CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, MARCH 8, 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 6:08 p.m.

Alderperson Halverson led the Council in the Pledge of Allegiance.

Roll Call
Present: Dunn, Fesenmaier, Flower, Halverson, Hedlund, Howell, and Yunker
Absent: Straube

Awards, Presentations, Proclamations, and Announcements

Announcement regarding April 6, 2021 Spring Election
City Clerk Kropf announced that the Spring Election will be held on Tuesday, April 6, 2021 and that all Aldermanic Districts will be voting at City Hall. She further stated that absentee ballots will be mailed out no later than March 16, 2021 to those individuals with requests on file. In-Person absentee voting will also be offered starting March 23, 2021 through April 2, 2021 from 9:00 a.m. to 3:00 p.m. Any questions can be directed to the Clerk's Office.

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
Clerk Kropf noted that there were four items of correspondence received; there are as follows:

Frank & Debra Colombrita; 500 S Edwards Blvd # 68; Spoke in opposition of the Sidewalk Special Assessments.

Bruce & Linda Byrne; 4004 S Edwards Blvd #63; Spoke in opposition of the Sidewalk Special Assessments.

W. David Denton; 500 S Edwards Blvd; Spoke in opposition of the Sidewalk Special Assessments.

Erin Austin; Spoke in opposition of Ordinance 20-18, potentially increasing the room tax rate for the City.

Clerk Kropf read the comments aloud and noted that all items have been forwarded to the Common Council.

Approve the Regular Council Minutes of February 22, 2021 as prepared and distributed
Motion by Hedlund to approve, second by Halverson. No discussion. Motion carried 7-0.

Public Hearing regarding Sidewalk Special Assessments related to the 2021 Street Improvement Project
Christine Olson; 500 S Edwards Blvd #26; Spoke in opposition of the Sidewalk Special Assessment.

David Denton; 500 S Edwards Blvd #52; Spoke in opposition of the Sidewalk Special Assessment.

Motion by Hedlund to close the Public Hearing, second by Dunn. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R21** a resolution authorizing and levying special assessments against benefited property in the City of Lake Geneva for the improvement of sidewalk improvements as part of the 2021 Street Improvement Project

Motion by Hedlund to approve **Resolution 21-R21**, second by Flower. Fesenmaier stated that the letters that brought up a lot of great concerns and that they should be addressed at the Public Works Committee. Flower agreed with the concerns brought forward and noted that this sidewalk will have to be maintained by the property owners. Flower also agreed with Fesenmaier in that sidewalks need to be installed during the time of the development, not after the fact as this is. Finance Director Hall explained the installment amounts that will be charged as stated in the packet; these installments will be over ten years at 5% interest. Flower, as the Public Works Committee Chair, explained the need for the installation of the sidewalks. Howell stated that he feels the City should be paying for the installation of the sidewalks, not the home owners. Fesenmaier stated that she would like to see that residents to be special assessed, nit be charged interest if they are over the age of 62. Hall stated that she wasn't sure if that could be done. City Attorney Draper noted that administering that would be an almost impossible task. Attorney Draper noted that the estimated costs report showed the same amount of assessments being billed to the Oaks Condominium Association as the condo owners. He noted that as the Oaks Condominium Association doesn't have a tax key number and that they cannot be assessed; therefore, the assessments would have to be given to the actual condo owners. Motion carried 5-2, on a roll call vote with Howell and Yunker voting no.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on March 2, 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 Event Permit Application filed by The Lake Geneva Regional News for the event of Bacon Fest to be held May 8, 2021 from 11:00 a.m. to 7:00 p.m. located in Flat Iron Park, Lake Geneva

Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 6-1, with Dunn voting no.

-Tier I Event Permit Application filed by Semper Running Foundation for the event of Semper Running Half Marathon to be held July 10, 2021 from 7:00 a.m. to 10 a.m. using South Street and South Lakeshore Drive, Lake Geneva

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

-Agent change filed by Maya Geneva Inc to Vikas Dadhwal

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

Items removed from the Consent Agenda

None

Discussion/Action regarding **Resolution 21-R22** a resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency

Motion by Howell to approve and extend to April 26, 2021, second by Halverson. Dunn asked what would change if the proclamation did not get extended. Attorney Draper stated that there is legislation that is set to be passed related to COVID relief that would be offered to municipalities and that this would need to be in place to be eligible. Motion carried 7-0.

Second Reading of **Ordinance 20-18** an ordinance amending Section 70-57: Levied Rate, of Article III: Room Tax, of Chapter 70: Taxation, of the City of Lake Geneva Municipal Code; as it relates to the percentage of room tax levied ***(Council continued this item at the November 23, 2020 meeting)***

Mayor Klein offered Ordinance 20-18 as a second reading.

Motion by Hedlund to approve, second by Halverson. Dunn stated that he agrees with the comment from Ms. Austin and cited the pandemic as a reason. Fesenmaier stated that Ms. Austin had identified other revenue streams, such as properties that do not adhere to the short term rental requirements and that those should be sought out. Finance Director Hall stated that the Council should possibly consider having the ordinance take effect on June 1, 2021. This would allow the City time to notify hotel owners and others of the change and to plan accordingly.

Motion by Hedlund to amend that the ordinance take effect on June 1, 2021, second by Yunker. Motion carried 7-0.

Ordinance as amended carried 4-3, with Flower, Howell, and Fesenmaier voting no.

Council President Hedlund assumed the position of the chair of the meeting in the absence of the Mayor; he also announced that he would be voting as a member of the Council.

Recommendation of the Finance, Licensing, and Regulation Committee of March 2, 2021- Ald. Howell

Discussion/Action regarding 2021 Street Improvement Project Bid award to Wolf Paving in an amount not to exceed $648,631.82 ***(Finance, Licensing, and Recommendation referred to Council without recommendation)***
Motion by Flower to approve, second by Howell.

Discussion/Action regarding Pay Request #2 from Payne & Dolan, INC for the 2020 Street Improvement Project in an amount not to exceed $32,055.79
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 7-0.

Discussion/Action regarding purchase of van from the 2021 Equipment Replacement Fund
Motion by Howell to approve, second by Halverson. No discussion. Motion carried 7-0.

Discussion/Action regarding repurposing Vac-All #29 Chassis into a dump truck to be paid from the 2020 Surplus Auction Funds
Motion by Howell to approve, second by Flower. No discussion. Motion carried 7-0.

Discussion/Action regarding Pay Request #4 filed by MSI General Inc for work completed on the Riviera Phase II-Interior Remodel & MEP Work in an amount not to exceed $750,406.90
Motion by Howell to approve, second by Yunker. No discussion. Motion carried on a roll call vote 7-0.

Discussion/Action regarding Riviera Restoration Project Change Order #3 ***(Finance, Licensing, and Recommendation referred to Council without recommendation)***
Motion by Howell to allow the representative from MSI General to address the Council, second by Hedlund. Motion carried 7-0.
Dave Luterbach from MSI General addressed the Council regarding the contingency summary and change order #3. He noted that there are three different variations of the change order that would allow for removals/deletions of potential work. He reviewed the change order document and went through the miscellaneous credits for options 3A, 3B, and 3C as outlined in the packet. He explained that there were several items that could be carried over to Phase III, but that some of the items would need to be completed right away. Council discussion included the concern over the amounts of the proposed change order plans, where the funding would come from, and the time constraints of the project. Finance Director Hall explained that she had put together four options for potential funding for the change order plans. She noted that option #1 would be surplus funds from the lakefront/parking transfers, option #2 would be fund balance from the lakefront fund, option #3 would be fund balance from the parking fund, and that option #4 would be to continue spending from loan proceeds and 2023 surplus (if available) to cover gap in spending.
Motion by Howell to accept plan 3B from MSI General Corp and choose Option #1 for the funding, second by Hedlund. Motion carried 7-0, on a roll call vote.

Discussion/Action regarding **Resolution 21-R18** a resolution adopting a 2020 year-end budget amendment authorizing the re-allocation of funds in the 2020 budget for certain revenues and expenditures exceeding their 2020 budgets
Motion by Howell to approve, second by Halverson. No discussion. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R19** a resolution authorizing carryover of General Fund budget amounts from 2020 to 2021
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R20** amending the City of Lake Geneva Fee Schedule to add cost for large set plan printing
Motion by Howell to approve, second by Dunn. No discussion. Motion carried 7-0.

Discussion/Action regarding reduction of 2020 Personal Property Tax assessment amount from $5,000 to $500 for Tique Furnishings
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 7-0.

Discussion/Acceptance of March 2, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports
Motion by Howell to accept, second by Hedlund. No discussion. Motion carried 7-0.

Mayoral Appointments

Appointment of Joel Hoiland to the Planning Commission with a term to expire May 1, 2023
Motion by Howell to suspend the rules to allow Mr. Hoiland to speak, second by Halverson. Motion carried 7-0. Joel Hoiland addressed the Council and thanked them for the opportunity to serve on the Plan Commission.

Motion by Hedlund to approve, second by Howell. Motion carried 7-0.

Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding: **Employment Contracts for Non-Represented, Sworn Officers** and 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)Employment Contracts for Non-Represented, Sworn Officers and 2) Notice of Claim from White River Holdings, LLC**
Motion by Hedlund to convene the Council into Closed Session to include all City Staff and Attorneys, second by Halverson. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 8:31 p.m.

Motion to return to open session pursuant to Wisconsin Statues 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 Flower. Motion carried 7-0 on a roll call vote. The Council reconvened into Open Session at 9:23 p.m.

Motion by Flower to direct staff to proceed as discussed in Closed Session, second by Hedlund. Motion carried 7-0.

Adjournment
Motion by Flower to adjourn, second by Fesenmaier. Motion carried 7-0. The meeting adjourned at 9:25 p.m.