

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, AUGUST 23, 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 6:06 p.m.

Aldersperson Howell 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

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

Attorney Phil Staggerfeld; Spoke in favor of the Certified Survey Map for the Old Boatyard Condominium.

Attorney Ecklund; Spoke in regards to Ordinance 21-06.

Spyro Condos; 1760 Hillcrest Drive; Spoke in favor of the Council hiring a Forensic Auditor for previous BID budgets or referring the issue to the Lake Geneva Police Department.

Bill Huntress. 1015 Pleasant St; Spoke in favor of the City conducting an Impact Fee Study and adding other impact fees.

Sarah Hill, 1024 George St; Spoke in regards to the Temporary Operator Licenses for the String of Pearls Gala.

Acknowledgement of Correspondence

City Administrator Nord stated that no correspondence was received.

Approve the Regular Council Minutes of August 9, 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 August 17, 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 Application filed by the Downtown Business Improvement District for the event of Oktoberfest to take place on October 8, 9, and 10, 2021 located in Downtown Lake Geneva including Flat Iron Park

-Tier I Event Permit filed Dakota, INC for the event of Fat Tire Ride to be held September 11, 2021 in the parking lot behind Champ's Bar & Grill

-Temporary Operator License Applications for use at the String of Pearls Gala to be held on August 28, 2021 at the Riviera Ballroom, filed by: Janes Ipsen, Mary Nissen, Martha Thelen, Ben Thelen, Robert Kunkel, Jean Henderson, John Henderson, and Nancy Newbourne

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

Items removed from the Consent Agenda

None

Second Reading of **Ordinance 21-06** an ordinance amending Chapter 74, Traffic and Vehicles, Article VI, Traffic Code, Section 206(b), Turns; as it relates to disallowing of left hand turns for northbound traffic on Edwards Blvd, from Highway 50, into the 300 Block of North Edwards Blvd

Motion by Flower to approve, second by Hedlund. General discussion was held. Flower so moved to amend the motion to clarify the distance noted begins from the Center line of Highway 50, seconded by Fesenmaier. Amendment carried 8-0. Original motion carried 8-0

Recommendation of the Finance, Licensing, and Regulation Committee of August 17, 2021- Ald. Howell

Discussion/Action concerning a proposed four percent (4%) cost of living increase for all non-represented city employees as part of the 2022 budget.

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

Discussion/Action regarding **Resolution 21-R61** amending the City of Lake Geneva Fee Schedule as it relates to the 2023 Riviera Ballroom rental rates.

Motion by Howell to approve, second by Yunker. Fesenmaier so moved to amend the original motion to increase the resident rate to zero (percent 0%) excluding the setup fee and taxes. Amendment seconded by Flower. Amendment to the motion carried 5-3 with Hedlund, Yunker and Dunn voting no. Original motion carried 7 to 1 with Hedlund voting no.

Discussion/Action regarding additional funding request by the Geneva Lake Law Enforcement Agency and identifying funding source.

Motion by Howell to approve, second by Dunn. General discussion on the motion. Howell amended his original motion to identify surplus beach revenues (\$8,500) as well as surplus funds from the Wisconsin DNR lake front grant (\$6,500). Dunn seconded the amendment. Amendment carried 8-0. Original motion carried 8-0.

Discussion/Acceptance of August 17, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports.

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

Recommendation of the Planning Commission of August 16, 2021- Ald. Dunn

Discussion/Action regarding an Extra Territorial Plat Review of a proposed Certified Survey Map (CSM) for Samaritan of Geneva LLC., 500 Commercial Ct., Lake Geneva for the property located at W2530 Krueger Rd., Lake Geneva, WI, 53147, to create a 3 lot land division dimensioned lots 1, 2, & Lot 3 as identified on the certified survey Project no. 21.611 generated by Land Mark Surveying Tax Key No. JG1300010A.

Motion by Dunn to approve, second by Hedlund. General discussion was had. Flower moved to amend the original motion to require that the road shown on the far right side of the plat be clearly marked as an emergency access easement on the plat. Seconded by Howell. Amendment carried 8-0. Original motion carried 8-0.

Discussion/Action regarding a proposed Certified Survey Map (CSM) for the Residences at the Old Boat Yard Condominiums Inc. 522 Baker St, Unit 1, for the property located at 522 Baker St., Lake Geneva, WI, 53147, to amend the condominium plat to remove Unit 5/Unit E. Identified on the certified survey dated June 8, 2021 created by Mark Bolender, Tax Key No. ZRE00005.

Motion by Dunn to approve, second by Howell. Motion carried 8-0

Discussion/Action regarding **Resolution 21-R58** authorizing the issuance of a Conditional Use Permit for Dan Blessing, 711 LaGrange Dr., Lake Geneva for a proposed house addition for the property located at 711 LaGrange Dr. in the Estate Residential – 1 (ER-1) zoning district, Tax Key No. ZLE00014.

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

Discussion/Action regarding **Resolution 21-R59** authorizing the issuance of a Conditional Use Permit (CUP) for Aaron Adami, 2248 Walburg Rd., Burlington, WI, 53105 d.b.a 1227 Grant St LLC., for a request to allow a Physical Activity Studio land use at 1227 Grant St. in the General Business (GB) zoning district Tax Key Nos. ZWH00008B & ZWH00007C.

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

Discussion/Action regarding **Resolution 21-R60** to amend the existing Precise Implementation Plan (PIP) for Kwik Trip located at 710 Williams St, to allow for the proposed addition to the store for the property located in the General Business (GB) zoning district, Tax Key No. ZA451800001.

Motion to approve by Dunn, second by Hedlund. Motion carried 8-0.

Discussion/Action regarding the General Development Plan (GDP) for Kwik Trip for the property located at 898 S. Wells St. in the Planned Business (PB) zoning district, Tax Key Nos. ZBL00006, ZBL00006A, ZBL00008, & ZBL00058.

Motion by Dunn to approve, second by Yunker. General discussion was held. Howell so moved to amend the motion by identifying plan “SP 15” as the plan being approved. Seconded by Hedlund. Amendment carried 8-0. Original motion carried 8-0.

Discussion/Action regarding potentially hiring a Forensic Auditor to review Downtown Business Improvement District finances or to refer to the Lake Geneva Police for investigation (Agenda Item Request by Ald. Fesenmaier and Ald. Dunn).

General discussion was held on this topic Fesenmaier so moved to refer this item to the BID for further discussion and request that the BID provide a formal request to the Common Council stating what exactly

they want done as well as identifying who they propose to have pay for it. Motion seconded by Halverson. Motion carried 8-0.

Discussion/Action regarding Request for Proposals for an Impact Fee Study (Agenda Item Request by Ald. Fesenmaier and Ald. Dunn).

Motion by Fesenmaier, second by Flower. General discussion was held on the topic. Fesenmaier so moved to continue this agenda item at the next Common Council meeting after the September 7th FLR meeting. Flower seconded. Motion carried 8-0.

Discussion/Action regarding Short Term Rental fees being contested before the Tax Commission (Agenda Item Request by Ald. Fesenmaier and Ald. Dunn).

City Attorney Draper reported to the Council on the status of the short term rental fees being contested before the Wisconsin Tax Commission. Draper reported that attorneys from the League of Wisconsin Municipalities will be representing the City in this matter. Draper will report back to the Council when he has further updates on the matter.

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: 1) White River Holdings, LLC and 2) Pollard Erroneous Tax Claim and 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: 1) Police Sergeant Employment Contracts.

Motion by Flower to convene the Council into Closed Session, second by Hedlund. Motion carried 8-0 on a roll call vote. The Council convened into Closed Session at 7:49 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 Dunn to reconvene the Council into Open Session, second by Hedlund. Motion carried 8-0 on a roll call vote. The Council reconvened into Open Session at 8:08 p.m.

Howell so moved to deny Pollard's erroneous tax claim, second by Flower. Motion carried 8-0.

Howell so moved to approve the Police Sergeant employee contracts subject to changes that the City Attorney was directed to make in closed session, second by Hedlund. Motion carried 8-0.

Adjournment

Motion by Yunker to adjourn, second by Halverson. Motion carried 8-0. The meeting adjourned at 8:10 p.m.