

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, APRIL 23, 2018 – 6:00 PM

COUNCIL CHAMBERS, CITY HALL

Members: Mayor Tom Hartz, Council President Ken Howell, Council Vice President John Halverson, Alderpersons: Selena Proksa, Doug Skates, Tim Dunn, Cindy Flower, Shari Straube, and Rich Hedlund

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

City Administrator Oborn led the Council in the Pledge of Allegiance.

Roll Call:

Present: Hartz, Proksa, Skates, Dunn, Flower, Straube, Halverson, Hedlund, and Howell.

Absent: None

Guests: City Administrator Oborn, City Attorney Draper, City Clerk Kropf, and Building/Zoning Administrator Walling

Awards, Presentations, and Proclamations

None

Re-consider business from previous meeting

Motion by Skates to reconsider agreement between MSI General and the City of Lake Geneva for the architectural contract and engineering contract, second by Flower. 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

Andy Dammeir; 908 Wells St; Spoke in favor of the CSM for Core Commercial being approved by the Common Council.
Sandy Golden; 777 E Wisconsin Ave, Milwaukee; Spoke in regards to the CSM for Core Commercial and its design.
Sean Payne; 127 Summer St, Genoa City; Spoke in opposition of the Core development in relation to the Dark Store Theory.

Roger Wolf; 751 Geneva Parkway Blvd; Spoke in favor of the CSM for Core Commercial being approved by the Common Council.

Rich Torhorst; Spoke in favor of the CSM for Serendipity and Sunsets LLC being approved by the Common Council.

Acknowledgement of Correspondence

Clerk Kropf noted that two items of correspondence were received, regarding to the Core Commercial CSM application and the closed session item relating to the property sale.

Approve Regular City Council Meeting minutes of April 9, 2018 and April 17, 2018 as prepared and distributed

Motion by Skates to approve second by Straube. Motion carried 8-0.

CONSENT AGENDA– *Recommended by Finance, License and Regulation on April 17, 2018*

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.

Motion by Howell to remove the Temporary Class “B”/ “Class B” Retailer’s License Application (Beer Only) made by the Geneva Lake Arts Foundation for the event of Lake Geneva Arts Festival to be held on May 5, 2018 at 223 Broad Street from the consent agenda, second by Proksa. Motion carried 8-0.

2018-2019 Operator (Bartender) License applications filed by Zachary Belanus, Michael Fryar, Kelly Hagren, Robert Peters, Rachael Englehardt, Annette Rude, Johnathon Steltenpohl, David Stinebrink, Timothy Stinebrink, Edward Vogt, Nicholas Grimme, and Cynthia Wisniewski

Street Banner Permit Application made by VISIT Lake Geneva for the event of Restaurant Week; Banners to be displayed May 1, 2018 through June 11, 2018 *(City Administrator to approve banner display; Applicant is requesting waiver of all fees; FLR recommended approval with payment of \$10 per pole used, totaling \$110 for the display)*

Event Permit Application made by the American Legion Auxiliary for the event of Fourth of July Children's Public Parade to be held on July 4, 2018; Parade route starting at Eastview School and ending at American Legion Post *(Applicant is requesting waiver of all fees; FLR approved with the payment of the \$25 application fee)*

Temporary Class "B"/ "Class B" Retailer's License Application (Beer Only) made by the Geneva Lake Arts Foundation for the event of Lake Geneva Arts Festival to be held on May 5, 2018 at 223 Broad Street

Event Permit Application made by Cindy Forster Fueredi for the event of Maple Park Homeowners Block Party to be held June 30, 2018 at 1005- 1010 Geneva St

Parking Stall Bag request filed by Lake Geneva Farmers Market to use 13 stalls on the west side of Broad Street on Thursdays from May 3, 2018 to October 25, 2018 (24 days) from 7:00am to 2:00pm with waiver of all parking stall bag fees

Item(s) removed from the Consent Agenda

Howell noted that the applicant rescinded the license request. No action taken.

Second Reading of Ordinance 18-5, Providing for Direct Annexation by Unanimous Consent of Electors and Property Owners of Territory Located in the Town of Geneva to the City of Lake Geneva for the applicant Mark Larkin, 500 Stone Ridge Drive, Lake Geneva, WI 53147, for the 1.95 acre property located at Tax Key No. JG2500014A *(Annexation recommended by the Plan Commission on February 19, 2018 and approved by the WI Dept. of Administration on March 29, 2018)*
Motion by Skates to approve, second by Hedlund. No discussion. Motion carried 8-0.

Finance, License, and Regulation Committee Recommendations of April 17, 2018 - Ald. Howell

Discussion/Action of Collection Agency Agreement between the Stark Collection Agency and the City of Lake Geneva
Motion by Howell to approve the Collection Agency Agreement between the Stark Collection Agency and the City of Lake Geneva, second by Hedlund. City Administrator noted that this is house keeping item. Motion carried 8-0.

Discussion/Action of Pay Request No. 3 for \$3,150.00 for the City of Lake Geneva White River disc golf course pedestrian bridge replacement project

Motion by Howell to approve Pay Request No.3 for \$3,150.00 for the City of Lake Geneva White River disc golf course pedestrian bridge replacement project, second by Skates. No discussion. Motion carried 8-0.

Discussion/Action on Glen Fern Construction Payment Request No. 2 for \$77,854.65 for Visitors Center Project from Capital Projects

Motion by Howell to approve the Glen Fern Construction Payment Request No.2 for \$77,854.65 for Visitors Center Project from Capital Projects, second by Halverson. No discussion. Motion carried 8-0.

Discussion/Action on Glen Fern Construction Change Order Request No. 6 for \$1,466.30 for Flat Iron Park and Visitors Center Project from Capital Projects

Motion by Howell to approve the Glen Fern Construction Change Order Request No.6 for \$1,466.30 for Flat Iron Park and Visitors Center Project from Capital Projects, second by Hedlund. Hedlund noted that this change is due to moving the meter boxes. Motion carried 8-0.

Discussion/Action of **Resolution 18-R31** Updating the Fee Schedule for the Fire Department

Motion by Howell to approve Resolution 18-R31 updating the fee schedule for the Fire Department, second by Hedlund. Howell noted that this is necessary due to the Fire Department having paramedic capabilities. Motion carried 8-0.

Planning Commission Recommendations of April 16, 2018- Ald. Skates

Discussion/Action of a Certified Survey Map (CSM) for a Land Division for Kim Pischke of Core Commercial Inc. on the property located at 751 Geneva Parkway, to create three Lots, respectively with 1) Required easements and limiting access to the existing office building parking lot (using the southern line of the driveway coming from the east shown on the current site plan drawing C-2 as a cut-off point) and 2) easement agreement correction designating water line as public Tax Key Nos. ZGBC00001, ZGBC00001A, ZGBC00002 (Staff recommends correcting boundaries for the access closure and to maintain minimum lot sizes)

Motion by Skates to deny the CSM for a Land Division for Kim Pischke of Core Commercial Inc. on the property located at 751 Geneva Parkway, to create three Lots, respectively with 1) Required easements and limiting access to the existing office building parking lot (using the southern line of the driveway coming from the east shown on the current site plan drawing C-2 as a cut-off point) and 2) easement agreement correction designating water line as public Tax Key Nos. ZGBC00001, ZGBC00001A, ZGBC00002 as presented and to refer this item back to the Plan Commission for further discussion, second by Straube. Skates noted that this issue is coming as the lot line designation has not been clearly defined. Motion carried 8-0.

Discussion/Action of a Certified Survey Map (CSM) for Serendipity and Sunsets LLC, PO Box 649, Cary, IL 60013, c/o R.W. Torhorst to make a lot line adjustment for the property located at 962 Mariane Terrace and include all staff recommendations and fact finding including survey notes for utilities and acknowledging the existence of a possible easement. Tax Key No. ZSY00016.

Motion by Skates to approve, second by Flower. Attorney Draper noted that there needs to be a note on the plat stating that there is an easement on this property. Motion carried 8-0.

Discussion/Action on **Resolution 18-R26**, a Conditional Use Permit filed by Serendipity and Sunsets LLC, PO Box 649, Cary, IL, 60013, c/o R.W. Torhorst, for the demolition and new construction of a single family residence located at 962 Mariane Terrace including all staff recommendations and fact findings in the affirmative. Property is located within the Estate Residential – 1 (ER-1) zoning district and applicant requests to utilize the Single Family-4 (SR-4) zoning. Tax Key No. ZSY00016.

Motion by Skates to approve, second by Halverson. Skates noted that once the easement was approved then this could be considered. This would allow an existing structure to be razed and new building to be built. Motion carried 8-0.

Discussion/Action to amend the existing Precise Implementation Plan filed by Geneva Theater, 244 Broad Street, Lake Geneva, WI, 53147, to allow for the installation of an exterior walkup concessions and ticket sales, hanging sign, & an affixed wall sign located in the Central Business (CB) zoning district. Tax Key No. ZOP00246, ZOP000247, & ZOP000248.

Motion by Skates to approve, second by Hedlund. Skates noted that the plan did include a sandwich board in the sidewalk, but that won't be approved as it is not allowable in the downtown district. Motion carried 8-0.

Discussion/Action on **Resolution 18-R32**, a Conditional Use Permit filed by Austin Pier Services Inc., applicant Darrell Frederick, for the owner Peggy Roth Trust 837 Bayview Drive located in the Estate Residential (ER-1) zoning, Lake Geneva, WI 53147, to construct a new Pier for George & Peggy Roth located at 837 Bayview Drive including all staff recommendations and fact findings in the affirmative. Tax Key No. ZGR00007.

Motion by Skates to approve contingent on DNR approval, second by Flower. No discussion. Motion carried 8-0.

Discussion/Action on **Resolution 18-R33**, a Conditional Use Permit amending an existing site plan for the Farmers Market for the Horticultural Hall located at 330 Broad Street, applicant Sean Payne, 127 Summer Street, Genoa City, WI 53128. The proposed site plan to include the use of the public alley located in the Central Business (CB) zoning from April through October every Thursday and allow for the sales of homemade, home grown products: cheese vegetables, bread, fruit, flowers, hummus, oils, crepes, empanadas, sauces, desserts, popcorn, seafood, coffee, and crafts, including all staff recommendations and fact findings in the affirmative. Tax Key No. ZOP000163.

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

Discussion/Action of a Zoning Map Amendment for the property located at 100 North Edward Blvd. for TC Productions LLC. The request is to change the current zoning from Planned Development (PD) to Planned Business (PB). Tax Key No. ZA196100004.

Motion by Skates to approve, second by Hedlund. Skates noted that his request was approved at the Plan Commission. Building and Zoning Administrator Walling noted that the zoning change was necessary for the indoor entertainment aspect of the business. Motion carried 8-0.

Discussion/Action on **Resolution 18-R34**, a Conditional Use Permit by TC Productions LLC for the property located at 100 North Edwards Blvd., to construct a new commercial building to be used as a Commercial Indoor Entertainment (Magic Theater) land use classification section 98-206(4)(h), including all staff recommendations and fact findings in the affirmative. Tax Key No. ZA196100004.

Motion by Skates to approve, second by Howell. Flower and Straube noted that they are happy to see the theater expanding, but disappointed to see it leaving the downtown. Flower expressed concerns with that area and would like the Conditional Use to be attached to the owner, not the property. So that if the theater would be no longer then a new applicant would have to apply for the new conditional use permit.

Motion by Flower to amend the motion to approve as a limited Conditional Use, second by Hedlund. No discussion. Amendment to the motion carried 8-0. Original motion was reread as amended. Motion carried 8-0.

Discussion/Action of a proposed Ordinance Regulating Tourist Rooming Houses / Residential Short Term Rentals.

Motion by Skates to direct the City Attorney to draft an ordinance regulating tourist rooming houses and residential short term rentals for a first reading, second by Flower. No discussion. Motion carried 8-0.

Discussion/Action of **Resolution 18-R35** confirming the Mayor's Citizens Appointments to the Committees and Commissions of the City of Lake Geneva

Motion by Skates to approve, second by Proksa. Mayor Hartz read the appointments aloud. No discussion. Motion carried 8-0.

Presentation of Accounts – Ald. Howell (Recommended by Finance, License and Regulation Committee on April 17, 2018)

Purchase Orders

None

Prepaid Bills in the amount of \$15,714.57

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

Regular Bills in the amount of \$280,259.07

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

Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with regard to 1) Room Tax Voluntary Collection Agreement with AIRBNB, INC and 2) City property located at North Edwards Blvd near Highway 50 Tax Key No. ZRED0001

Motion by Hedlund to convene the Common Council into Closed Session, second by Flower. Motion carried 7-1, with Skates voting no. The Council convened into Closed Session at 7:19 p.m.

Motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session

Motion by Hedlund to reconvene the Council into Open Session, second by Flower. Motion carried 8-0 on a roll call vote.

No action was taken on the Room Tax Voluntary Collection Agreement with AIRBNB, INC.

Motion by Howell to direct staff to explore if the property in question is viable for sale, second by Hedlund. Motion tied 4-4, with Proksa, Flower, Straube, and Halverson voting no. Mayor Hartz voted no to break the tie. Motion failed 4-5.

Adjournment

Motion by Skates to adjourn the meeting of the Common Council, second by Flower. Motion carried 7-1, with Howell voting no. The April 23, 2018 meeting of the Common Council adjourned at 7:51 p.m.

THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMON COUNCIL