

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, OCTOBER 11, 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,
Alderspersons: Tim Dunn, Mary Jo Fesenmaier, Cindy Flower, Ken Howell, Shari Straube, and Joan Yunker

Mayor Klein called the meeting to order at 6:01 p.m.

Aldersperson Flower led the Council in the Pledge of Allegiance.

Roll Call

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

Absent:

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

Chad Pollard; Spoke in regards to the transfer of the development agreement for the Vistas.

David Frost; 1565 Orchard Ln; Spoke in regards to Ordinance 21-05.

Jim Strauss; 1517 Meadow Ridge Cir; Spoke in opposition of the microphone placement available for public comment.

Ruth Monaco 1625 Lake Shore Dr; Spoke in regards to Ordinance 21-05.

Andrea Christian; Spoke in favor of the microphone placement available for public comment. She also spoke in regards to the lack of handicap bathroom accessible in the Riviera; she asked that this be addressed prior to the final authorization of the payment to MSI General.

Jennifer Garles; 1622 Evergreen Ln; Spoke in regards to Ordinance 21-05

Jackie Getzen; 15 Lake View Dr; Spoke in regards to Ordinance 21-05.

Pete Peterson; 1601 Evergreen Ln ; Spoke in regards to Ordinance 21-05.

Denise Decora; 1554 Lake Shore Dr; Spoke in regards to Ordinance 21-05.

Steve Garles; 1622 Evergreen Dr; Spoke in regards to Ordinance 21-05.

Kathryn Green; 1615 Lake Shore Dr; Spoke in regards to Ordinance 21-05.

Tom Ires; 66 Lakeview Dr; Spoke in regards to Ordinance 21-05.

Acknowledgement of Correspondence

Clerk Kropf noted that correspondence was received of:

John & Donna Martin; Speaking in regards to Ordinance 21-05.

Approve the Regular Council Minutes of September 27, 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 October 5, 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.

NONE

Items removed from the Consent Agenda

NONE

First Reading of Ordinance 21-10 an ordinance amending Chapter 2, Administration, Article VII, Public Records, Section 2-377(c)(5), Review and approval by Public Records and Forms Board renaming as Adoption of Schedule; as it relates to adopting the General Records Schedule for Wisconsin Municipal and Related Records
Mayor Klein offered Ordinance 21-10 as a first reading.

Motion by Hedlund to suspend the rules and allow a second reading, second by Howell. Motion carried 8-0.

Motion by Hedlund to approve, second by Howell. No discussion. 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.

Jackie Mich from Vandewalle addressed the Council regarding the proposed changes to Ordinance 21-05. She noted these changes would allow for greater lake conservancy as this ordinance version would maintain that lots in this zoning classification have to retain 60% of the lot being impervious. The changes include which SR-4 rules can be used by the Conditional Use Permit process and the landscape surface ratio. She added that this change would also prohibit any buildings within 100' of the lake, being built. Fesenmaier questioned why the landscape surface ratio isn't in the ordinance change. Mich explained that requirement is located within the SR-4 zoning language currently and that this ordinance is only addressing the flexibilities of the zoning classification.

Flower questioned the restrictiveness of the ability of home owners to build a shed on their property without removing an existing structure. Mich added the only time a shed would not be allowable if the property is already the landscape ratio. Flower stated that she would like the possibility of a stormwater utility to be created which would charge property owners for the amount of impervious surfaces.

Motion by Flower to refer to the Plan Commission to investigate a stormwater utility ordinance to be added to this, no second was offered. Motion died for a lack of second.

Motion by Flower to refer to the Plan Commission to investigate a stormwater utility and more clarification of existing lots within the landscape surface ratio, second by Straube. Mich stated the City doesn't maintain records on the landscape ratio for the properties within and that it could be reviewed via an aerial map; although this would not be an accurate depiction.

Fesenmaier would like the discussion of rain fall and the impervious pavers to thoroughly understand the consequences of this, added to the next Plan Commission agenda. She added that until this is approved, the Building & Zoning Department should stop issuing Conditional Use Permits to allow this. Council discussion included possibly allowing some sections of the ordinance to be approved while sending some sections to refer to the Plan Commission for discussion.

Motion by Hedlund to approve Ordinance 21-05, second by Howell.

Motion to amend by Fesenmaier to amend Section 98-407(3)(a) of the ordinance to add the word "only" to the

section that refers to the SR-4 zoning requirements, second by Yunker. Motion carried 8-0

Fesenmaier added that there are still issues to be discussed such as permeable pavers, stormwater utility, rainfall, flexibility of additional buildings.

Motion to approve as amended, carried 6-2 on a roll call vote, with Flower and Fesenmaier voting no.

Second 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 second reading.

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

Discussion/Action regarding entering consent to assignment and assumption of Development for Vistas of Lake Geneva by and among City of Lake Geneva, Lake Geneva Utility Commission, Omega Homes-Vistas LLC, and Vistas of Lake Geneva, LLC

Motion by Hedlund to approve, second by Howell. Attorney Draper explained that the current developer of the property is looking sell the development and be continued by a new developer.

Flower noted that she feels the lot sizes are too small for this development and is not in favor of the development. Hedlund stated that he would like the home owner's association for this to be registered with the State. Attorney Draper noted that these are listed on the plat and not registered with the state. Motion carried 7-1 on a roll call vote, with Flower voting no.

Recommendation of the Finance, Licensing, and Regulation Committee of October 5, 2021- Ald. Howell

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 (carried over at the September 27, 2021 Common Council Meeting)

Motion by Howell to approve, second by Yunker. Flower stated that she would like to determine when the Council approved the work that is within the change orders.

Motion by Flower to allow Dave Luterbach and Jay Craig to address the Council, second by Fesenmaier. Motion carried 8-0.

Jay Craig reviewed the documents within the packet; including the minutes and work history. He added that when the contract was taken for the project, the deadline of May 1, 2021, for a wedding, had not been disclosed. He added that in order to keep the accelerated deadline and with agreement from the owners meeting, the work continued.

Motion by Howell to call the question, second by Flower. Motion carried 7-1, with Flower voting no.

Motion to approve carried 7-1 on a roll call vote with Flower 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 (carried over at the September 27, 2021 Common Council Meeting)

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

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 (carried over at the September 27, 2021 Common Council Meeting)

Motion by Howell to approve, second by Yunker. Hedlund stated that this money and the work was not approved by the Council. Yunker added that the water leaks in the ceiling probably should have been a part of Phase I. Motion carried on a roll call vote 5-3, with Flower, Halverson, and Hedlund 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 (carried over at the September 27, 2021 Common Council Meeting)

Motion by Howell to approve, second by Yunker. No discussion. Motion carried 6-2 on a roll call vote with Flower and Hedlund voting no.

Discussion/Action regarding **Resolution 21-R66** a resolution authorizing the transfer of funds from General Fund-Assigned Fund Balance-Riviera Project to Capital Projects Fund for the amount of budget overage on the Riviera Project – Phases 1 and 2

Motion by Howell to approve, second by Yunker. Motion carried on a roll call vote 7-1, with Flower voting no.

Discussion/Action regarding **Resolution 21-R67** a resolution amending the City of Lake Geneva Fee Schedule as it relates to the 2022 Riviera Ballroom Corporate Rental Events

Motion by Howell to approve, second by Hedlund. Council discussion included that this change would eliminate the resident rates for corporate events. Motion carried on a roll call vote 8-0.

Discussion/Action regarding Contract Change Order Request #2 for the 2021 Lake Geneva Streets Program as it relates to the striping of Edwards Blvd at the Edwards Blvd and Highway 50 in an amount not to exceed \$15,335.50

Motion by Howell to approve, second by Flower. Flower explained that this would be for the striping on Edwards Blvd. Motion carried on a roll call vote 8-0.

Discussion/Action regarding approval of two Library patron parking stalls to be located on Cook Street, east of the Lake Geneva Public Library

Motion by Howell to approve, second by Fesenmaier. Howell noted that this would be two spots on Cook Street that would be temporary and would only be available for the duration of the Library construction. Fesenmaier noted that there are already signs up for the parking and that they should not have gone up until after the Council had approved this. Motion carried 7-1 on a roll call vote, with Hedlund voting no.

Discussion/Action regarding awarding Agreement for Appraisal Services for the years 2022-2024 to Associated Appraisal Consultants INC; contract to provide annual maintenance assessment services

Motion by Howell to approve, second by Hedlund. Council discussion included clarifying the cost for the contract at \$42,500 and a one-time cost of \$5,000 for a software conversion. Motion carried on a roll call vote 8-0.

Discussion/Recommendation regarding **Resolution 21-R65** a resolution establishing Ward Boundaries to reflect population changes according to the 2020 Census of Population

Motion by Howell to approve, second by Hedlund. Mayor Klein noted that this is not changing the aldermanic districts for the City. Motion carried 8-0.

Discussion/Acceptance of October 5, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports

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

Hedlund left the Council Chambers at 8:08 p.m.

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 2) WI Tax Appeals Commission Case brought Mary Black et al. vs. City of Lake Geneva**

Motion by Howell to convene the Council into Closed Session to include staff and all Attorneys, second by Yunker. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 8:10 p.m. Hedlund did rejoin the Council in Chambers for the Closed Session discussion.

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 Hedlund. Motion carried 8-0 on a roll call vote. The Council reconvened into Open Session at 9:06 p.m.

Adjournment

Motion by Howell to adjourn the meeting, second by Flower. Motion carried 8-0. The meeting adjourned at 9:08 p.m.