CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY,DECEMBER 13, 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 6:00 p.m.

Alderperson Howell let 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
None

Acknowledgement of Correspondence
None

Approve the Regular Council Minutes of November 22, 2021 as prepared and distributed
Motion by Yunker to approve, second by Straube. No discussion. Motion carried 8-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on December 7, 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 Lakeland Community Church for Worship in the Park to be held on July 3, 2022 located in Flat Iron Park

-Tier I Event Permit Application filed by the Geneva Lake Arts Foundation for Art in the Park to be held August 13, 2022 and August 14, 2022 located in Flat Iron Park

-Massage Establishment Renewal License filed by Lakeview Spa located at 335 Wrigley Dr

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

Items removed from the Consent Agenda
None

Discussion/Action regarding the Mutual Police Enforcement Agreement between the Town of Geneva and the City of Lake Geneva
Motion by Yunker to approve, second by Howell. Fesenmaier noted that this is a one-year contract and it references a second access point along with a traffic signal to be installed. She would like staff to address those points for a resolution. Motion carried 8-0.

Discussion/Action regarding going out for RFP or renewing the current City Planner Contract ***(Agenda Item request by Alderperson Flower and Alderperson Fesenmaier)***
Alderperson Flower stated that there currently is a contract and it continuously renews. She would like the contract reviewed and possibly have the City obtain proposals. It was originally drafted in 2012.
Motion by Flower that the City obtain RFPs for City Planner Services, second by Fesenmaier. Howell questioned if this would violate the current contract. The contract does allow for cancellation within a seven-day notice from either party, and that obtaining proposals would not void the current contract.
Flower noted that the contract does allow for them to notify the City of grant applications and feels that this isn't always being done. Fesenmaier cited the comprehensive implementation plan as well.
Motion carried 8-0.

Discussion/Action regarding going out for RFP or renewing the current IT City Services Contract ***(Agenda Item request by Alderperson Flower and Alderperson Fesenmaier)***
Flower explained that the City does not currently have a contract for IT Services.
Motion by Flower to obtain RFPs for IT Services, second by Fesenmaier. Attorney Draper stated that obtaining RFPs would not violate any current contracts and services. Motion carried 8-0.

Discussion/Action regarding determining bridge within Disc Golf Park to be replaced ***(Public Works Committee recommended Bridge #5 and the Board of Park Commissioners recommended Bridge #3)***
Flower explained there have been discussions at the Public Works Committee and the Park Board as to which bridge within the Disc Golf Bridge should be replaced. There have been some Utilities that may be in the way of bridge #5; because of that the Public Works Director recommended that bridge #3 be replaced. Both locations do need to have crossing available, but bridge #5 is used more frequently. Fesenmaier noted that bridge #3 would be an easy replacement with the funds available.
Howell would like to have the Public Works Director come to the Council to explain his position on which bridge to replace. Discussion included the potential cost for the replacement. Hedlund noted that bridge #5 was much larger with a greater elevation and would cost more.
Flower stated that the disc golf park could work with bridge #1 and #5, but not #1 and #3 as depicted by the map.
Motion by Howell to refer to the Public Works Committee to obtain better costs estimates for bridge #3 and Bridge #5 to include pedestrian only and vehicle, second by Halverson. Fesenmaier would like to see all of the information for both bridges, including capabilities for vehicles. Motion carried 8-0.

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

Discussion/Action regarding Change Order #2 filed by Selzer-Ornst for the Library Renovation Project in an amount not to exceed $24,516.00
Motion by Howell to approve, second by Halverson. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding Pay Request #2 filed by Selzer-Ornst for the Library Renovation Project in an amount not to exceed $123,379.00
Motion by Howell to approve, second by Halverson. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding awarding bid for DPW Main Shop Roof Project, 1055 Carey St, Project #2021-01, to Midwest Roofing & Construction LLC in an amount not to exceed $49,800.00
Motion by Howell to approve, second by Flower. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding awarding bid for DPW Main Shop Roof Project, 1065 Carey St, Project #2021-02, to Midwest Roofing & Construction LLC in an amount not to exceed $99,320.00
Motion by Howell to approve, second by Flower. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding awarding bid for 2021 Crack Sealing and Filling to Fahrner Asphalt Sealers LLC in an amount not to exceed $35,000.00
Motion by Howell to approve, second by Flower. No discussion. Motion carried on a roll call vote 8-0.

<u>Discussion/Action regarding **Resolution 21-R78** a resolution establishing wages for elected officials</u>
Motion by Howell to approve, second by Hedlund. Flower stated that she would like to see the elected official's wages increased at the same rate as the staff, annually. Howell disagreed and wouldn't want to split the Council in what they receive for pay. Flower stated that a raise wouldn't go into effect until the next election, if the candidate is re-elected.
Motion to amend by Flower in increase the wages for the Alderpersons and Mayor by 4%, second by Straube. Motion to amend failed 3-5, with Yunker, Fesenmaier, Halverson, Hedlund, and Howell voting no.

Original motion carried 5-4, with Mayor voting yes to break the tie, with Fesenmaier, Flower, Halverson, and Straube voting no.

<u>Discussion/Action regarding requiring buoy/slip deposits no later than January 31 annually</u>
Motion by Howell to approve, second by Yunker. Harbormaster Russell noted that this would aid with getting leases back on time and help to identify those on the waitlist that may be eligible. The deposit letter will also include the new lease amount for that year. Motion carried 8-0.

<u>Discussion/Acceptance of December 7, 2021 Finance, Licensing, and Regulation Committee Payment Approval Reports</u>
Motion by Howell to accept, second by Hedlund. No discussion. Motion carried 8-0.

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

<u>Discussion/Action regarding **Resolution 21-R79** a resolution authorizing a Precise Implementation Plan (PIP) filed by Kwik Trip, 1626 Oak Street, La Crosse, WI, 54603 for a request to allow a Precise Implementation Plan (PIP), for the property located at 898 Wells St. that would allow for a C-Store with gas pumps and a detached carwash in the Planned Business (PB) zoning district</u>
Motion by Dunn to approve, second by Yunker. Fesenmaier stated that there were conditions that were set by the Plan Commission and asked that they be reviewed. She stated there were concerns with the lighting for the sign on the canopy and if the new rendering showed that change. Draper added that the lighting of the sign was not approved and that the storm water was reviewed. Fesenmaier also addressed the lack of sidewalks in that area and feared people walking in the streets. Flower stated that if there is a landing for pedestrian crossing on one side, there needs to be one on the other side. Flower asked the City engineer to review this plan further.

Motion to amend by Fesenmaier to include a sidewalk parallel to Lake Geneva Boulevard, on the backside of the development, to the extent of the property lines and that the sidewalks and ramps be ADA compliant, second by Flower. Flower had concerns with section of sidewalks being added with no connection.
Fesenmaier stated there are issues with the fencing and landscaping within this area too. Mayor Klein noted that the landscaping was installed to help with noise buffering. Flower added that she would like to correct the ADA ramps going into the Summerhaven Development. Motion carried 5-3 on a roll call vote, with Hedlund, Howell, and Yunker voting no.

Motion to amend by Fesenmaier to switch the fence line with the landscaping, so that the landscaping will be outside of the fence, second by Halverson.

Motion by Flower to suspend the rules to allow the representative of Kwik Trip to speak, second by Fesenmaier. Motion carried 8-0.
Fesenmaier stated that there was an amendment made to address the sidewalks. She asked for clarification on the placement of the fence and the landscaping around the development. The representative noted that the sidewalk was planned in a way to make it ADA compliant due to a grading issue. Flower added that the ramp needs a companion ramp on the other side as well. The representative noted that the fence and landscaping can be moved and that the fence will be made of vinyl.

Motion to amend carried 8-0.

Fesenmaier confirmed that the access on to Lake Geneva Blvd is only for pedestrian traffic and not vehicles.

Fesenmaier also questioned the hours of operation and asked if that had been addressed through the PIP. Attorney Draper stated that it was not set. Fesenmaier stated that she is most worried about the carwash with the noise and should follow the current noise ordinance hours.

Motion to amend by Fesenmaier that the carwash comply with the City's noise ordinance, second by Halverson. Motion carried 6-2 with Howell and Hedlund voting no.

Fesenmaier stated that the bike rack should be included near the building.

Motion to amend by Fesenmaier for Kwik Trip to install an electric car charging station, no second offered. Motion failed for a lack of second.

Motion to amend by Fesenmaier to require that the developer pay for future traffic controls if requested with five years at an appropriate fee level after an impact study is completed, second by Flower. Fesenmaier stated that an impact study would need to be done to justify this cost at a future date. Dunn wondered why this business is being targeted and the others in the area that contribute to the traffic, are not. Flower explained that this kind of development would encourage more traffic than what is currently in that area. Flower stated that this is the standard practice for developments and that this should have been addressed at the first stage of the development. Motion failed on a roll call vote 3-5, Hedlund, Howell, Straube, Yunker, and Dunn voting no.

Original motion as amended was re-read. The motion carried 8-0.

Mayoral Appointments

Confirmation of the appointment of Brett Stanczak to the Lake Geneva Utility Commission for a term to expire October 1, 2024
Motion by Yunker to approve, second by Hedlund. No discussion. Motion carried 8-0.

Confirmation of the appointments of Spyro Condos, Beth Tumas, Dimitrius Anagnos, and T.R. Remke to the Downtown Business Improvement District with terms to expire January 1, 2024
Motion by Yunker to approve, second by Halverson. No discussion. Motion carried 8-0.

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** and pursuant to Wis. State. 19.85(1)(c)for the purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding: **Holiday Compensation for Front Counter Clerk and City Clerk**
Motion by Yunker to convene the Council into Closed Session to include City Administrator Nord, Finance Director Hall, Attorney Wirth, and Attorney Draper, second by Flower. Motion carried 8-0 on a roll call vote. The Council convened into Closed Session at 7:21 p.m.

Motion to return to open session pursuant to Wisconsin Statues 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 8-0 on a roll call vote. The Council reconvened into Open Session at 7:57 p.m.

Motion by Howell to direct the Attorneys to proceed as discussed in Closed Session, second by Halverson. No discussion. Motion carried 8-0.

Motion by Hedlund to deny holiday pay to the Front Counter Clerk, second by Howell. No discussion. Motion carried 7-1, with Flower voting no.

Motion by Hedlund to return PTO used to cover Holiday Pay to the City Clerk, second by Straube. Flower noted that the Council should be voting consistently and would be voting against this motion. Motion carried 7-1, with Flower voting no.

Adjournment
Motion by Howell to adjourn, second by Hedlund. Motion carried 8-0. The meeting of the Common Council adjourned at 8:00 p.m.