CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, SEPTEMBER 27, 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 6:05 p.m.

Alderperson Fesenmaier led the Council in the Pledge of Allegiance.

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

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
Sarah Hill; Spoke in regards to the Riviera Restoration Project and asked questions regarding the change orders brought forward.

Acknowledgement of Correspondence
Clerk Kropf explained that no correspondence was received.

Approve the Regular Council Minutes of September 13, 2021 and Special Council Minutes of September 21, 2021 as prepared and distributed
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 7-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on September 21, 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 I Event Permit Application filed by the Badger High School for the event of Annual Homecoming Parade to be held Friday, October 15, 2021 from 4:00 p.m. to 5:30 p.m.

-Agent Change for Samson Enterprises LLC to Tai Starr Serna

-Annual City Wide Trick or Treating to be held Sunday, October 31, 2021 from Noon to 4:00 p.m.

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

Items removed from the Consent Agenda
None

First 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 first reading. No action taken.

First Reading of **Ordinance 21-08** an ordinance amending Chapter 26, Elections, Section 26-3, Election Officials; adding section 26-3(c) as it relates to scheduling of Election Inspectors and Section 26-6, Polling Locations; as it relates to designation of a polling location for the City of Lake Geneva
Mayor Klein offered Ordinance 21-08 as a first reading. No action taken.

Recommendation of the Finance, Licensing, and Regulation Committee of September 7, 2021 and September 21, 2021- Ald. Howell

Discussion/Action regarding the Original Regular "Class B" Intoxicating Liquor license and Class "B" Fermented Malt Beverage license application filed by Ovalle-Perez LLC d/b/a Taqueria el Gallo de Oro, Agent, Cynthia Perez, located at 820 Williams St, Lake Geneva
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 7-0.

Discussion/Action regarding an Original "Class A" Intoxicating Liquor License and Class "A" Fermented Malt Beverage License Application filed by Fontana Petro Inc d/b/a Fontana Petro, Agent, Prabh Thind, located at 501 Interchange North, Lake Geneva
Motion by Howell to approve, second by Halverson. No discussion. Motion carried 7-0.

Discussion/Action regarding approval of $75 ticket price for the New Year's Eve Gala at the Riviera Ballroom to fund the Never Say Never Playground
Motion by Howell to approve, second by Yunker. Hedlund stated that he is not favor of the City fundraising for non-profit organizations. He also expressed concerns with how the equipment will be maintained for the years to come. Halverson agreed that the City shouldn't be in a position to hold events for non-profit events. Flower added the event permits that were approved noted that staff would only be in charge of clean up and security staffing; she expressed concerns with City staff completely additional tasks for these events. Fesenmaier noted the Tourism Commission approved the funds for marketing of such events and that the event permit application had come before the Council earlier this year, without opposition. She added that the proceeds from the event should go to the non-profit, but that should the City incur any expenses those be paid back first. Motion carried 5-2, on a roll call vote with Flower and Hedlund voting no.

Discussion/Action regarding City of Lake Geneva Insurance Renewal for 2021-2022
Motion by Howell to approve, second by Yunker. Council discussion included that all policies will be through the League Mutual Insurance. Paul Lessila with R & R Insurance noted that due to a large claim filed for the cyber security in 2020, they went to the market to find a new carrier. They were able to find a more cost effective plan through the League versus the previous carrier, CHUBB.
Motion was then clarified that all policies would be through the WI League of Municipalities Insurance. Motion carried 7-0.

Discussion/Action regarding awarding the contract for 2021-2023 Auditing Services for the City of Lake Geneva, Lake Geneva Utility Commission, and the Lake Geneva Downtown Business Improvement District to WIPFLI LLP
Motion by Howell to approve, second by Hedlund. Howell noted that this is not related to the potential forensic audit for the Downtown Business Improvement District. Motion carried 7-0.

Discussion/Action regarding awarding the contract for 2022-2024 Piers and Buoys Maintenance to Gage Marine
Motion by Howell to approve, second by Yunker. Howell stated this was the only bid received. Motion carried 7-0.

Discussion/Action regarding Change Order #9 filed by MSI General Corp for Phase I of the Riviera Restoration Project in an amount not to exceed $2,768.00
Motion by Howell to approve, second by Yunker. Flower inquired which body had given the approval for the work to be completed to warrant this change order.
Motion by Howell to allow Dave Luterbach and Jay Craig, from MSI General, to address the Council, second by Flower. Motion carried 7-0.
Jay Craig from MSI addressed the Council regarding the project. He noted that they did not stop work for every repair to come to the Council as they were coming up to the deadline to have the project completed. He noted that the work itself had been approved, but the cost had not. He also added that there had been weekly meetings with various staff members and they were briefed on the progression of the project.
Finance Director Hall gave an overview of the project cost analysis. She noted the budget amount, set by the City, reflected the contract price. Based on the contract price and the cost of the work done, the project is over budget by about $381,000; this can be paid from the City's healthy fund balance. Flower would like to see this continued to obtain more information related to the work approvals.
Motion by Flower to continue, second by Halverson. Motion carried 6-1, with Yunker voting no.

Discussion/Action regarding final pay request filed by MSI General Corp for Phase I of the Riviera Restoration Project in an amount not to exceed $40,938.00
Motion by Howell to continue, second by Flower. No discussion. Motion carried 6-1, with Yunker voting no.

Discussion/Action regarding Change Order #8 filed by MSI General Corp for Phase II of the Riviera Restoration Project in an amount not to exceed $206,020.00
Motion by Howell to continue, second by Flower. No discussion. Motion carried 6-1, with Yunker voting no.

Discussion/Action regarding final pay request file by MSI General Corp for Phase II of the Riviera Restoration Project in an amount not to exceed $290,682.00
Motion by Howell to continue, second by Flower. No discussion. Motion carried 6-1, with Yunker voting no.

Discussion/Acceptance of September 21, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports
Motion by Howell to accept, second by Hedlund. No discussion. Motion carried 7-0.

Recommendation of the Planning Commission of September 20, 2021- Ald. Dunn

Discussion/Action regarding **Resolution 21-R62** a resolution authorizing to amend a Precise Implementation Plan (PIP) filed by Badger High School, for a request to amend the existing Precise Implementation Plan PIP, this proposal for the property located at 220 E. South St. that would allow for a building addition within the Planned Development (PD) zoning district, Tax Key No. ZYUP00149G
Motion by Dunn to approve, second by Yunker. No discussion. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R63** a resolution authorizing the issuance of a Conditional Use Permit for Meghan Zukowski, 355 Oakwood Ln., Lake Geneva, for a proposed land use for Professional Services involving Tattoos and Permanent Cosmetics Above the Clavicle at 101 Broad St., Unit 201, in the Central Business zoning district, Tax Key Nos. ZCNG00001 through ZCNG00041 & ZCNG200001 through ZCNG200030
Motion by Dunn to approve, second by Fesenmaier. No discussion. Motion carried 6-0, with Yunker abstaining.

Discussion/Action regarding **Resolution 21-R64** a resolution authorizing the issuance of a Conditional Use Permit (CUP) filed by Lara L. Delheimer Trust, 3928 Johnson Ave., Western Spring, IL, 60558., to allow for the utilization of the Single Family-4 (SR-4) zoning in the Estate Residential-1 (ER-1) land use, Tax Key No. ZGB00010
Motion by Dunn to approve, second by Flower. Dunn noted this had been previously approved but there had since been a change. He added that the ER-1 Zoning request was in relation to the requested setbacks. Motion carried 7-0.

Discussion/Action regarding entering into an engineering services contract with Nielsen Madsen and Barber for a construction plan review of Symphony Bay Phase 5 by Fairwyn Homes; Approximate cost of $4,000 to be billed to the developer
Attorney Draper explained that Kapur Engineering had done the original engineering for this project. This would need to be reviewed by another engineer firm to avoid a conflict of interest. Flower stated that she is in favor of another firm completing the review, but would like to see that more than one proposal brought forward for consideration. Building & Zoning Administrator Walling stated that this would be a re-engineering of a storm water detention pond; this firm has originally reviewed the development and is familiar for the project. Flower stated that she is not comfortable with approving this agenda item as it is a conflict of interest.

Motion by Fesenmaier to continue to the next Council meeting to determine if there is a conflict, second by Flower. Motion by carried 4-3, on a roll call vote with Howell, Yunker, and Dunn voting no.

Mayoral Appointments

Appointment of Sonja Akright to the Historic Preservation Commission with a term to expire May 1, 2023
Motion by Fesenmaier to approve, second by Yunker. No discussion. Motion carried 7-0.

Adjournment
Motion by Howell to adjourn, second by Dunn. Motion carried 7-0. The meeting adjourned at 7:19 p.m.