

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, JULY 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 6:04 p.m.

Aldersperson Halverson led the Council in the Pledge of Allegiance.

Roll Call

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

Absent: Straube (excused)

Awards, Presentations, Proclamations, and Announcements

Presentation of City of Lake Geneva 2020 Audit and Management Letter

Shannon Small from Clifton Larsen Allen addressed the Council regarding the 2020 Audit and Management Letter. She noted that the City has obtained an unmodified opinion which is the highest rating from the auditors. She explained that there will be new governmental accounting standards moving forward. She then reviewed the highlights from the 2020 Audit and Management Letter. Fesenmaier indicated that she would like the approval of the audit to be continued to allow time for review. No action taken.

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

Jim Strauss; Spoke in regards to the White River Holdings Closed Session item.

Tom Van Muren; Spoke in regards to the White River Holdings Closed Session item.

Maureen Marks; Spoke in regards to the White River Holdings Closed Session item.

Mike Janzcak; Spoke in regards to the White River Holdings Closed Session item.

Peg Esposito; Spoke in regards to the White River Holdings Closed Session item.

Brian Good; Spoke in regards to the White River Holdings Closed Session item.

Tom Reed; Spoke in regards to the White River Holdings Closed Session item.

Gary Dunham; Spoke in favor of the outdoor area for Flat Iron Tap and that he is available for questions The Vistas GDP.

Tom Gardner; Spoke in favor of the Conditional Use Permit being issued for the Maxwell Mansion.

Monica Pfeifer; Spoke in favor of the Conditional Use Permit being issued for the Maxwell Mansion.

Luke Pfeifer; Spoke in favor of the Conditional Use Permit being issued for the Maxwell Mansion.

Dick Malmin; Spoke in regards to the White River Holdings Closed Session item.

Acknowledgement of Correspondence

Clerk Kropf explained that several items of correspondence were received. The items received were:

Bill & Kathy Ecklund; Speaking in opposition of the issuance of Conditional Use Permit for Maxwell Mansion.
Diane Muzzy; Speaking in opposition of the issuance of Conditional Use Permit for Maxwell Mansion.

Stephanie Klett, VISIT Lake Geneva, Speaking in favor of the Conditional Use Permit for Maxwell Mansion.
Beth Gehris, Speaking in favor of the Conditional Use Permit for Maxwell Mansion.
Natalie Mordini & Joe Renardo; Speaking in favor of the Conditional Use Permit for Maxwell Mansion.
Bob Nabasny; Speaking in favor of the Conditional Use Permit for Maxwell Mansion.
Greg & Dorothy Chapman; Speaking in favor of the Conditional Use Permit for Maxwell Mansion.

Don & Alice Ogden; Speaking in regards to the White River Holdings Closed Session item.
Peg Esposito; Speaking in regards to the White River Holdings Closed Session item.
Irma Suchomski; Speaking in regards to the White River Holdings Closed Session item.
Danny Skoczylas; Speaking in regards to the White River Holdings Closed Session item.
Ann & Robert Boch; Speaking in regards to the White River Holdings Closed Session item.
Brian Good; Speaking in regards to the White River Holdings Closed Session item.
Carol Bitten; Speaking in regards to the White River Holdings Closed Session item.
Caroll Pearson Speaking in regards to the White River Holdings Closed Session item.
David & Stacy Gordon; Speaking in regards to the White River Holdings Closed Session item.
Deanna Doyle; Speaking in regards to the White River Holdings Closed Session item.
Flora Ciarlo; Speaking in regards to the White River Holdings Closed Session item.
James Good; Speaking in regards to the White River Holdings Closed Session item.
John Saridan; Speaking in regards to the White River Holdings Closed Session item.
Karen & Leroy Dzierzanowski; Speaking in regards to the White River Holdings Closed Session item.
Margaret Gregg; Speaking in regards to the White River Holdings Closed Session item.
Maureen Marks; Speaking in regards to the White River Holdings Closed Session item.
Mike Janczak; Speaking in regards to the White River Holdings Closed Session item.
Ryan Southwick; Speaking in regards to the White River Holdings Closed Session item.
Scott Woodley; Speaking in regards to the White River Holdings Closed Session item.
Thomas Anthony; Speaking in regards to the White River Holdings Closed Session item.
Maureen O'Neil; Speaking in regards to the White River Holdings Closed Session item.
Julie Whalen; Speaking in regards to the White River Holdings Closed Session item.

She added that all items of correspondence were forwarded to the Common Council and the City Leadership Team.

Approve the Regular Council Minutes of July 12, 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 July 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.

-Temporary Class “B”/ “Class B” Retailer’s License filed by the Lake Geneva Rotary Club for use at the Riviera “String of Pearls” Gala to be held August 28, 2021 at the Riviera, 812 Wrigley Drive

-Temporary Class “B”/ “Class B” Retailer’s License filed by the Lake Geneva Rotary Club for use at the 2021 Oktoberfest, October 9, 2021 and October 10, 2021 located in Flat Iron Park

-Temporary Class “B”/ “Class B” Retailer’s License filed by the Star Rising Foundation for use at the Lake Geneva LIVE to be held August 1, 2021 located in Flat Iron Park

-Temporary Class “B”/ “Class B” Retailer’s License filed by the Star Rising Foundation for use at the Lake Geneva LIVE to be held August 8, 2021 located in Flat Iron Park

-Temporary Class “B”/ “Class B” Retailer’s License filed by the American Legion post #24 for use at the 14th Annual Car Show to be held July 31, 2021 located at 715 S Wells St

-Renewal Massage Establishment License application filed by O’Mann Therapeutic Massage LLC for the 2021-2022 term, located at 901 Maxwell St

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

Items removed from the Consent Agenda

None

Discussion/Action regarding **Resolution 21-R54** a resolution authorizing the receipt of the 2020 City of Lake Geneva Annual Financial Report and Management Letter

Motion by Hedlund to approve, second by Yunker. Fesenmaier would like this to be delayed so the public can comment and ask questions. Mayor Klein explained this resolution is only to authorize the receipt of the audit, not approval it to its form. Finance Director Hall stated the report is prepared by the auditors and it cannot be changed. Motion carried 7-0.

Recommendation of the Finance, Licensing, and Regulation Committee of July 6, 2021 & July 20, 2021- Ald. Howell

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) (**Finance, Licensing, and Regulation Committee approved the disallowance on July 6, 2021; Continued from the July 12, 2021 Common Council meeting**)
Motion by Howell to approve, second by Hedlund. Fesenmaier stated the homeowner is not at fault and that the contractor should be responsible for this damage.

Motion to amend by Fesenmaier that the City send a bill Down to Earth Contractors for the amount to repair the snow blower, second by Halverson. City Attorney Draper noted this claim is against the City and sending a bill to the contractor is outside of the agenda item. Motion failed 1-6, with Dunn, Halverson, Hedlund, Howell, Flower, and Yunker voting no, on a roll call vote.

Original motion was re-read, motion carried 6-1, with Fesenmaier voting no.

Discussion/Action regarding allowing outdoor dining on south side of building located at 150 Center Street (**Finance, Licensing, and Regulation Committee approved the use of concrete area south of building for outdoor seating including the use a bollards/partitions**)

Motion by Howell to approve, second by Yunker. Fesenmaier noted that this slap is not owned by the City. Motion carried 7-0.

Discussion/Action regarding an Alcohol Premises Extension filed by D & D Restaurant Group d/b/a Flat Iron Tap located at 150 Center Street, to include concrete area to the south of building
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R53** a resolution amending the City of Lake Geneva Fee Schedule as it pertains to Fire Department Fees

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

Discussion/Action regarding authorization of \$3,356 Contingency Funds for unbudgeted costs to amend the City of Lake Geneva Ordinance to conform with Act 67

Motion by Howell to approve, second by Halverson. Finance Director clarified that the Finance Committee approved the use of the remaining funds for the Zoning budget and that the remainder of the project would be coming from the contingency fund. She noted it may be advantageous to leave the zoning code fund as it and use only contingency funds. Flower questioned if additional Building & Zoning budget funds could be used instead of contingency. Motion carried 6-1, with Fesenmaier voting no, on a roll call vote.

Discussion/Action regarding possible church pass parking permit for Sunday morning for certain area of downtown parking district

Motion by Howell to approve on a 90-day trial basis, second by Yunker. Council discussion noted that this would be coming to back to the Finance Committee after it's trial run. Parking Manager Elder reviewed the proposed church parking pass placard and its usage. Flower inquired on how this will be tracked and reported back to the Committee. Elder noted that each church will receive twenty each and that it should be fairly easy to manage that number of placards to report back. Motion carried 7-0.

Discussion/Acceptance of July 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 July 19, 2021- Ald. Dunn

Discussion/Action regarding the Subdivision Final Plat for Omega Homes – Vistas LLC. 210 E. O'Connor Dr. Suite 101, Elkhorn, WI for the property located at Tax Key No. ZA424700001 on LaSalle St

Motion by Dunn to approve, second by Howell. Flower noted she is not in favor of the plan and feels the lot sizes are too large. Motion carried 4-3, with Flower, Hedlund, and Yunker voting no, on a roll call vote.

Discussion/Action regarding **Resolution 21-R55** authorizing the issuance of a Limited Conditional Use Permit (CUP) for Luke Pfeifer d.b.a. LuMoBay Max LLC, for a request to amend the existing CUP to allow amplification of voice for the property known as Maxwell Mansion located at 304 S. Wells St & 421 Baker St. in the General Business (GB) zoning district and utilize the SR-4 zoning standards, Tax Key No. ZA452900001

Motion by Dunn to approve, second by Hedlund. Fesenmaier stated the Council meeting from April 26, 2021 approved the Conditional Use, which indicated that the parking site plan should be included. The minutes also reflect other requests to the approved conditional use permit, which should also be added. Fesenmaier also inquired why the modifications requested at that time had not been added to this request.

Motion by Howell to call the question, second by Hedlund. Motion carried 6-1, with Fesenmaier voting no, on a roll call vote.

Original motion carried 6-1, with Fesenmaier voting no, on a roll call vote.

Discussion/Action regarding **Resolution 21-R56** authorizing the issuance of a Conditional Use Permit for Kevin Rubash, 1055 Cherokee Rd., Wilmette, IL 60091 of a proposed pier installation for the property located at 901 Snake Rd. in the Estate Residential – 1 (ER-1) zoning district, Tax Key No. ZA491100003

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

Discussion/Action regarding **Resolution 21-R57** authorizing the issuance of a Conditional Use Permit for Leigh Gignilliat, 3 N. Walworth Ave., Williams Bay, WI, 53191, to raze and rebuild a single family home located at 978 N Knoll Ln. in the Estate Residential – 1 (ER-1) zoning district and utilize the SR-4 zoning standards, Tax Key No. ZYUP00106J

Motion by Dunn to approve, second by Hedlund. Fesenmaier commented on the use of SR-4 zoning standards in ER-1 districts and why this practice is being continued. She added this practice should cease until the zoning ordinance is amended to be clearer. City Attorney Draper added that the current zoning code allows for the use of SR-4 standards in the ER-1 zoning district. Dunn added that the applicant had put the project on hold and made

modifications after hearing the concerns of the neighbors. Motion carried 6-1, with Fesenmaier voting no, on a roll call vote.

Discussion/Action regarding a General Development Plan (GDP) for The Vistas Group, 526 E 114th Place, Chicago, IL. For the 27-acre property located at the northwest corner of Townline Rd and Edwards Blvd. for a proposed residential subdivision, Tax Key No. ZYUP00198

Motion by Dunn to approve, second by Hedlund. Dunn added that the proposed commercial area is not included in this General Development Plan. Attorney Draper noted that this will still need to go through the Precise Implementation Plan and that desired specifics can be added during that time. Flower noted the plan shows access at Park Drive and inquired about the access for the proposed commercial plan along with its potential configuration. Motion carried 7-0 on a roll call vote.

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 Flower to convene the Council into Closed Session and to include all City staff, second by Yunker. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 7:51 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 Halverson. Motion carried 7-0. The Council reconvened into Open Session at 8:35 p.m.

Adjournment

Motion by Flower to adjourn, second by Hedlund. Motion carried 7-0. The meeting adjourned at 8:35 p.m.