

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, JANUARY 24, 2022- 6:00 P.M.
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)

Members: Mayor Charlene Klein, Council President, Rich Hedlund, Council Vice President, John Halverson, Alderpersons: Tim Dunn, Mary Jo Fesenmaier, Cindy Flower, Ken Howell, Shari Straube, and Joan Yunker

Mayor Klein called the meeting to order at 6:06 p.m.

Alderpersion Flower led the Council in the Pledge of Allegiance.

Roll Call

Present: Dunn, Fesenmaier, Flower, Halverson, Hedlund, Howell, and Yunker

Absent: Straube (excused)

Awards, Presentations, Proclamations, and Announcements

None

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

Jim Strauss, 1517 Meadow Ridge Cir; Spoke in favor of the proposed changes to the Geneva Theater and stated that an amended agreement needs to be drafted.

Chad Branen; 244 Broad St; Spoke in favor of the proposed changes to the Geneva Theater and believes the new plan does follow the developer's agreement from 2016.

Judy Newcomer; 909 Henry St; Spoke in regards to the limited conditional use permit for 912-914 Williams Street.

Dean Roscoe; Represented the Geneva Theater Project; Spoke in favor to the proposed changes to the Geneva Theater.

Halverson asked that the Geneva Theater item be moved up on the agenda as most of the public comment is regarding those items.

Motion by Halverson to move up items 12d & 12e on the agenda, second by Flower. Motion carried 7-0.

Acknowledgement of Correspondence

None

Approve the Regular Council Minutes of January 10, 2022 as prepared and distributed

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

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on January 18, 2022.* 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.

NONE

Items removed from the Consent Agenda

None

Discussion regarding the Development Agreement with Shad Branen in relation to the Geneva Theater, located at 244 Broad St dated March 24, 2016

Mayor Klein noted that a copy of the agreement was put into the packet and is only for discussion. Fesenmaier stated that she was looking for a breakdown of how the money was spent, in a document. Fesenmaier also stated she would like to know if the equipment, purchased using TIF funds, would be retained with the proposed changes. Fesenmaier asked the Mayor to provide the financial documentation that was given to her, for the public to view. No action taken.

Discussion/Action to amend the existing General Development (GDP) for the Geneva Theater, 244 Broad St. to allow for additional Commercial Indoor Entertainment and Outdoor Commercial Entertainment to allow for an outdoor beer garden. Located in the Central Business (CB) zoning district. Tax Key Nos. ZOP00246, ZOP00247, & ZOP00248

Motion by Howell to approve, second by Halverson. A clarification was made that the current owner, stills owns the entire property. Motion carried 7-0.

Motion by Halverson to move up agenda item 12f, second by Flower. Motion carried on a roll call vote 7-0.

Discussion/Action regarding **Resolution 22-R05** a resolution authorizing the issuance of a Precise Implementation Plan (PIP) amendment filed by Win Properties, PO Box 731, Burlington, WI, 53105, for a request to renovate and utilize portions of the building located at 244 Broad St. as a Commercial Indoor Entertainment and Outdoor Commercial Entertainment land use in the Central Business (CB) zoning district. Tax Key Nos. ZOP00246, ZOP00247, & ZOP00248

Motion by Dunn to approve, second by Howell. Halverson spoke in favor of the changes and applauded the owner for staying current with the struggles that theater owners have been facing. Motion carried on a roll call vote 7-0.

Recommendation of the Finance, Licensing, and Regulation Committee of January 18, 2022- Ald. Howell

Discussion/Action regarding Change Order #5 filed by Selzer-Ornst Construction Co for the Library Renovation project in an amount not to exceed \$20,277.00

Motion by Howell to approve, second by Halverson. No discussion. Motion carried on a roll call vote 7-0.

Discussion/Action regarding a pay request filed by Hougan Environmental for work completed on the Library Renovation Project; 80% of contract work completed in an amount not to exceed \$58,756.00

Motion by Howell to approve, second by Halverson. No discussion. Motion carried on a roll call vote 7-0.

Discussion/Action regarding the Civil Engineering Service Draft RFQ

Motion by Hedlund to continue to the next Council meeting, second by Howell. Hedlund stated that he feels that this has been rushed and would like more time to review. Flower stated that there have been discussions with the pertinent staff and no discussion was offered at the last Finance meeting. She asked that this item be approved based on lack discussion on this item. Motion carried 4-3, with Fesenmaier, Flower, and Halverson voting no.

Discussion/Action regarding Pier Lease & Commercial Buoy and Boat Slip Lease with Lake Geneva Boat Line, INC (Finance, Licensing, and Regulation Committee referred to Council without recommendation on January 18, 2022)

Motion by Hedlund to approve with amendments requested at the Finance Committee with the Attorney's approval, second by Yunker. Flower asked that the lease be amended to remove the subleasing capability and remove the public parking opportunities to the lessee.

Motion to amend by Flower to remove the subleasing and the public parking, no second was offered. Motion to amend failed for a lack of second.

Original motion carried on a roll call vote 6-1, with Flower voting no.

Discussion/Action regarding use of the Vibly App for boat launch fees

Motion by Howell to approve, second by Yunker. Fesenmaier stated that this would be in addition to the cash box. Motion carried 7-0.

Discussion/Action regarding cashless beach admission requiring use of credit card or Vibly App

Motion by Howell to approve, second by Hedlund. Flower spoke in favor of this change. Hedlund added that after discussion with residents, many did not have an issue with this change. Howell stated that he had approved this in the past and worries about people potentially being turned away from the beach. Dunn agreed with Howell's sentiments. Motion carried 6-1, with Howell voting no.

Discussion/Acceptance of January 18, 2022 Finance, Licensing, and Regulation Committee Payment Approval Reports

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

Recommendation of the Planning Commission of January 17, 2022- Ald. Dunn

Discussion/Action regarding the Annexation for the applicant Avalon Property LLC, 875 Geneva Pkwy, Lake Geneva, for property located at 875 Geneva Pkwy, for the 0.40 acre, Tax Key No. NLY3100002, currently located in the Town of Lyons

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

Discussion/Action regarding **Resolution 22-R03** a resolution authorizing the issuance of a Limited Conditional Use Permit for Williams Street Holdings LLC, 280 Sterns Rd, Fontana, WI 53125, for a proposed Commercial Indoor Lodging land use for the property located at 912-914 Williams St, in the General Business (GB) zoning district, Tax Key No. ZA85500002

Motion by Dunn to approve, second by Flower. Fesenmaier stated that some of the issues that were raised by the neighbor included the space in between the garages. She inquired if that distance could be identified.

Motion to amend by Fesenmaier that the City Staff work with the applicant and the neighbor regarding an appropriate buffer, second by Howell. Attorney Draper added that the fence was a recommendation of the staff and there was not a discussion of this at the Plan Commission.

Motion to amend carried 7-0.

Fesenmaier stated that the owners need to make sure that the tenants are adhering to the noise ordinance. Fesenmaier stated that there are issues with the parking for this, with the addition of the farm stand truck. Fesenmaier asked that staff consider the parking before the farm stand permit is issued.

Original motion as amended carried 7-0.

Discussion/Action regarding **Resolution 22-R04** a resolution authorizing the issuance of a Conditional Use Permit filed by John Engerman d/b/a Woodley Assets, W3411 Linton Rd, Lake Geneva, for a request that would allow for the construction of a new Single Family home at 925 Maytag Rd, in the Estate Residential-1 (ER-1) zoning district, Tax Key No. ZCE00020

Motion by Dunn to approve, second by Yunker. Fesenmaier expressed concerns with the state of the road and worried about the road deteriorating.

Motion to amend by Fesenmaier that the City not issue an occupancy permit until the road condition is verified, second by Flower. Attorney Draper stated that the ordinances do not have such a provision and questioned how this could be determined. Flower stated that this could be a good idea for the future, but worried that there isn't legal precedence to uphold this.

Motion to amend failed on a roll call vote 1-6, with Dunn, Flower, Halverson, Hedlund, Howell, and Yunker voting no.

Original motion carried on a roll call vote 7-0.

Motion to go into Closed Session pursuant to Wisconsin Statutes 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body 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 regarding: **1) Kukla; 434 Madison St Utility Claim 2) Brink Excessive Tax Claim 3) White River Holdings, LLC**

Motion by Hedlund to convene the Council into Closed Session to include the City Administrator, City Clerk, City Attorney, and Attorney Joe Wirth, second by Howell. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 7:14 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 Howell to reconvene the Council into Open Session, second by Hedlund. Motion carried 7-0 on a roll call vote. The Council reconvened into Open Session at 7:48 p.m.

Motion by Hedlund to continue the Kukla, 434 Madison St Utility Claim, second by Howell. Motion carried 7-0.

Motion by Hedlund to deny the Brink Excessive Tax Claim, second by Halverson. Motion carried 7-0.

Adjournment

Motion by Howell to adjourn, second by Halverson. Motion carried 7-0. The meeting adjourned at 7:50 p.m.