

**CITY OF LAKE GENEVA
626 GENEVA STREET
LAKE GENEVA, WI**

**SPECIAL
PLAN COMMISSION MEETING
TUESDAY NOVEMBER 26, 2019 - 5:00 PM
COUNCIL CHAMBERS, CITY HALL**

Agenda

1. Meeting called to order by Tom Hartz.
2. Roll Call.
3. 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 five (5) minutes.
4. Acknowledgment of Correspondence.
5. Discussion/Recommendation of Preferred Concept for Hillmoor Special Area Plan to be incorporated into the Draft Comprehensive Plan.
6. Adjournment.

QUORUM OF CITY COUNCIL MEMBERS MAY BE PRESENT

Requests from persons with disabilities, who need assistance in order to participate in this meeting, should be made to the City Clerk's office, in order for appropriate

Accommodations.

Posted 11/18/2019

MEMORANDUM

DATE: October 23, 2017

TO: Mayor, City Council, Plan Commission, City Administrator, and Assistant Clerk

FROM: Daniel S. Draper, City Attorney

Re: Roles of the Plan Commission and the City Council in the Comprehensive Planning Process

The procedures for adopting and amending a comprehensive are found in §§ 62.23 and 66.1001, *Wis. Stats.*

"The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of **the city plan commission.**" §62.23(3)(b), *Wis. Stats.*

"The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan **only** by adopting a resolution by a majority vote of the entire commission." §66.1001(4)(b), *Wis. Stats.*

The comprehensive planning statutes when read together make it clear that the Plan Commission is the body that adopts or amends a comprehensive plan. This can only be done by a resolution adopted by a majority vote of the entire Plan Commission.

The role of the City Council is to adopt public participation procedures, §66.1001(4)(a), *Wis. Stats.*, to hold a public hearing before the ordinance adopting or amending the comprehensive plan is enacted, §66.1001(4)(d), *Wis. Stats.*, and enacting an ordinance adopting or amending the comprehensive plan in conformance with the resolution adopted by the Plan Commission. The public hearing held by the City Council must be preceded by a class 1 notice that is published 30 days before the public hearing is held, *Ibid.*

Because the above cited statutes give the power to adopt or amend the Comprehensive Plan to the Plan Commission, the only consideration for the City Council is whether or not to adopt the proposed ordinance submitted in conformance with the resolution submitted by the Plan Commission. The statutes do not grant the City Council the right to amend the resolution of the Plan Commission or amend the proposed ordinance.

Therefore, while the City Council's input is important, it is the duty of the Plan Commission to adopt or amend the comprehensive plan.

If you have any questions, please contact me.

Daniel S. Draper,
City Attorney