CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, JULY 12, 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.

Alderperson Dunn 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
Mayor Klein noted that Thursday, July 15, 2021 is Lake Geneva Day and she hopes to see many residents for the Riviera Open House.

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
Stacy Smith; 1486 Rock Ridge Ln; Spoke in opposition of the speed bumps on Center Street within the town of Geneva.

Ruth Monaco; 1625 Lake Shore Dr; Spoke in opposition of Ordinance 21-05.

Acknowledgement of Correspondence
Clerk Kropf explained that three items of correspondence were received; they were received from:
-Stone Ridge Homeowners Association, spoke in opposition of the speed bumps on Center Street within the Township
-Robin Kokodynski of 920 Geneva St, spoke in opposition of Ordinance 21-05
-Jill Maeder, spoke in opposition of Ordinance 21-05
-Dona Martin of 1629 Lake Shore Dr, spoke in oppositions or Ordinance 21-05

All items were forwarded to the members of the Common Council and the City Leadership Team.

Approve the Regular Council Minutes of June 28, 2021 as prepared and distributed
Motion by Hedlund to approve, second by Yunker. No discussion. Motion carried 8-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on July 6, 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.

-Temporary Class "B"/"class B" Retailer's License filed by the Lake Geneva Rotary Club for use at the Riviera New Year's Eve Gala to be held December 31, 2021 at the Riviera, 812 Wrigley Drive

-Temporary Operator License filed by Jill Rodriguez for the event of Riviera New Year's Eve Gala to be held December 31, 2021 at the Riviera Ballroom, 812 Wrigley Drive

-Temporary Operator License filed by Jill Rodriguez for the event of String of Pearls Gala to be held August 28, 2021 at the Riviera Ballroom, 812 Wrigley Drive

-Renewal Sidewalk Café Permit Application filed by Heart & Sol Café d/b/a Heart & Sol Café located at 264 Center Street

-Agent Change to Monica Pfeifer, filed by Maxwell Pub LLC d/b/a Maxwell Mansion, located at 304 S Wells Street

-Temporary Operator Licenses for the event of Venetian Festival to be held August 18, 2021-August 22, 2021 filed by: Eric Akuetteh, Tyler August, Douglas Bartz, Joe Chambers III, Brian Holt, Bryan Iwicki, Franklyn Lasch, Ryan Lasch, Nathan Love, Brian Monahan, Nicholas Ponsonby, Travis Ross, Joshua Spiegelhoff, Michael Springer JR, Ryan Stelzer, and Christopher Zegarra

Fesenmaier requested that the item for the Flat Iron Tap Sidewalk Café permit for D & D Restaurant group to be removed.

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

Items removed from the Consent Agenda
Renewal Sidewalk Café Application filed by D & D Restaurant Group d/b/a Flat Iron Tap located at 150 Center Street *(Finance, License, & Committee voted to recommend approval of renewal of Sidewalk Café Permit allowing 12 seats located on Center street)*

Motion by Fesenmaier to approve, second by Straube. Fesenmaier stated that this would only allow seats on the sidewalk directly in front of the restaurant. Motion carried 8-0.

Second Reading of **Ordinance 21-05** an ordinance amending Chapter 98, Zoning Ordinance, Section 98-407, Substandard Lot Regulations, Section 98-409, Lakeshore Lots, Section 98-505, Lakeshore Overlay Zoning District, Section 98-506(3), Drainageway Overlay Zoning District, Section 98-507(3), Woodland Overlay Zoning District, and Section 98-508(3), Steep Slope Overlay Zoning District; as it relates to the applied requirements for the use of SR-4 Zoning District standards in the ER-1 Zoning District
Mayor Klein offered Ordinance 21-05 as a second reading.

City Planner Mike Slavney explained that this has been reviewed extensively at the Plan Commission and parts of this ordinance has become contentious. He noted that currently the code requires that sixty percent of a proposed lot be impervious. Any changes to that would currently require an extensive storm water management review. He noted that the current code is not clear on these requirements and that these changes should offer clarification. He noted that parts of sections 3a and 3b under 98-407 of the proposed ordinance could be deleted in order to maintain the sixty percent requirement of imperious surface. He added that the trigger could be amended to make these required changes to any development in the ER-1 Zoning districts, regardless of landscape surface ratios or building coverage. If that is the wish of the Council, these changes should be referred back to the Plan Commission for consideration.

Motion by Fesenmaier to refer to the Planning Commission for further discussion specifically to eliminate the 3a maximum building coverage and the minimum landscape surface ratio and the trigger point in 3B and that it apply to all ER-1 Zoned properties, second by Howell.

Attorney Draper noted that this conditional use permit came to be as many of the lots didn't meet the requirements of the ER-1 Zoning; this would allow them to utilize the SR-4 standards. Motion carried 8-0.

Discussion/Action regarding **Resolution 21-R52** a resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency
Mayor Klein noted that the last item on the emergency proclamation is the ability to attend meetings virtually and that meetings be televised.

Motion by Flower to approve and extend to August 9, 2021, second by Straube. Fesenmaier stated that maybe the date should be extended to December 31, 2021 to allow time for the ordinance addressing virtually meetings to be crafted.

Motion to amend by Fesenmaier to change the date to December 31, 2021, second by Straube. Motion amend carried 8-0.
Original motion as amended carried 8-0.

Discussion/Action regarding amending the job description for the Municipal Court Clerk position
City Administrator Nord stated that this update came as a request from the Municipal Judge and recommended approval.
Motion by Howell to approve, second by Halverson.
Flower noted that she would like to see more consistent descriptions that are comparative to other positions within the City. Attorney Draper stated that the Municipal Court judge assigns the duties to these staff and that he would need to identify those parameters. Motion carried 8-0.

Discussion/Action regarding amending the job description for the Assistant Municipal Court Clerk position
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 8-0.

Discussion/Action regarding proposed changes to the Police Department Civilian Handbook
Motion by Yunker to approve, second by Hedlund. No discussion. Motion carried 8-0.

Recommendation of the Finance, Licensing, and Regulation Committee of July 6, 2021- Ald. Howell

Discussion/Action regarding **Resolution 21-R51** a resolution authorizing the write off of 2019 delinquent personal property taxes in the amount of $718.93 deemed uncollectible
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0.

Discussion/Action regarding awarding bid for the City Hall Roof Project to Top Roofing in an amount not to exceed $85,500.00
Motion by Howell to approve, second by Hedlund. Public Works Director Earle stated that there may be an increased cost for this project that may come over as change orders. Attorney Draper noted that this bid could be approved as is and that any changes could not exceed 15% of the bid price. Motion carried on a roll call vote 8-0.

Discussion/Action regarding awarding bid for Street Department Roof Project 2021-01 to Midwest Roofing in an amount not to exceed $40,480.00
Motion by Howell to approve, second by Fesenmaier. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding awarding bid for Street Department Roof Project 2021-02 to Humphrey's Contracting in an amount not to exceed $91,650.00
Motion by Howell to approve, second by Yunker. Fesenmaier stated that she is not comfortable using two different contractors for buildings that are right next to each other. Public Works Director Earle explained that this was bid out separately to allow the City to obtain multiple bids to potentially save the City money.
Motion by Fesenmaier of substitution to approve Midwest Roofing and award the bid in the amount of $100,020.00, no second was offered. Motion failed.
Motion carried 7-1, with Fesenmaier voting no.

Discussion/Action regarding awarding proposal for the 2022 Street Improvement Project to MSA
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0.

Discussion/Action regarding Pay Request #1 for the 2021 Street program filed by Wolf Construction in an amount not to exceed $150,963.03
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0 on a roll call vote.

Discussion/Action regarding Pay Request #2 for the 2021 Street program filed by Wolf Construction in an amount not to exceed $357,733.08
Motion by Howell to approve, second by Hedlund. Flower noted that she had concerns with the intersection at Edwards Blvd and Hwy 50. She requested that the Director of Public Works review the budget for any additional funds for striping and signs in that area. Motion carried 8-0 on a roll call vote.

Discussion/Action regarding Pay Request #3 for the 2020 Street program filed by Payne and Dolan in an amount not to exceed $14,865.13 (*Finance, License, & Regulation Committee voted to recommend payment of $12,815.13 after subtracting Change Order #2 in the amount of $2050.00*)
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0 on a roll call vote.

Discussion/Action regarding disallowance of claim filed by Alex Knable for alleged damage caused by a piece of asphalt that went through a snow blower on February 3, 2021, pursuant to Wis. Stat. 893.80(1g)
Motion by Howell to approve the disallowance, second by Hedlund. Fesenmaier passed out pictures of the area in question and noted that the resident was clearing out the end of the driveway when the asphalt was run through the snow blower. She believes that it is the responsibility of the City to pay this claim and that amount should be billed to the contractor that completed this project. Fesenmaier explained that this isn't the fault of the homeowner or the City plows.
Motion to amend by Fesenmaier to approve the payment of $450 to Alex Knable for damage to a snow blower, second by Halverson. The Council discussed the need to determine who the contractor was for this job and if there were any policies followed in regards to the work completed.
Motion by Flower to continue, second by Yunker. Motion carried 7-1, with Fesenmaier voting no.

Discussion/Action regarding an Original Class "C" Wine License application filed by Lake Geneva Egg Harbor LLC d/b/a Egg Harbor Café, Agent, Adeline Buffa, located at 827 Main Street
Motion by Howell to approve, second by Hedlund. No discussion. Motion carried 8-0.

Discussion/Acceptance of July 6, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports
Motion by Howell to accept, second by Yunker. No discussion. Motion carried 8-0.

Discussion/Approval of 2022 Budget Goals and Timeline
Motion by Howell to approve, second by Hedlund.
Fesenmaier stated that along with the goals already listed, she would like to see that roads and sidewalks should be a priority. She also added that the citizens should have access to a customer portal through the website and noted that the budget should address the speed issues along with the cleanliness of the City be addressed. Finance Director Hall noted that if outside groups want to present in person, that still can but they are encouraged to turn in written documentation. Motion carried 8-0.

Discussion/Action regarding speed bumps on Center Street (North) leading to the Stoneridge Subdivision ***(Agenda Item Request by Alderperson Fesenmaier and Alderperson Flower)***
Fesenmaier stated that the letter that was distributed by Stacy Smith identified the ten points to be explored/addressed. Flower added that information from the township regarding the need for the speed bumps would be greatly needed. She noted that while the road does not belong to the City, City residents do use that road.

Motion by Fesenmaier to refer to this issue to the City Administrator for a report based on the ten points addressed by Stacy Smith, second by Flower. 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: **White River Holdings, LLC**
Motion by Hedlund to convene the Council into Closed Session, second by Flower. Motion carried 8-0 on a roll call vote. The Council convened into Closed Session at 7:29 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 Yunker. Motion carried 8-0 on a roll call vote. The Council reconvened at 7:36 p.m.

Adjournment
Motion by Howell to adjourn, second by Flower. Motion carried 8-0. The meeting adjourned at 7:37 p.m.