

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, APRIL 24, 2023 - 6:00 PM
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)

Members: Mayor Charlene Klein, Council President, Mary Jo Fesenmaier, Council Vice President, Cindy Yager, Alderpersons: Tim Dunn, Peg Esposito, Linda Frame, Ken Howell, Shari Straube, 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 Straube
Alderperson Straube led the Council in the Pledge of Allegiance.

Roll Call
Present: Dunn, Esposito, Fesenmaier, Frame, Howell, Straube, Yager, and Yunker
Absent: None

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
RJ Morgan; Spoke in opposition of the current parking ticket rate.
Beverly Leonard; 1504 Dodge St; Spoke in opposition of the current parking ticket rate.
Roger Wolff; 771 W Main St; Spoke in opposition of the current parking ticket rate.
Sherri Ames; 603 Center St; Spoke in opposition of the lack of District #2 representation as shown in the Re-Org minutes. She further added her opposition to the current parking ticket rate.
Allastair Cumming; W3432 MacDonald Rd; Spoke in opposition to the current parking ticket rate.
Butch Nosek; 883 Main St; Spoke in opposition to the current parking ticket rate.
Andrea Christian; 250 Havenwood Dr; Spoke in opposition of the current parking ticket rate.
Jeanine Osborn; Harborshores Hotel; Read a letter aloud from CEO Tammie Carstensen, speaking in opposition to the current parking ticket rate.
Bruce Bennett; 384 S Stone Ridge Dr; Spoke in opposition of the current parking ticket rate and spoke in opposition of the members of the Parking Ad Hoc Committee.
Alex Binanti; Executive Director of the BID; Spoke on behalf of the Downtown Business Improvement District and spoke in opposition to the current parking ticket rate.
Spyro Condos; 100 Broad St; Spoke on behalf of the Downtown Business Improvement District and spoke in opposition to the current parking ticket rate.
Sean Payne; 121 Sumner; Spoke in opposition to the current parking ticket rate.
Leann Sanders; 235 Broad St; Spoke in opposition to the current parking ticket rate.
Sarah McConnell; 21 Lakeview Dr; Spoke in opposition to the current parking ticket rate.
Bill Huntress; 1015 Pleasant St; Spoke in regards to the hourly parking fee and parking ticket fee. He also spoke in regards to the impact fees.

Acknowledgement of Correspondence
Clerk Kropf announced that correspondence was received of Tammie Carstensen, Thomas George, and Terence Pisano speaking in opposition of the current parking ticket fine.
All items of correspondence were distributed to the Council.

Approve the Regular Council Minutes of April 10, 2023 and the Council Re-Organizational Minutes of April 18, 2023 as prepared and distributed

Motion by Howell to approve the minutes as presented, second by Straube. Frame noted that the minutes of April 18th Council Re-Org meeting were missing some pertinent information. She noted that when the Mayor was questioned about reconfiguring the standing committee assignments, no answer was given by the Mayor and the minutes do not reflect that.

Motion to amend by Frame that the minutes of the Re-Org meeting be amended regarding the answer of the Mayor for the appointment of the standing committees, second by Fesenmaier. Motion failed on a roll call vote 3-5, with Esposito, Howell, Straube, Yager, and Dunn voting no.

Original 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 application for D & D Restaurant Group Inc d/b/a Flat Iron Tap, to Robert Lopez

Resolution 23-R09 a resolution approving the assigned fund balance for the Fire Dues account as of 12/31/22

Resolution 23-R10 a resolution approving the assigned fund balances for the Fire Department accounts as of 12/31/22

Resolution 23-R11 a resolution approving the assigned fund balance for the First Responders donations account as of 12/31/22

Resolution 23-R12 approving the assigned fund balances for the Police Department accounts as of 12/31/22

Resolution 23-R13 approving the assigned fund balance for the Avian Committee donations account as of 12/31/22

Resolution 23-R14 approving the assigned fund balance for the Historic Preservation Committee donations account as of 12/31/22

Resolution 23-R15 a resolution adopting 2022 transfers from the Lakefront Special Revenue Fund and the Parking Special Revenue Fund to the General Fund

Resolution 23-R18 a resolution authorizing carryover of General Fund and Lakefront Fund budget amounts from 2022 to 2023

Resolution 23-R19 a resolution authorizing carryover of Capital Projects and Equipment Replacement Funds budgets from 2022 to 2023

Resolution 23-R20 a resolution adopting a 2022 year-end budget amendment authorizing the re-allocation of funds in the 2022 budgets for certain revenues and expenditures exceeding their 2022 budgets

Resolution 23-R21 a resolution approving the assigned fund balance for the Parks Committee donations account as of 12/31/22

Motion by Yunker to approve the consent agenda, second by Straube. No discussion. Motion carried 8-0

Items removed from the Consent Agenda

None

Public Hearing for the Proposed Impact Fees and Ordinance 23-03

Public Hearing for Ordinance 23-03 was delayed until June 12, 2023; after the notice for the public hearing is properly noticed.

Motion by Fesenmaier to continue the public hearing, second by Dunn. No discussion. Motion carried 8-0

First Reading of **Ordinance 23-03** an ordinance amending Section 39-1, Creation of Impact Fee, Section 39-3, Definitions, Section 39-4, Applicability of Impact Fee, Section 39-5, Impact Fee, Section 39-6, Payment of Fee, Section 39-7, Segregation and Use, and Section 39-8, Refund of fees paid, all of Chapter 39: Impact Fees of

Municipal Code of the City of Lake Geneva, Wisconsin concerning the imposition and revision of impact fees
Motion by Howell to suspend the rules and waive to second reading, second by Yunker. No discussion. Motion carried 8-0.

Attorney Draper noted that the ordinance wasn't in possession of the City prior to the public hearing and it would need to be available for public inspection 30 days prior to the public hearing.

Motion by Howell to delay the first reading of the ordinance until June 12, second by Yunker. Fesenmaier questioned what would happen to the public hearing portion of the ordinance amendment. Attorney Draper stated that there would be a public hearing for the new date as well.

Motion to delay carried 8-0.

Second Reading of Ordinance 23-02 an ordinance amending Chapter 98, City of Lake Geneva Zoning Ordinance, Article 2, Lane Use Regulations, Section 98-203(1)-(9) Table of Land Uses, adding a column for "Extraction/Disposal", and Section 98-905 subsection (5) review, Public Hearing, and Recommendation by the Plan Commission, Sub-Subsection (d) removing a reference to Sub-Subsection (b), all of the Municipal Code of the City of Lake Geneva, Wisconsin

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

Discussion/Action regarding Pay Request #1 filed by Asphalt Contractors INC, via MSA Professional Services, INC, for the 2023 Marianne Terrace and Pine Tree Lane Improvements in an amount not to exceed \$39,968.84
Motion by Fesenmaier to refer this agenda item to the Finance, Licensing, and Regulation Committee committee for May 2, 2023, second by Frame. Fesenmaier stated that the City ordinance dictates that the Finance Committee shall meet to make recommendations. Attorney Draper explained that the Finance, Licensing, and Regulation Committee is a recommending body and that the Common Council has the final authority to approve or deny a payment.

Utility Director Gajewski addressed the Council regarding the payment request and the shared cost of the project with the Utility Commission.

Council discussion included the need to have committee meetings to have the work done before the Council.

Motion to refer to the Finance, Licensing, and Regulation Committee failed on a roll call vote 4-5, with Howell, Straube, Yunker, and Dunn voting no; Mayor Klein voted no to break the tie.

Motion by Yunker to approve, second by Straube. No discussion. Motion carried on a roll call vote 5-4, with Frame, Yager, Esposito, and Fesenmaier voting no; Mayor Klein voted yes to break the tie.

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

Discussion/Action regarding an Original Class "B" Fermented Malt Beverage and Class "C" Wine application filed by Lake Geneva Billiard Club d/b/a Lake Geneva Billiard Club, 772 W Main St, Kurt Jennison, Agent

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

Discussion/Action regarding a proposed engineering study by Kapur for a parking lot on the east side of the library, not to exceed \$5,000

Motion by Howell to approve, second by Yunker. No discussion. Motion carried on a roll call vote 5-3, with Esposito, Fesenmaier, and Frame voting no.

Discussion/Action regarding the purchase of body cams and software for the Parking Enforcement Department in an amount not to exceed \$15,266.02

Motion by Howell to approve, second by Yunker. Finance Director Pisarcik stated that the majority of the funding would come from grant money. Frame stated that the fire department should be getting cameras too and questioned why the parking enforcement team needed them.

The Council asked the Parking Manager to address the questions asked. Parking Manager Elder noted that the additional body cams were approved by the Police & Fire Commission and would be deployed in conjunction with the Police Department. Motion carried on a roll vote 6-2; with Fesenmaier and Frame voting no.

Discussion/Action regarding Task Order #28 for Kapur Engineering for work to be completed at Riviera Beach in an amount not to exceed \$19,750.00

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

Discussion/Acceptance of the Pre-Paid and Regular Payment Reports approved by the Finance, Licensing, and Regulation Committee on April 18, 2023

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

Recommendation of the Plan Commission- Ald. Fesenmaier

Discussion/Action regarding **Resolution 23-R26** a resolution authorizing the issuance of a Conditional Use Permit to Robin Kokodynski, 1591 Orchard Ln., to allow for a site addition to a property located within the Estate Residential - 1 (ER-1) zoning district Tax Key No. ZA455800001

Motion by Fesenmaier to approve, second by Frame. Fesenmaier noted that no one attended the Plan Commission meeting to oppose the Conditional Use Permit. Motion carried 8-0.

Discussion/Action regarding **Resolution 23-R27** a resolution authorizing the issuance of a Limited Conditional Use Permit to Gregory Anagnos N1567 Clover Rd. Lake Geneva to allow for an Outdoor Commercial Entertainment at 272 Broad St. for the property located in the Central Business (CB) zoning district Tax Key No. ZOP00244

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

Discussion/Action regarding **Resolution 23-R28** a resolution authorizing the issuance of a Limited Conditional Use Permit (Limited CUP) for Kurt Jennison N3382 County Rd. H Lake Geneva, to allow for a Commercial Indoor Entertainment land use in the Central Business (CB) zoning district at 772 W. Main St. Tax Key No. ZOP00321

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

Mayoral Appointment

Confirming the appointment of Fire Chief John Peters as the City of Lake Geneva Emergency Government Director with a term to expire April 2024

Motion by Yunker to confirm the appointment, second by Dunn. No discussion. Motion carried 8-0.

Discussion/Action to return the parking ticket price to \$20 plus late fees (*Agenda Item Request by Ald. Yager and Ald. Straube*)

Straube stated that she wanted this discussed because of her experience of working downtown and owning a business downtown. She understands both sides as a member of the downtown and as a taxpayer, but feels that the \$50 parking ticket fine is too much.

Motion by Straube to reduce the ticket fine to \$30 and that the ticket amount double after 10 days, second by Yager.

Frame feels that \$30 is still too much and that the ticket price should be reduced to what is as previously.

Motion to amend by Frame to reduce the ticket fine to \$20, second by Fesenmaier.

Frame stated that she is very worried for the downtown and the business owners spend a lot of time dealing with this issue with their customers. Esposito questioned if a daily compounded ticket system would be feasible. Parking Manager Elder stated that they might catch someone continually parking with a violation; he added that his team focuses on enforcement and does not target individuals. Howell stated that he would like to know what the amendment might do to the City budget and if that would create a deficit. Finance Director Pisarcik stated that she could work with the Parking Manager to identify those numbers for the various scenarios. Those could be presented at the next Council meeting.

Motion by Howell to refer to the next FLR meeting, no second was offered. Motion failed for a lack of second.

Fesenmaier stated that she would be in favor of the ticket price being reduced to \$20 with the late fees. Fesenmaier stated that she would like to see the former members of the parking group be added to the new parking ad hoc committee.

Dunn stated that the ticket price can be reduced but that it shouldn't be \$20; maybe explore the impact of \$40 or even \$35. Yunker added that the fine is meant to be a deterrent to pay the parking fees.

Motion by Howell to continue to the next Finance, Licensing, and Regulation or Council meeting, second by Yunker. Motion carried 8-0.

Adjournment

Motion by Howell to adjourn, second by Dunn. Motion carried 8-0. Meeting adjourned at 7:58 p.m.

