

## Scary Virus Warning

An insidious and very destructive virus was activated at City Hall on Monday night 11/6. A Scary Virus whose corrupting influence could endanger the entire future of the Lake Geneva Community. The virus was transported in from Madison and introduced by one of Lake Geneva's own trusted municipal officers. The virus certainly infected most of the City Aldermen and many of those unfortunate enough to be attending the Meeting of the Whole on that Monday. The virus agent was released in a film presented by the city's liability insurance agent, Dennis Tweedale, following City Attorney Dan Draper's friendly introduction conveying assurances of trustworthiness, creditability and Mr. Tweedale's wealth of knowledge.

Under the guise of wanting to protect the Aldermen and other Government officials from liability claims and law suits, Mr. Tweedale, CEO of the League of Wisconsin Municipalities Mutual Insurance, warned that in Federal Court the sky was the limit in terms of monetary awards to successful claimants including having to pay the plaintiff's attorney fees of \$550 per hour. We were told that the Risk Management circumstances and the public official's liability presented in this particular film, which was one of many such films in his library, had universal application and common to all 38 Cities and Villages the League covered across the country. Not surprisingly, this is the very same film he showed back in 2008.

The film started with a flash of a disclaimer that the information contained in the film should not be relied upon for appropriate legal advice, and it went downhill from there. True, it did point to the fact that no City Alderman has individual powers of his own, but that the City Council was a collective body working toward consensus to achieve the city's goals. (Unfortunately, the film makers never ran into Super-Alderman Skates who came down to earth with powers and abilities far beyond those of mortal aldermen).

The Big Scare Virus lurking inside this film then slithered out in a discussion between an Alderman and the Mayor of Cottonwood, Colorado explaining the reasons a former Alderman of Cottonwood was not covered by the insurance company in a "Land Use" law suit filed against him personally. Because it was a quasi-judicial matter and the alderman acted outside the scope of his powers and duties as an alderman, the insurance company elected not to provide him with legal representation or pay the \$150,000 in punitive damages the judge awarded the plaintiff. As a result, the Alderman had to get a second mortgage on his house to personally pay all the expenses. Quasi-Judicial matters, the film explained, emphatically prohibit ex parte contacts which means there can be no discussion of a pending "Land Use" item with anyone, including the alderman's constituents, outside the Public Hearing. If it were to occur, the Alderman must recuse himself from the Public Hearing and from voting.

After the film, Tweedale said this was probably only the second (maybe third) time he'd been asked by the city to come to Lake Geneva to show this troublesome film. Plus, he found it necessary to remind everyone that Lake Geneva holds the record for the largest lawsuit in Wisconsin (Hummell). He made it a point to mention that his insurance company has only denied coverage to 4 Wisconsin officials who also just happen to be from Lake Geneva. The inference was that Hummel was a Quasi-Judicial issue and the 4 aldermen were guilty of ex parte contacts.

Is it true that the ordinance to change the Comprehensive plan and land use map on Hillmoor is a "Land Use" quasi-judicial issue just like the Hummel Development? Everyone not clued in to Mr. Tweedale's scam to confuse the new aldermen to vote for the developer, did go into a panic. Alderman Chappell

said, as she left City Hall, it's "quasi-Judicial so no ex parte contacts" before anyone even mentioned Hillmoor. Alderman Ken Howell said he was going to recuse himself on the 13<sup>th</sup> because he didn't want to be sued by the developer. Even the very savvy alderman Cindy Flower was taken in by the hoax.

No, No, No the original map change amendment request and now the pending Ordinance for Hillmoor are not a quasi-Judicial decision. At this stage the pending Ordinance on Hillmoor is still a legislative issue because it deals with making or changing a law. That's why all Resolutions and Ordinance have two readings so that the Council and citizens have time to participate and react to the issue to increase the likelihood of a better informed and reasoned decision. Quasi-Judicial decisions deal with applying the law. If the Council should make the mistake of passing this map change Ordinance and it becomes law, any subsequent action like a conditional use, a variance or an appeal is a quasi-judicial decision preventing ex parte contacts. Then Freed/Fitzpatrick can then sue for ex parte contacts infringing on their constitutional due process rights.

So why did Draper and Tweedle turn City Hall viral by showing a film to panic and confuse the unsuspecting aldermen? The City Administration wants to Super-Size and grow the city because they're foolish enough to believe more taxes means more revenue so they can trick the citizens into believing their taxes will go down. That never happens. History proves more tax revenue just gives city hall bureaucrats more money to waste.

The City Planner, Mike Slavney from Vandewalle and Associate, proves he has a conflict of Interest because he vigorously promotes development to get more work for himself. He doesn't work for the good of the citizens of Lake Geneva because he's in bed with any developer who's willing to pay for his time and creative skills. For his work on Hillmoor, Slavney's sure to win the Pulitzer for BS writing the most detailed analysis advocating for a Development that surpasses anything we've seen before. Then he really stuck it in extra deep to the Public when he gave the Plan Commission only reasons to approve and no list of reasons to deny the map change forcing the Plan Commissioners to vote for it and the City Council will have to do the same. If the City Council wanted to deny, they have to give good valid reasons. Slavney cheated us of that possibility

The City Planner, the City Administrator, the City Attorney and a gaggle of bureaucrats working out of City Hall are all part of the Growth Conspiracy to GROW the City at any cost because Bigger is Better for them. But the Public wants its small city Charm and that's how they will vote next April.