

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, MARCH 27, 2023 - 6:00 PM
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, Ken Howell, Shari Straube, Cindy Yager, and Joan Yunker

Mayor Klein call the meeting to order
Mayor Klein called the meeting to order at 6:00 p.m.

Pledge of Allegiance – Alderperson Fesenmaier
Alderperson Fesenmaier led the Council in the Pledge of Allegiance.

Roll Call
Present: Dunn, Fesenmaier, Halverson, Hedlund, Howell, Straube, Yager, and Yunker
Absent: None

Mayor Klein asked Council President Hedlund to preside over the meeting and thanked everyone for being understanding for her lack of voice.

Awards, Presentations, Proclamations, and Announcements

Recognition of the City of Lake Geneva Avian Committee- Wisconsin Bird City and Wisconsin Society of Ornithology
Carol Zimmerman addressed the Council on behalf of the Avian Committee. She noted that the committee was invited to attend UW-Oshkosh to represent the committee as a bird city success story. She also thanked all of the groups that partner with the Avian Committee that made this possible. No action taken.

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
Sherri Ames; 603 Center St; Spoke in regards to Dark Store Tax Loophole.
Frank Guske; 192 W Main St; Spoke in regards to the Gateway Ordinance.

Acknowledgement of Correspondence
None

Approve the Regular Council Minutes of March 13, 2023 as prepared and distributed
Motion by Yunker to approve, second by Halverson. No discussion. Motion carried 8-0.

CONSENT AGENDA– 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.

An Agent Change for Chubby Kitty LLC d/b/a Fat Cats to Tai Serna
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 8-0.

Items removed from the Consent Agenda
None

First Reading of **Ordinance 23-01** an ordinance amending Section 192, Fees, of Chapter 90, Waterways, of the City of Lake Geneva Municipal Code; as it relates to the payment of unpaid and delinquent City claims related to the rental of City owned piers, slips, buoys, and kayak racks

President Hedlund offered Ordinance 23-01 as a first reading.

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

President Hedlund offered Ordinance 23-01 as a second reading.

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

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

Discussion/Action regarding an Original Regular "Class B" Intoxicating Liquor License and Class "B" Fermented Malt Beverage License filed by the following applicants:

- Stinebrink's Lake Geneva Foods, LLC d/b/a Stinebrink's Piggly Wiggly, located at 100 E Geneva Sq, Agent: David Stinebrink
- D & D Restaurant Group, INC d/b/a The Flat Iron Tap, located at 150 Center St, Agent: Tyler Huttner
- L.G. Axe Throwing, LLC d/b/a L.G. Axe Throwing, located at 253 Center St #900, Agent: Madelyna Kelly

(Finance, Licensing, and Regulation Committee recommended granting the license to D & D Restaurant Group INC d/b/a Flat Iron Tap)

Motion by Howell to approve granting the license to D & D Restaurant Group Ind d/b/a Flat Iron Tap, second by Yunker. No discussion. Motion carried 8-0.

Discussion/Action regarding the waiver of beach pass fees for the Geneva Lake YMCA summer camp program

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

Discussion/Action regarding a cooperative agreement with the Geneva Lake Environmental Agency for shared responsibility for the boat launch and clean water inspections

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

Discussion/Action regarding declaring Thursday, July 13, 2023 as "Lake Geneva Day" and that all City Resident Parking Permit Holders have free parking all day

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

Discussion/Acceptance of the pre-paid and regular check payment reports approved by the Finance, Licensing, and Regulation Committee on March 21, 2023

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

Recommendations of the Planning Commission- Ald. Fesenmaier

Discussion/Action regarding a proposed land division condominium conversion request submitted by Younquist-Nading LLC; 255 Havenwood Drive, to create a 2-unit condominium building as identified in the documents generated by Farris, Hansen & Associates dated 12/14/2022 Job No. 10807 for Tax Key No. ZOP00002E

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

Discussion/Action regarding a proposed land division creating a Certified Survey Map (CSM) request submitted by John Engerman d.b.a. Woodley Assets; W3411 Linton Road. Lake Geneva, to create 2 buildable single family lots, as identified in the documents generated by Paul H. Van Henkelum, dated 03/02/2023 Job No. 22460 for Tax Key No. ZA206600002

Motion by Fesenmaier to approve, second by Straube. Fesenmaier stated that the Plan Commission was not unanimous on this vote. Motion carried 7-1, with Fesenmaier voting no.

Discussion/Action regarding a proposed land division creating a Certified Survey Map (CSM) request submitted by Avalon Property LLC; 875 Geneva Parkway, to create 1 single commercial lot by combining 4 tax parcels, as identified in the documents generated by Farris, Hansen & Associates dated, 11/17/2022 for Tax Key Nos. ZLGBP00010A; ZYUP00157; ZYUP00158; & NLY3100002

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

Discussion/Action regarding a Zoning Map Amendment submitted by Avalon Property LLC; 875 Geneva Parkway, to allow for the zoning designation of Planned Business Park (PBP) from the current Planned Business

(PB) zoning classification Tax Key Nos. ZYUP00157; ZYUP00158; & NLY3100002

Motion by Fesenmaier to approve, second by Halverson. No discussion. Motion carried 8-0.

Discussion/Action regarding **Resolution 22-R16** a resolution authorizing the issuance of a Conditional Use Permit to allow for a Husbandry land use (goat grazing) in the Rural Holding (RH) zoning district at the Hillmoor property located at 333 E. Main Street: Tax Key No. ZYUP00131

Motion by Fesenmaier to approve Resolution 23-R16 with the Conditional Use Permit to pertain to all parcels of Hillmoor, second by Straube. Fesenmaier stated that this should be applied to all of the parcels of the Hillmoor property, not just the one listed on the agenda. Clerk Kropf asked that the motion be restated to address the mistake in labeling the resolution. Motion carried 8-0.

Discussion/Action regarding Dark Store Tax Loophole Legislation and the steps the City plans to take to address it (**Agenda Item Request by Ald. Fesenmaier and Ald. Yager**)

Alderman Yager stated that the public needs to be aware of the tax loophole and would like to have a conversation about how the City plans to address any that may come forward. Attorney Draper then gave an overview of the Dark Store Legislation and noted that the City has very little power on its own to change the law. Attorney Draper then explained the Board of Review process and how these situations can be addressed at the Circuit Court level. No action taken.

Discussion/Action regarding updating the trespassing status for the publicly-owned Hillmoor property (**Agenda Item Request by Ald. Fesenmaier and Ald. Yager**)

Fesenmaier stated that this was being put on to hopefully address the trespassing status of the property. She added that people are using the property and that parameters need to be set for access. This could be limiting the hours of access, no motorized vehicles, trail signs, and having a volunteer policy.

Mayor Klein noted that the insurance company needs to offer an opinion first and there isn't much that the Council can do at this point. Mayor Klein added that the volunteer policy is currently being vetted by the City Administrator. Attorney Draper explained that the City has been trying to do a thorough walk through, but hasn't been able to due to the weather. He added that the volunteer form can be used for any type of volunteering that is done throughout the City.

Motion by Fesenmaier to continue to the next Council meeting, second by Yager. Motion carried 8-0.

Adjournment

Motion by Howell to adjourn, second by Hedlund. Motion carried 8-0. The meeting adjourned at 6:41 p.m.