordinance 10-1 a Zoning Map Amendment to rezone certain real property, located at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004 from General Business (GB) and General Industrial (GI) to Planned Development (PD).

Tolar/Krause motion to approve.

Attorney Draper noted that this is a planned development. You should not approve this unless you approve the General Development Plan and he believes it should be approved together.

Alderman Krohn questioned the status of the purchase of this property.

Administrator Jordan noted that this is a building that has a leaking roof and once he has that completed he won't purchase. He won't purchase if he can't get that approved to do the work.

Attorney Draper agreed to approve the PIP and the GDP prior to the Ordinance.

Tolar/Krause remove their motions.

Krause/Mott to suspend the rules and take the GDP and PIP first. Unanimously carried.

General Development Plan and a portion of the Precise Implementation Plan regarding roof repair or replacement filed by Chris Migut, to allow for the conversion of the existing commercial building to multi-tenant commercial, office and light industrial use at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004, including staff recommendations.

Tolar/Krause motion to approve. Unanimously carried.

Krause/Mott motion to consider the Zoning Map Amendment. Unanimously carried.

Second reading of Ordinance 10-1 a Zoning Map Amendment to rezone certain real property, located at 630 Williams Street, Tax Keys ZA1776 00001 thru 00004 from General Business (GB) and General Industrial (GI) to Planned Development (PD).

Tolar/Krause motion to approve. Unanimously carried.

Set public Hearing date on Resolution 09-R62 a resolution to vacate and discontinue a portion of an unpaved alley in Geneva Lake Crawford Manufacturing Addition, and ordering the Clerk to publish a class three notice.

Tolar/Roehrer motion to approve and set a public hearing for February 22, 2010. Unanimously carried.

Placement of Historic Preservation Commission sign designating the Historic District Area at the Library Park on the southwest area near the park benches where Wrigley Drive turns from Main Street. (design approved by Plan Commission 12/21/09, Historic Preservation Commission recommended approval)
Krause/Tolar motion to approve contingent upon the Attorney review of the compliance with the Sturges Covenant.
Unanimously carried.

Direct Attorney Draper to draft an ordinance restricting Kayak and Canoe launching at designated areas only. (Alderman Marsala and Tolar)

Marsala noted that the only official launch site is the Launch area. This would allow additional launch areas. It would expand to three areas. Alderman Roehrer questioned the launch in the Lagoon. It will be discussed at the Piers and Harbors Meeting on Thursday evening.
Roehrer/Mott motion to approve. Unanimously carried.

Discussion/recommendation regarding City personnel involved in mismanagement of City funds. (Alderman Fesenmaier and Krohn.)

Fesenmaier/Krohn motion that the Personnel Committee within the next two weeks recommend actions regarding staff involved, but not limited to, Violation of State Statute and other mismanagement of funds. She also requests Personnel Council schedule the meeting after 6:00pm to make the meetings available to all the Council.
Alderman Marsala noted there are other Personnel items being discussed at this moment that are pressing and couldn't verify a meeting in two weeks.
Alderman Fesenmaier stated she does not accept as an amendment.
Alderman Tolar commented he disagrees. The meetings have always been at 2:00pm and there has never been a problem.
Alderman Fesenmaier noted the meeting times have changed since she was elected.
Alderman Krause stated there needs to be latitude to the Chair to schedule the meeting.
Alderman Fesenmaier further asked the Council to vote in favor of taking care of this right away. They can't go into too many details but it needs to be taken care of right away. Two weeks is plenty of time.
Alderman Marsala noted there are other pressing issues before the Personnel Committee and all are important, and he doesn't feel they should make a commitment to a time frame.
Alderman Fesenmaier stated this matter is pressing. What ever other issues are before the Personnel Committee this takes precedence and should come before that.
Alderman Marsala noted setting a time in the past has been to accommodate members of the Committee.
Alderman Fesenmaier stated the time will be 6:00pm or later.
Alderman Marsala noted this is a closed session item and the public could not discuss anyway.
Attorney Draper commented it is not clear what the issue is. The difficulty is once you start talking about personnel there are certain notices that are required. There is no doubt everyone wants to hear this concern, but set a time frame you might be able to meet.
Alderman Fesenmaier commented if the City Attorney can't agree with the timeline, she is okay with that being superseded. She can accept if he can show a timeline. She would like to see it in two weeks.
Alderman Roehrer commented the person who made the motion may not be able to come to this meeting unless it is at that time.
Roll Call: "Yes" Alderman Mott, Marsala, Fesenmaier, Krohn, Krause, and Roehrer. "No" Alderman Tolar. Motion carried 6-1.

Presentation of Accounts

Purchase Orders. None.

Krause/Roehrer motion to approve Prepaid Bills in the amount of \$43,483.11. Roll Call: "Yes" Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer. Unanimously carried.

Krause/Roehrer motion to approve Regular Bills in the amount of \$193,203.08. Alderman Roehrer commented the audit response letter is when attorney's response to the audit. Roll Call: "Yes" Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer. Unanimously carried.

Appointments to Committees, Commission & Boards by Mayor Chesen.

Appointment of Alderman Bill Mott to the Standing Committees of Public Works Committee and Piers, Harbors, and Lakefront Committee. Krause/Tolar motion to approve. Unanimously carried.

Motion to go into closed session pursuant to Wis. Stats.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 in which it is or is likely to become involved with Mirbeau, Mirbeau-Hummel, or Geneva Joint Ventures. (Alderman Fesenmaier and Krohn)

Fesenmaier/Roehrer motion to approve. Roll Call: “Yes” Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, Roehrer. Unanimously carried.

Tolar/Krause motion to return to open session pursuant to Wis. Stats. 19.85 (2). Roll Call : “Yes” Alderman Mott, Marsala, Fesenmaier, Krohn, Tolar, Krause, and Roehrer. Unanimously carried.

Discussion/Recommendation regarding current litigation from Mirbeau or Hummel (Alderman Fesenmaier and Krohn.)

No action will be taken.

Mott/Tolar motion to Adjourn at 9:28pm. Unanimously carried.

/s/ Diana Dykstra, City Clerk

MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMON COUNCIL.