

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL
MONDAY, JUNE 14, 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 Yunker led the Council in the Pledge of Allegiance.

Roll Call

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

Absent: None

Awards, Presentations, Proclamations, and Announcements

Avian Committee Recognition of Junior Girl Scout Troop 7166

Mayor Klein recognized the members of the Junior Girl Scout Troop 7166 on their work on the Learning to Soar Avian Education program.

Chief John Peters addressed the Council and noted that there is a burn ban in effect until further notice; this includes in outdoor fireplaces but does not include grills for preparing food. Attorney Draper noted that the order would have to be amended to include grilling in the parks.

Mayor Klein announced that tickets for the String of Pearls Gala are now available online for purchase.

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

Will Makoski; 231 N Butterfield Rd; Spoke in favor of the Reserve Class B Intoxicating being issued to the Egg Harbor Café.

Acknowledgement of Correspondence

None

Approve the Regular Council Minutes of May 24, 2021 as prepared and distributed

Motion by Howell to approve, second by Yunker. No discussion. Motion carried 8-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on June 1, 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.

-Sidewalk Café Renewal Application, for the license term of July 1, 2021 through June 20, 2022, filed by Harborside Café located at 100 Broad St

-Massage Establishment Renewal Applications, for the license term July 1, 2021 through June 30, 2022, filed by:

- Element Massage Studio, located at 647 W Main St
- Aveda Jasmine Salon and Spa, located at 251 Cook St
- Lake Geneva Massage Therapy, located at 905 Marshall St
- The Therapeutic Touch, located at 601 W Main St
- Healing Muscle Therapies, located at 201 Broad St

Motion by Hedlund to accept the consent agenda, second by Howell. No discussion. Motion carried 8-0.

Items removed from the Consent Agenda

None

Discussion/Action regarding **Resolution 21-R44** a resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency

Howell noted that if the Council takes no action on this then it would expire this evening. Fesenmaier asked what would happen to the capability for the public to view a meeting online. Flower stated that she would like to see that continue and wondered if the emergency proclamation would need to stay in place in order for that to continue. Attorney Draper stated that other communities are approving ordinances to allow that and the City could certainly develop that if that is the Council's desire.

Howell would like to see this discussion to continue at the next Finance, Licensing, and Regulation Committee for discussion. Fesenmaier that she agrees and would like to see it stay in place until a decision can be made. Attorney Draper noted that part of the resolution could be extended to include that.

Motion by Flower to extend the emergency proclamation to only include: "All members of the meeting body will have the option of attending and participating in the meeting in person at the council chambers or attending and participating remotely via the available applications such as zoom, go to meeting, etc. City Council, Committee of the Whole, Finance, Licensing, and Regulation Committee, Plan Commission, Public Works Committee, Piers, Harbors, and Lakefront Committee, and Utility Commission meetings will be televised. The presiding officers of the City Council, Plan Commission, and Committee of the Whole and chairs of all city committees, boards and commissions will be responsible for conducting their meetings, including operating remote meeting applications such as zoom, go to meeting, etc. Those individual who attend an in person meeting will be required to provide their name and phone number for contact tracing purposes. Those from the public who attend a meeting in person and who wish to provide "Public Comment" during the meeting will be required to "sign in" prior to the meeting and print their name, address, and telephone number, and provide a brief description of their public comment. The sign in sheets will be located inside the council chambers and available twenty minutes before the meeting begins. Council Chambers will be sanitized after the day's meeting(s) are concluded." until the July 12, 2021 Council meeting, second by Fesenmaier. Motion carried 8-0 on a roll call vote.

Recommendation of the Finance, Licensing, and Regulation Committee of May 18, 2021 and June 1, 2021- Ald. Howell

Discussion/Action regarding the Original Reserve "Class B" Intoxicating Liquor license and Class "B" Fermented Malt Beverage license application filed by Lake Geneva Egg Harbor LLC d/b/a Egg Harbor Cafe, Agent, Adeline Buffa, located at 827 Main St, Lake Geneva

Howell noted that the Finance, Licensing, Regulation Committee did not take any action on this item but that Council is the final governing body to grant a license.

Motion by Howell to approve, second by Yunker.

Hedlund noted that the City could keep the license for economic development purposes and it should not be issued. Clerk Kropf explained that the City would need to grow by about 400 people to obtain another reserve intoxicating license. Halverson noted that they could benefit with just a beer and wine license. Flower noted that granted this license to Egg Harbor may make enforcement by the Police Department. Motion failed 2-6 with Flower, Halverson, Hedlund, Straube, Dunn, and Yunker voting no on a roll call vote.

Discussion/Action regarding an Original Class "B" Fermented Malt Beverage License Application filed by Decorum Lake Geneva LLC d/b/a Comfort Suites Lake Geneva East, Agent, Eric Schmitt, located at 300 E Main St, Lake Geneva

Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0.

Discussion/Action regarding an Original Class “B” Fermented Malt Beverage License Application filed by Tienda El Rancho Inc d/b/a Tienda El Rancho, Agent, Mercedes Jaramillo, located at 1151 Elkhorn Rd, Lake Geneva

Motion by Howell to approve, second by Fesenmaier. No discussion. Motion carried 8-0.

Discussion/Action regarding **Resolution 21-R35** a resolution authorizing and directing the proper city official(s) to issue the Liquor License renewals for the period of July 1, 2021, to June 30, 2022

Motion by Howell to approve, second by Halverson. No discussion. Motion carried 8-0.

Discussion/Action regarding lease for Visitor’s Center Building between the City of Lake Geneva and VISIT Lake Geneva

Motion by Howell to approve, second by Halverson. Hedlund stated that VISIT Lake Geneva will pay the City \$1 and that they pay the utilities for the building. VISIT owns the building and the City owns the land. Motion carried 8-0.

Discussion/Action regarding Pay Request #8 filed by MSI General Corp for work completed on the Riviera Restoration Project- Phase I in an amount not to exceed \$100,722.45

Motion by Howell to approve, second by Yunker. No discussion. Motion carried 8-0 on a roll call vote.

Discussion/Action regarding Pay Request #7 filed by MSI General Corp for work completed on the Riviera Restoration Project- Phase II- Interior Remodel & MEP Work in an amount not to exceed \$788,765.45

Motion by Howell to approve, second by Yunker. Finance Director Hall noted that the retainage had been removed per the contract with MSI General. Motion carried 8-0 on a roll call vote.

Discussion/Acceptance of June 1, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports

Motion by Howell to accept, second by Hedlund. No discussion. Motion carried 8-0.

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: **Notice of Claim from White River Holdings, LLC**

Motion by Hedlund to convene the Council into Closed Session to include all City staff and legal counsel, second by Halverson. Motion carried 8-0 on a roll call vote. The Council convened into closed session at 6:58 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 into Open Session, second by Halverson. Motion carried 8-0 on a roll call vote. The Council reconvened into Open Session at 7:43 p.m.

Motion by Hedlund to direct the City Attorneys to proceed, as discussed in closed Session, second by Howell. Motion carried 8-0.

Adjournment

Motion by Hedlund to adjourn, second by Yunker. Motion carried 8-0. The meeting adjourned at 7:44 p.m.