

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES

MONDAY, NOVEMBER 22, 2021 AT 6:00 P.M.

LAKE GENEVA CITY HALL, COUNCIL CHAMBERS

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 Hedlund 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

Mayor Klein offered condolences to all of those affected by the Waukesha Parade tragedy.

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

None

Acknowledgement of Correspondence

None

Approve the Regular Council Minutes of November 8, 2021 as prepared and distributed

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

CONSENT AGENDA– Recommended by Finance, Licensing and Regulation on November 16, 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 Operator Licenses for the New Year's Eve Gala located in the Riviera Ballroom to be held on December 31, 2021, filed by: Jean Henderson, John Henderson, Jane Ipsen, Robert Kunkel, Nancy Newbourne, Mary Nissen, Benjamin Thelen, and Martha Thelen

-Alcohol Premises Description Extension filed by Bella Vista Suites located at 335 Wrigley Dr

-Agent Change application filed by New World Wine Inc d/b/a New World Wine to Terence Conell

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

Items removed from the Consent Agenda

None

Public Hearing on the proposed 2022 Municipal Operating and Capital Budgets for the City of Lake Geneva

Mayor Klein opened the Public Hearing for individuals that wish to speak.

No individuals spoke.

Motion by Howell to close the Public Hearing, second by Yunker. No discussion. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R73** a resolution adopting the City of Lake Geneva 2022 Budget and 2021 Tax Levy

City Administrator Nord addressed the Council regarding the 2022 City of Lake Geneva budget. He outlined the goals of the City Leadership Team as they developed their budgets. He stated the City mill rate is \$5.19 per \$1,000 of home valuation. The budget also includes a 4% wage increase for the employees along with a 12% increase of the City Employee health insurance program. Nord also reviewed the City's upcoming Capital Project and Equipment Replacement funds.

Motion by Howell to approve **Resolution 21-R73** a resolution adopting the City of Lake Geneva 2022 Budget and 2021 Tax Levy, second by Yunker.

Motion to amend by Flower to include rental of Space F of the Riviera Concourse with use of proceeds to the Street Improvement Project and Sidewalk Maintenance Program, second by Hedlund. Mayor Klein added there is revenue being made from that space and that it enhances the experience for people wishing to reserve the ballroom. She added there are plans to rent out the room for meeting use. Flower stated she is favor of the rental of the space for meetings, but it is not currently listed as revenue stream in the budget. Finance Director Hall stated that a budget amendment could be made at a later date once the proposed revenue is identified.

Flower stated that she would like to have an idea of what money would be available for these projects, and suggested that maybe money could be moved from contingency. She added the contingency fund is higher than in the past

Motion to amend the amendment by Flower to take \$20,000 from the Contingency Fund to be placed in the Sidewalk Repair Program, second by Fesenmaier.

Finance Director Hall stated that the contingency fund is about \$6,000 higher than what was budgeted in 2021. The motion to amend the amendment was re-read and carried 4-3 on a roll call vote, with Hedlund, Howell, and Yunker voting no.

The first amendment as amended was re-read which states: "to take \$20,000 from the Contingency Fund to be placed in the Sidewalk Repair Program" and carried 4-3 on a roll call vote, Hedlund, Howell, and Yunker voting no.

The original motion as amended was re-read and carried 6-1 on a roll call vote, with Hedlund voting no.

Second Reading of **Ordinance 21-11** an ordinance creating Article IX, Meetings, Section 2-500, Remote Attendance at Meetings, and Section 2-501, Meetings to be Televised and Livestreamed of Chapter 2, Administration, of the Lake Geneva Municipal Code; as it relates to remote attendance of Committee, Board, Commission, or Council meetings via telephone or teleconference

Mayor Klein offered Ordinance 21-11 as a second reading.

Motion by Fesenmaier to approve, second by Flower. No discussion. Motion carried 6-1, with Hedlund voting no.

Discussion/Action regarding referral of Annexation Petition filed by Avalon Property, LLC located at 875 Geneva Parkway North to Plan Commission to recommend temporary zoning for subject parcel
City Attorney Draper stated that the Council would need to refer this to the Plan Commission.

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

Recommendation of the Finance, Licensing, and Regulation Committee of November 16, 2021- Ald. Howell

Discussion/Action regarding Pay Request #1 filed by Selzer-Ornst Construction Company, LLC for the Library Renovation project in an amount not to exceed \$41,557.75

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

Discussion/Action regarding continuation of the Church Parking Placard Program for February 1, 2022 through November 14, 2022

Motion by Howell to approve, second by Yunker. Council discussion indicated creating a policy or ordinance to address this in a formal state. Motion carried 7-0.

Discussion/Action regarding **Resolution 21-R77** resolution authorizing acceptance of dedication of road, rights-of-way, and public improvements shown on the existing plat for Symphony Bay Development for Phase I & Phase II

Motion by Howell to approve, second by Hedlund. Naomi Rausch of Kapur stated that there are punch list items that needs to be included and the developer is aware of those. City Attorney Draper stated that this would accept the streets as the City property and that sidewalks are the responsibility of the property owners. Without this the residents on these roads would not be able to have City services. Motion carried 7-0.

Discussion/Action regarding the City Snow Plowing Policy

Motion by Howell to approve, second by Hedlund. Howell added that a new change would indicate that property owners are responsible for removing snow around fire hydrants and the process for declaring a snow emergency. Attorney Draper added that removal of snow around the fire hydrant cannot be mandated by a policy or ordinance. Motion by Flower to amend the policy to remove the fire hydrant clearing provision, second by Howell. Motion carried 7-0.

Fesenmaier stated that she believes the snow removal issues within the downtown have not been addressed and would be voting against the policy as drafted. Motion carried 6-1, with Fesenmaier voting no.

Discussion/Action regarding seeking Requests for Proposals for the City of Lake Geneva Facilities Study and Impact Fees

Motion by Howell to approve the draft and direct City staff to publish, second by Yunker. City Administrator Nord stated that once the draft is approved a submittal date can be determined. Motion carried 7-0.

Discussion/Acceptance of November 16, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports

Motion by Howell to accept, second by Yunker. No discussion. Motion carried 7-0.

Recommendation of the Planning Commission of November 15, 2021- Ald. Dunn

Discussion/Action regarding an Extra Territorial Zoning review of a proposed Certified Survey Map (CSM) for Salvatore J. Dimiceli Sr. Trust, 101 Broad St. Unit 207, Lake Geneva, to create a 3 lot CSM as identified on the certified survey for W2642 Krueger Rd. Project No. 20.907 dated 10-6-2021 for Tax Key No. JA361000001

Motion by Dunn to approve, second by Howell. Dunn stated that this had already been approved by the Town of Geneva and Walworth County. Motion carried 7-0.

Discussion/Action regarding a proposed Certified Survey Map (CSM) for Basso Builders Inc., 405 Skyline Dr., to create 3 buildable single family parcels at the intersection of Sage St. and Sheridan Springs Rd. as identified on the certified survey project no 21.903 dated 10/26/21 for Tax Key Nos. ZGC00011 & ZGC00015

Motion by Dunn to approve, second by Howell. Hedlund expressed concerns with the only access to the lots being through the alley and the state of the alley. Council discussion also included concerns with the access off the alley and the condition of the alley. Attorney Draper stated that the access was discussed at the Plan Commission without concern. This subdivision could be approved contingent upon an alley improvement being made.

Motion by Halverson to refer back to the Plan Commission to resolve the alley issue, second by Hedlund. Flower questioned if there was a restriction for the access of Sage Street or Interchange North and asked that it be reviewed. Flower asked that the sidewalks for this be looked at as well. Motion to refer carried 7-0.

Discussion/Action regarding **Resolution 21-R74** a resolution authorizing the issuance of a Conditional Use Permit (CUP) filed by Sava Savic, 220 Darwin St., Lake Geneva., to allow for a proposed land use for Professional Services involving Tattoos, and Permanent Cosmetics above the Clavicle at 830 W. Main St. Unit A in the Central Business (CB) zoning district, Tax Key No. ZOP00334

Motion by Dunn to approve, second by Yunker. Dunn stated that something similar to this was approved the month

before. Finance Director Hall noted a discrepancy between the application and the agenda; the address is listed in the application as 820 W Main St, not 830 W Main St.

Motion by Halverson to suspend the rules to allow the applicant to speak, second by Hedlund. Ms. Savic clarified that the address is 820 W Main St Unit A.

Motion by Flower to amend to state 820 W Main St Unit a, second by Dunn. Motion to amend carried 7-0.

Discussion/Action regarding **Resolution 21-R75** a resolution authorizing the issuance of a Conditional Use Permit (CUP) filed by Donna de St. Aubin, 1006 S. Lake Shore Dr. Lake Geneva for the property located at 1006 S. Lake Shore Dr., 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. ZYUP00106S

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

Discussion/Action regarding **Resolution 21-R76** a resolution authorizing the issuance of a “Limited” Conditional Use Permit (CUP) filed by Jeff and Denise Podhajsky, W303S10577 Phantom Woods Rd., Mukwonago, for a request to utilize the building located at 717 ½ W. Main St. as a Commercial Indoor Lodging land use in the Central Business (CB) zoning district. Tax Key No. ZOP00278

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

Mayoral Appointments

Confirmation of the appointment of Emily Hummel to the Lake Geneva Historical Preservation Commission for a term to expire May 1, 2024

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

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: **1) White River Holdings, LLC**

Motion by Hedlund to convene the Council into Closed Session, second by Yunker. Motion carried 7-0 on a roll call vote. The Council convened into Closed Session at 7:11 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 Hedlund to reconvene the Council into Open Session, second by Halverson. Motion carried 7-0 on a roll call vote. The Council reconvened into Open Session at 7:29 p.m.

Adjournment

Motion by Hedlund to adjourn, second by Halverson. Motion carried 7-0. The meeting of Common Council adjourned at 7:30 p.m.