

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, APRIL 26, 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 6:00 p.m.

Aldersperson Hedlund led the Council in the Pledge of Allegiance.

Roll Call

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

Absent: Halverson

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

Holly Starck; N1597 Country Side Ln; Spoke in opposition of the payment of parking fees for the Farmer's Market with Holy Communion Church.

Sean Payne; Spoke in opposition of the payment of parking fees for the Farmer's Market with Holy Communion Church.

Luke Pfeiffer; 304 S Wells St; Spoke in favor of the issuance of the Conditional Use Permit for the Maxwell Mansion.

Acknowledgement of Correspondence

Clerk Kropf noted that there had been several items of correspondence received and that all items were forwarded to the Common Council and City Leadership Team. The items that were received were as follows:

Ken & Ruth Monaco; 1625 Lake Shore Dr; Spoke in opposition of the Conditional Use Permit for 1622 Evergreen Ln if a fence requirement is not approved.

Greg & Dorothy Chapman; Spoke in favor of the Conditional Use Permit issuance to the Maxwell Mansion.

Diane Muzzy; Spoke in opposition of the Conditional Use Permit issuance to the Maxwell Mansion.

Theodore Peters; Spoke in opposition of the proposed changes within the ER-1 Zoning District.

Casey Schiche; Spoke in opposition of the Conditional Use Permit issuance to the Maxwell Mansion.

Candice & Samuel Phelan; Spoke in opposition of the Conditional Use Permit for 1622 Evergreen Ln

Approve the Regular Council Minutes of April 12, 2021 as prepared and distributed
Motion by Hedlund to approve, second by Dunn. No discussion. Motion carried 7-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on April 20, 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.

Howell requested that the Tier I Event Permit Application filed by Holy Communion Church for the event of Farmer's Market to take place every Thursday from May 6, 2021 through October 28, 2021 from 8:00 a.m. through 1:00 p.m. located at Holy Communion Church- Broad Street and Geneva Street be removed.

-Tier I Event Permit Application filed by the Downtown Business Improvement District for the event of Lake Geneva Wine Walk to take place on May 23, 2021 located on various streets of Lake Geneva and businesses

-Tier I Event Permit Application filed by J3 Events, Inc for the event of Wine Run 5K to take place on June 6, 2021 from 9:00 a.m. to Noon

-Temporary Class "B"/ "Class B" Retailer's License filed by Never Say Never Playground for the event of the Lake Geneva Wine Walk to take place on May 23, 2021 from 1:00 p.m. to 4:00 p.m. located in various downtown Lake Geneva businesses

-Acceptance of an Arbor Day sponsorship from American Transmission Company in an amount of \$250.00

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

Items removed from the Consent Agenda

Tier I Event Permit Application filed by Holy Communion Church for the event of Farmer's Market to take place every Thursday from May 6, 2021 through October 28, 2021 from 8:00 a.m. through 1:00 p.m. located at Holy Communion Church- Broad Street and Geneva Street (Finance, Licensing, and Regulation Committee approved with applicant paying \$3,120 in parking fees)

Motion by Howell to approve and waive the parking fees, second by Straube. Fesenmaier stated that there should be a conversation at the next Finance meeting to address how these issues will be handled in the future; there should be a policy to address this. Motion carried 6-1 with Hedlund voting no.

Discussion/Action regarding release/satisfaction of that certain mortgage and development agreement against real property at 323 Broad Street

Attorney Draper stated that when TID #4 was open there was a grant given to the Lake Geneva Economic Development Corporation to purchase and raze the old Traver Hotel. One of the conditions was that a building must be constructed that was at least \$500,000 in value and that it be completed in five years. He noted that it has been completed and the occupancy certificate has been issued.

Motion by Howell to authorize the Mayor to release the satisfaction of the mortgage and development agreement, second by Yunker. Motion carried 7-0.

Discussion/Action regarding Change Order #7 for the Riviera Restoration Project Phase II and contingency summary

Dave Luterbach reviewed the details in Change Order #7 and noted that there were several packets as outlined in the packet. There was one change to the elevator wainscoting; only three sides will have this addition due to the elevator panel. This change will bring a credit to the change order of approximately \$2,000.

Motion by Howell to approve Change Order #7 and contingency summary, second by Yunker Motion carried 7-0.

Recommendation of the Finance, Licensing, and Regulation Committee of April 7, 2021 and April 20, 2021- Ald. Howell

Discussion/Action regarding an Original “Class A” Intoxicating Liquor license and Class “A” Fermented Malt Beverage license application filed by Wisconsinbly Holdings LLC d/b/a Drink Wisconsinbly, 223 Cook St, John Casanova, Agent

Motion by Howell to approve, second by Hedlund. Attorney Draper indicated that there is a rule that the Council would need to waive the 300’ prohibition rule. This rule states that an alcohol license cannot be issued to an establishment that is closer than 300’ to a church or school, without the Council’s waiver.

Motion by Hedlund to approve and waive the 300’ prohibition requirement, second by Flower. Motion carried 6-1, with Howell voting no.

Discussion/Action regarding an Original “Class A” Intoxicating Liquor license and Class “A” Fermented Malt Beverage license application filed by Spirited MB LLC d/b/a Parley Cigars, Spirits & Craft Beer, 830 W Main St, Ste E, Meribeth Shovick, Agent

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

Discussion/Action regarding an Original Class “B” Fermented Malt Beverage license and “Class C” Wine license application filed by Poke Partners LLC d/b/a Wicked Poke Hut, 120/122 Broad St, Madelin Vonasten, Agent

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

Discussion/Action regarding increasing the City Attorney position wages from a 60% proration to 70%

Motion by Howell to approve to 70 %, effective at the next pay period, with the fund identification being deferred until the end of the year, second by Hedlund. City Administrator Nord explained that there is needs to be a start date identified and where that money may come from. Motion carried 6-1, with Fesenmaier voting no.

Discussion/Acceptance of April 20, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports

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

Recommendation of the Planning Commission of April 19, 2021- Ald. Dunn

Discussion/Action regarding an Extra Territorial Zoning review of a proposed Certified Survey Map (CSM) for Marvin & Irene Humphrey Trust, W3310 McDonald Rd. Lake Geneva WI 53147, to create a 2 lot land division dimensioned lots 1 & 2 as identified on the certified survey Project no. 2019.0132.01 Tax Key No. JG3400002B

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

Discussion/Action regarding **Resolution 21-R28** a resolution authorizing the issuance of a Conditional Use Permit for Steve Garrels 1622 Evergreen Ln. Lake Geneva, for a request to install a deck and pool at 1622 Evergreen Ln. in the Estate Residential – 1 (ER-1) zoning district and utilize the SR-4 zoning standards, Tax Key Nos. ZLM00014 & ZLM00015.

Motion by Dunn to approve, second by Straube. Dunn noted that this was a contentious issue with the neighbors, however the Plan Commission did not find any issues with the request. Straube noted that she had reviewed this and noted that the Garrels family has made many modifications to address the concerns of the neighbors. She feels that they have done a lot to address those concerns and should be allowed to build in their back yard. Building & Zoning Administrator Walling noted that the zoning code does require a six-foot fence to be placed around the pool.

Motion to amend by Fesenmaier that the owner add trees along both lot lines to provide further boundaries, no second was offered. Motion failed.

Motion to amend by Fesenmaier to have the homeowners submit a maintenance schedule as included in the packet, no second was offered. Motion failed.

Motion to amend by Fesenmaier that the rain garden maintenance be analyzed and reviewed on an annual basis, no second was offered. Motion failed.

Fesenmaier stated issues with the impervious surfaces and cited testimony from the Lake Use Committee and the Geneva Lake Environmental Agency. Walling noted that the applicants have followed the current zoning code that has been in effect for the last twenty years. He added that in the future the zoning code will be changing to address these issues. Motion carried 6-1, with Fesenmaier voting no.

Discussion/Action regarding **Resolution 21-R29** a resolution authorizing the issuance of a Conditional Use Permit (CUP) filed by Joe Mukite, 637 Frazier St Unit 5 Elgin, IL 60123, for a request to utilize the SR-4 zoning setbacks in the ER-1 zoning for the property located in the Estate Residential - 1 (ER-1) zoning district for the property located at 1626 Evergreen Ln. Tax Key Nos. ZLM00016

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

Discussion/Action regarding **Resolution 21-R30** a resolution authorizing the issuance of a Precise Implementation Plan (PIP) filed by Nicholas Kammes d.b.a. 1224 E. Pinecrest Ln. Elkhorn WI 53121 for a request to utilize the building located at 220 Cook St. as a Commercial Indoor Lodging land use in the Central Business (CB) zoning district. Tax Key No. ZOP000243

Motion by Dunn to approve, second by Hedlund. Dunn noted that this building has been split into four separate units, with the two upper units currently being used in this manner. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R31** a resolution authorizing the issuance of a Limited Conditional Use Permit (CUP) filed by Luke Pfeifer, 304 S. Wells St Lake Geneva, WI 53147, for a request to utilize the properties located at 304 S. Wells St. and 421 Baker St. to allow Outdoor Commercial Entertainment in the General Business (GB) zoning district for the property's located at Tax Key Nos. ZA452900001

Motion by Dunn to approve, second by Yunker. Fesenmaier noted that she is concerned with the parking regulations and the comments that were addressed. Building and Zoning Administrator Walling noted that there was not a site plan that identified the parking on the site. He could ask the applicant to provide a site plan and/or a parking agreement with an offsite entity. Mayor Klein noted that many patrons for an event there usually walk from their hotel room or from a neighboring hotel.

Motion to amend by Howell to approve with the inclusion of an appropriate parking site plan, second by Flower. Amendment carried 7-0.

Motion to amend by Fesenmaier that the conditional use permit is reviewed in one year by the Plan Commission, second by Flower. Attorney Draper noted that Conditional Use Permits can be revoked if they are found in violation. Motion carried 5-2, with Yunker and Hedlund voting no.

Flower questioned if the lot is still gravel and if this needs to be paved. Walling noted that parking lots need to be paved. Motion carried 7-0 on a roll call vote.

Discussion/Action regarding **Resolution 21-R32** a resolution authorizing an amendment a Precise Implementation Plan (PIP) filed by Fairwyn SB Inc., 875 Townline Rd. suite 103 Lake Geneva 53147, for a request to amend the 2017 PIP proposal within Symphony Bay Subdivision Planned Development (PD) zoning district

Motion by Dunn to approve, second by Howell. Dunn noted that this is a revision to the 2017 PIP; this would allow for more single family homes and fewer duplexes as described in the original plan. Fesenmaier stated that there should be discussions about public infrastructure within a development. She would like the City to collect some impact fees to use on such possible infrastructure improvements.

Motion to amend by Fesenmaier to amend the approval of the PIP to include the collection of impact fees for infrastructure, second by Straube. Attorney Draper noted that the statutes for impact fees for developments are very specific and would need correlating studies. Dunn noted that any impact fees would have been levied in 2017 at the time of the original approval. Fesenmaier would like to see this on a future Finance agenda for further discussion.

Motion by Howell to call the question, second by Hedlund. Motion carried 7-0.

Amendment failed 1-6, with Dunn, Flower, Hedlund, Howell, Straube, and Yunker voting no.

Motion to amend by Fesenmaier to send the impact fee discussion to the Finance, Licensing, and Regulation Committee for further discussion. No second was offered. Motion failed.

Original motion was re-read. Motion carried 7-0 on a roll call vote.

Adjournment

Motion by Howell to adjourn, second by Hedlund. Motion carried 7-0. The meeting adjourned at 7:41 p.m.