

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL
MONDAY, FEBRUARY 22, 2021 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 6:07 p.m.

Alderperson Flower led the Council in the Pledge of Allegiance.

Roll Call

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

Absent: Hedlund

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

None

Acknowledgement of Correspondence

None

Approve the Regular Council Minutes of February 8, 2021 as prepared and distributed

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

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on February 17, 2021.* 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.

Tier II Event Permit Application filed by the Lake Geneva Jaycees for the event of Venetian Fest to be held August 18, 2021 through August 22, 2021 (Setup on August 16 and 17 with cleanup on August 23) located in Flat Iron Park, Library Park, and Seminary Park, Lake Geneva

Temporary Class “B”/ “Class B” Retailer’s License filed by Lake Geneva Jaycees for the event of Venetian Festival Beer Garden to be held August 16, 2021 through August 23, 2021 from 6:00 a.m. through 11:59 p.m. located at the Flat Iron Parking Lot, on the 100 Block of Center St, Lake Geneva

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

Items removed from the Consent Agenda

First Reading of Ordinance 21-01 an ordinance amending Chapter 2, Administration, Article II, City Council, Section 2-49, Standing Committees, subsections (1) (a) of the Lake Geneva Municipal Code, Lake Geneva; as it relates to the ability to reschedule Finance, Licensing, and Regulation Committee meetings due to an election

Mayor Klein offered Ordinance 21-01 as a first reading.

Motion by Howell to suspend the rules and move to second reading, second by Halverson. Motion carried 7-0.

Mayor Klein offered Ordinance 21-01 as a second reading.

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

First Reading of **Ordinance 21-02** an ordinance amending Chapter 14, Buildings and Building Regulations, Article II, Building Code, Division 2, Permit Fees, Section 14-51, Schedule, subsections (b) and (c) of the Lake Geneva Municipal Code, Lake Geneva; as it relates to fees for work completed without permits and gross square footage calculations
Mayor Klein offered Ordinance 21-02 as a first reading.

Motion by Howell to suspend the rules and move to second reading, second by Yunker. Motion carried 7-0.

Mayor Klein offered Ordinance 21-02 as a second reading.

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

First Reading of **Ordinance 21-03** an ordinance amending Chapter 90, Waterways, Article II, Lakes and Beaches, Section 90-191, Season Rental, Section 90-192, Fees, Section 90-193, Boat ownership and State Registration required, Section 90-199, Classifications for rental of boat stalls and buoys, of the Lake Geneva Zoning Code, Lake Geneva; as it relates to kayak rentals, rental fees, lease applications and rentals of boat stalls and buoys

Mayor Klein offered Ordinance 21-03 as a first reading.

Motion by Yunker to suspend the rules and move to a second reading, second by Howell. Flower expressed some concerns with some of the new language presented in the amended ordinance and suggested that this may wait for a second reading.

Howell rescinded the second to the motion.

Motion by Yunker to suspend the rules and move to a second reading was then seconded by Dunn. Motion carried 5-2, with Flower and Howell voting no.

Mayor Klein offered Ordinance 21-03 as a second reading.

Motion by Yunker to approve Ordinance 21-03, second by Dunn.

Motion by Flower to amend by removing 90-199(5) changes and to continue for further discussion, second by Halverson. Flower noted that she didn't feel that the five days was enough time and that changing the process could help streamline. She suggested that the City contact the first five or ten people on the waitlist to contact about a potential opening for that season. Yunker felt that process may be confusing to the applicants receiving notice. Motion to amend failed 3-4, with Howell, Straube, Yunker, and Dunn voting no.

Original motion for second reading was then read. Motion carried 6-1, with Flower voting no.

First Reading of **Ordinance 21-04** an ordinance amending Chapter 98, Zoning Ordinance, Article VIII, Signage Regulations, Section 98-804, General Signage Regulations, Subsection (1), Sign Prohibitions and Limitations, subsection (c) of the Lake Geneva Zoning Code, Lake Geneva; as it relates to allowed time for flashing sign appearances to change

Mayor Klein offered Ordinance 21-04 as a first reading.

Motion by Dunn to suspend the rules and move to a second reading. No discussion. Motion carried 7-0.

Mayor Klein offered Ordinance 21-04 as a second reading.

Motion by Yunker to approve Ordinance 21-04, second by Halverson. Motion carried 7-0.

Recommendation of the Finance, Licensing, and Regulation Committee of February 17, 2021- Ald. Howell

Discussion/Action regarding a Temporary Class "B"/ "Class B" Retailer's License filed by Side by Side Inc for the event of Pop-Up Dinner on February 27, 2021 from 6:00 p.m. to 10:00 p.m. located at 711 W Main St, Lake Geneva (**Referred to the Council without recommendation**)

Building Administrator Walling noted that the retail use that has been proposed and that this pop-up dinner would not fall under the restaurant category.

Motion by Howell to approve, second by Straube.

Motion by Fesenmaier to continue, second by Yunker. Flower noted that continuing this item would ultimately deny the license as the event would be in the past. Fesenmaier noted that she is uncomfortable and it should be delayed.

Motion carried 4-3, with Howell, Straube, and Flower voting no.

Discussion/Action regarding a Temporary Class “B”/ “Class B” Retailer’s License filed by Open Arms Free Clinic for the event of Pop-Up Dinner on March 6, 2021 from 6:00 p.m. to 10:00 p.m. located at 711 W Main St, Lake Geneva
(Referred to the Council without recommendation)

Motion by Howell to allow Nick Vorpagel to address the Council, second by Straube. Motion carried 7-0.

Nick Vorpagel addressed the Council regarding the events. He added that they have followed all of the guidelines set by the City and that these dinners will be benefited by a charity.

Motion by Howell to approve, second by Straube.

Motion by Fesenmaier to continue, second by Dunn. Fesenmaier indicated that she feels these events are too new and worries about the safety of the citizens. Flower stated that she didn’t feel it was necessary to continue this or cancel it and felt it was no different than Venetian Fest or Oktoberfest. Straube noted this won’t stop the event, just the alcohol. Motion carried 4-3, with Howell, Straube, and Flower voting no.

Discussion/Action regarding a Temporary Class “B”/ “Class B” Retailer’s License filed by My Team Triumph for the event of Pop-Up Dinner on March 13, 2021 from 6:00 p.m. to 10:00 p.m. located at 711 W Main St, Lake Geneva
(Referred to the Council without recommendation)

Motion by Fesenmaier to continue, second by Dunn. No discussion. Motion carried 4-3, with Howell, Straube, and Flower voting no.

Discussion/Action regarding Pay Request #3 filed by MSI General Corp for work completed on Project 4453A- The Riviera Phase II- Interior Remodel and MEP in an amount not to exceed \$189,181.10

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

Discussion/Action regarding **Resolution 21-R11** a resolution approving the assigned fund balance for the Avian Committee donations account as of 12/31/2020

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

Discussion/Action regarding **Resolution 21-R12** a resolution approving the assigned fund balance for the Historic Preservation Committee donations account as of 12/31/2020

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

Discussion/Action regarding **Resolution 21-R13** a resolution adopting 2020 transfers from the Lakefront Special Revenue Fund and the Parking Special Revenue Fund to the General Fund

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

Discussion/Action regarding **Resolution 21-R14** a resolution authorizing carryover of Capital Projects and Equipment Replacement Funds budgets from 2020 to 2021 and 2022

Motion by Howell to approve, second by Yunker. Finance Director Hall noted that some of these projects were put on hold due to COVID-19 or ran out of time before the end of the year. Motion carried 7-0.

Discussion/Acceptance of February 17, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports

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

Recommendation of the Planning Commission of February 15, 2021- Ald. Dunn

Discussion/Action regarding an Extra Territorial Zoning review of a proposed Certified Survey Map (CSM) for Ronald J. Amann, 5804 State Rd. 36, Burlington, WI, 53105, to create a lot as identified on the certified survey Job no. 20522 dated 12-30-2020 for Tax Key No. JA380100002

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

Discussion/Action regarding **Resolution 21-R17** a resolution authorizing the Precise Implementation Plan filed by David Schwartz, for the building located at 300 Peller Rd., to allow for the raze and rebuilding of the existing multi-tenant fuel station property, within the Planned Business (PB) zoning district, Tax Key No. ZA129400002

Motion by Dunn to approve, second by Fesenmaier. Dunn noted that there were discussions about the right of way and potential expansion of Highway 50. Attorney Draper noted the applicant did a traffic study and that they have

been agreeable to any City concerns. Flower questioned the landscaping and the City welcome sign. Draper noted that landscaping was engineered based on drainage issues. Flower had concerns with the drive through and worried because there was no escape lane. Attorney Draper noted that the lane is 30' wide and that maybe a car could get through but that he wasn't sure. Motion carried 6-1, with Flower voting no.

Motion to go into Closed Session pursuant to Wis. Stat. 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) Claim by Gloria Dei Lutheran Church concerning payment of Real Estate Taxes 2) Employment Contracts for Non-Represented, Sworn Officers**

Motion by Howell to convene the Council into Closed Session, second by Fesenmaier. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 7:27 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 Fesenmaier. Motion carried 7-0 on a roll call vote. The Council convened into Open Session at 7:38 p.m.

Motion by Flower to refund the claim by Gloria Dei Lutheran Church for real estate taxes in the amount of \$7,243.79, second by Yunker. Motion carried 7-0 on a roll call vote.

Adjournment

Motion by Fesenmaier to adjourn, second by Yunker. Motion carried 7-0. The meeting adjourned at 7:39 p.m.