

**CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES**  
**MONDAY, OCTOBER 9, 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 Fesenmaier  
Alderperson Fesenmaier 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  
Motion by Fesenmaier to move the public comments (item #6) before the reconsideration, second by Howell. No discussion. Motion carried 8-0.

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

Bill Huntress; 1015 Pleasant St; Spoke in opposition to the proposed annexation at MB 500003.  
Bill Meyerhoefer; Spoke in opposition to the proposed annexation at MB 500003.  
Anthony LaPorte; 213 Cappella Way; Spoke in opposition to the proposed annexation at MB 500003.  
Tom Bachman; 3649 Snake Rd; Spoke in favor of Trick or Treating taking place on October 31, 2023.  
Judy Derra; 414 Gallant Dr; Spoke in opposition to the proposed annexation at MB 500003.  
Lynda Trester; 434 Warren St; Spoke in opposition of Trick or Treating taking place on October 31, 2023.  
Pete Pokorny; 1196 Lake Geneva Blvd; Spoke in opposition of Trick or Treating taking place on October 31, 2023.  
Sherri Ames; 603 Center St; Spoke in opposition of Trick or Treating being held for extended hours. She also spoke in opposition to the proposed annexation at MB 500003. She further spoke in favor of approving the Hillmoor Project Plans.  
Jessica Pokorny; 1196 Lake Geneva Blvd; Spoke in opposition of Trick or Treating taking place on October 31, 2023.  
Debbie Robers; 1307 Park Row; Spoke in opposition of Trick or Treating taking place on October 31, 2023.  
Sarah McConnell; 21 Lake View Dr; Spoke in regards to Trick or Treating and noted that she has never had a problem in her downtown business with this. Spoke in opposition of Trick or Treating taking place on October 31, 2023.  
Karen Yancy; 2288 Main St, Washington Island, WI; Geneva Lake Conservancy; Spoke in favor of the Conservancy's application for the Hillmoor Project Plan.

Re-consider business from previous meeting

Reconsideration of the motion to hold City-wide Trick or Treating on Tuesday, October 31, 2023 from 4:00 p.m. to 7:00 p.m.

Motion by Fesenmaier to amend the trick or treating to Sunday, October 29, 2023 to be held Noon to 2:00 p.m., second by Esposito.

Fesenmaier stated that the speakers and majority of the calls that she has received spoke in favor of holding Trick or Treating on Sunday. Esposito stated that changing Trick or Treating to Halloween could be a conflict for school activities and that the Council hadn't given ample notice to the public.

Straube stated that the Trick or Treating being held on Sunday does greatly impact the downtown businesses. She

noted that she has received support and complaints on having Trick or Treating on Halloween. She added that the Jaycees are having an event on that Sunday and are encouraging people to visit the downtown businesses. Frame spoke in favor of having Trick or Treating on the Sunday before Halloween. She noted that she would like to see it be held that Sunday from 1:00 p.m. to 3:00 p.m. to accommodate church goers.

Motion by Frame to amend to change the time to take place from 1:00 p.m. to 3:00 p.m., second by Dunn.

Yager stated that Halloween is now more geared towards younger children and Sunday would be better.

Motion by Yager to amend the amendment to change the time to take place from Noon to 3:00 p.m., second by Frame.

Straube stated that if Trick or Treating should take place on Sunday, that it be better if it was held later in the day.

Motion by Straube to amend the 2nd amendment to hold trick or treating on Sunday from 4:00 p.m. to 7:00 p.m., second by Yunker.

Lt. Keller stated that the police department has to have their schedule in place by September 15 and are just looking for an answer for scheduling purposes.

Fesenmaier disagreed with the evening time change and stated that the idea of having it on Sunday, was to hold it during the daytime hours. Motion to amend to hold Trick or Treating from 4:00 p.m. to 7:00 p.m. failed on a roll call vote 3-5, with Esposito, Fesenmaier, Frame, Howell, and Yager voting no.

Motion to amend to hold Trick or Treating from Noon to 3:00 p.m. carried on a roll call vote 6-2, with Straube and Yunker voting no.

Main motion as amended carried on a roll call vote 6-2, with Straube and Yunker voting no.

#### Acknowledgement of Correspondence

Correspondence was received of Debbie Robers, Courtney Pilman, and Peter Wilson; speaking in favor of changing the date and time of Trick or Treating to the Sunday before Halloween.

Correspondence was also received of Amy Odgers and Roger Wolff; Speaking in opposition of changing the date and time of Trick or Treating to the Sunday before Halloween.

#### Approve the Regular Council Minutes of September 25, 2023 as prepared and distributed

Motion by Howell to approve, second by Yunker. 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.

Tier I Event Permit Application filed by the Downtown Business Improvement District for the event of Downtown Lake Geneva Annual Wine Walk to take place on November 5, 2023, located at various downtown businesses

Temporary Operator License application filed by Lynne Cole for the event of Fall Wine Walk to take place on November 5, 2023

Temporary Operator License application filed by Karlee Fowler for the event of Fall Wine Walk to take place on November 5, 2023

Temporary Class "B"/ "Class B" Retailer's License filed by the Geneva Lake Arts Foundation for the event of Gallery 223 Open House to take place on November 17, 2023, located at 223 Broad St

Temporary Operator License Application filed by David McConnell for the event of Gallery 223 Open House to take place on November 17, 2023

Temporary Operator License Application filed by Sarah McConnell for the event of Gallery 223 Open House to take place on November 17, 2023

Tier II Event Permit Application filed by VISIT Lake Geneva for the event of 48th Annual Lake Geneva Electric Christmas Parade to take place on Saturday, December 2, 2023 from 3:00 p.m. to 6:30 p.m. located in downtown Lake Geneva

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

#### **Items removed from the Consent Agenda**

Discussion/Action regarding referral to the Plan Commission of an Annexation Petition filed by Bloomfield Holdings LLC for a parcel located at 875 Townlin Rd, Unit 103, Tax key # MB 500003 for recommendation and assignment of temporary zoning for the subject parcel

Mayor Klein stated that this would not be the Council's time to approve the annexation, but to refer to the Plan Commission.

Attorney Draper stated that the Department of Administration needs to consider the annexation before the Council can.

Motion by Howell to refer to the Plan Commission for consideration, second by Yunker. No discussion.

Fesenmaier stated that she has issues with considering this annexation. She added that the developer for the proposed annexation had pre-paid impact fees, per their developer's agreement, to avoid having to pay the higher impact fee rate. Fesenmaier passed out a handout to the staff and members of the Council showing excerpts of different documents pertaining to the developer and impact fees.

She added that the Council should be given a written opinion from the City Attorney and from the state concerning this matter. Motion failed on a roll call vote 1-7, with Dunn, Esposito,

Discussion/Action regarding **Resolution 23-R48** a resolution to vacate and discontinue a portion of Logan Street in Block 2 of Wheeler Division

Attorney Draper stated that this was considered sometime earlier this year by the Public Works Committee. The committee at that time agreed to abandon that section of the road. That process would include adopting the resolution, refer to the Plan Commission, set a public hearing and notify the property owners of the City's intent to vacate that section of road.

Motion by Yunker to approve Resolution 23-R48, second by Fesenmaier. No discussion. Motion carried 8-0.

Motion by Yunker to refer to the Plan Commission, second by Yager. No discussion. Motion carried 8-0.

Motion by Yunker to set the public hearing for November 20, 2023, second by Frame. No discussion. Motion carried 8-0.

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

Discussion/Action regarding Pay Request #1 filed by Carlson Racine Roofing & Sheet Metal for work completed on the 1070 Carey Street Roofing project in an amount not to exceed \$103,312.95

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

Discussion/Action regarding payment to Kehoe-Henry & Associates, INC for rendering work completed on the 1070 Carey Street Roofing Project in an amount not to exceed \$2,885.25

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

Discussion/Action regarding a Project Plan filed by the Friends of Hillmoor for Ecological Restoration at the Hillmoor Property (333 E Main St) to take place on weekdays in October 2023

Motion by Howell to approve, second by Esposito. Fesenmaier stated that this project would take place along the front of the property and might extend into November. Straube stated that the Public Works Committee will be considering sending the Public Works Department to Hillmoor to trim and cut the grass. Mayor Klein encouraged that the City Arborist be included on this project. Fesenmaier stated that there would be no cost to the City for this, other than to open the gate. Motion carried 8-0.

Discussion/Action regarding a Project Plan filed by the Friends of Hillmoor for Volunteer Trimming of Cart Path at the Hillmoor Property (333 E Main St) to take place on one weekday and weekend in October 2023

Motion by Howell to approve, second by Frame. Esposito stated that this will be done by volunteers who will be helping to clear the pathways. Esposito stated that it would take place on a Wednesday and Sunday sometime this month. Motion carried 8-0.

Discussion/Action regarding a Project Plan filed by the Friends of Hillmoor for Tree Trimming and Removal at the Hillmoor Property (333 E Main St) to take place one weekday in October 2023

Motion by Howell to approve, second by Straube. Esposito stated that a different vendor will be hired to complete this work. This would be to clear the trail for emergency service vehicles. Motion carried 8-0.

Discussion/Action regarding a Project Plan filed by the Geneva Lake Conservancy for the Hillmoor Work Days at the Hillmoor Property (333 E Main St) to take place on: 11/4/2023, 11/18/2023, 12/2/2023, 12/16/2023,

12/30/2023, 1/13/2024, 1/27/2024, 2/10/2024, and 2/24/2024 from 9:00 a.m. to Noon on all days

Motion by Howell to approve, second by Yager.

Esposito states that she is in favor of the application, but wants to strike the language concerning the kayak launch.

Motion to amend by Esposito to remove item #20 referring to the kayak launch, second by Yager.

Motion by Straube to suspend the rules to allow Karen Yancy to speak, second by Yunker. Motion carried 8-0.

Yancy addressed the Council concerning the kayak launch and noted that this has been discussed at the Hillmoor Ad Hoc Committee conceptually.

Esposito stated that it would be unsafe to allow that and fears that if she approves the application that it may approve the launch inadvertently.

Motion to amend carried 8-0.

Motion by Fesenmaier to amend item #10 to state that possibly, second by Esposito. Motion carried 8-0.

Motion by Fesenmaier to amend by striking item #3 under the Hillmoor objectives (paragraph #4 in the application), second by Yager.

Fesenmaier stated that it would be too early to determine those uses at this time. Yancy added that the DNR has been at the property several times and approves of the work that the conservancy is planning to do. Yager stated that this application is asking for long term planning and that the items that need to be addressed are short term goals, at this point. Motion to amend carried 8-0.

Original motion as amended carried 8-0.

Discussion/Acceptance of the pre-paid and regular check reports approved by the Finance, Licensing, and Regulation Committee on October 3, 2023

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

**Motion to go into Closed Session pursuant to Wis Statutes 19.85(1)(f) considering financial or disciplinary data of specific persons, which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories related to City Auditors and pursuant to Wis Statutes 19.85(1)(e) deliberating or negotiating the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session related to City Attorney rate for nuisance action services**

Motion by Frame to convene the Council into Closed Session to include the City Clerk, and City Finance Director, second by Straube No discussion. Motion carried on a roll call vote 8-0. The Council convened into Closed Session at 7:45 p.m.

**Motion to return to open session pursuant to Wis 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 Straube. Motion carried on a roll call vote 8-0. The Council reconvened into open session at 7:51 p.m.

Motion by Esposito to send a notice of termination to WIPFLI for auditing services, second by Frame. Motion carried 8-0

Motion by Howell to accept the lowest bid auditor, second by Yager. Motion carried 8-0.

Motion by Esposito to approve paying the City Attorney \$100 per hour for the nuisance action work, not to exceed \$28,500, second by Frame. Motion carried 8-0.

### **Adjournment**

Motion by Frame to adjourn, second by Fesenmaier. Motion carried 8-0. The meeting adjourned at 7:53 p.m.