

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL
MONDAY, AUGUST 24, 2020 6:00 P.M.
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)

Members:

Mayor Charlene Klein, Council President, Rich Hedlund, Council Vice President, John Halverson,
Alderspersons: Tim Dunn, Mary Jo Fesenmaier, Cindy Flower, Ken Howell, Shari Straube, and Joan Yunker

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

Aldersperson Howell led the Council in the Pledge of Allegiance.

Roll Call

Present: Hedlund, Halverson, Dunn, Fesenmaier, Flower, Howell, Straube, and Yunker

Absent:

Awards, Presentations, Proclamations, and Announcements

Proclamation Honoring Police, Fire and Emergency Services

Mayor Klein read a proclamation honoring our Police Department, Fire Department, and Emergency Services for their service to the community. She thanked Aldersperson Yunker for bringing this proclamation forward to honor these individuals.

Mayor Klein also added that the Alzheimer's Awareness Coalition has asked that to walk individually on September 19, 2020.

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

Marcy Holman; 1556 Orchard Ln; Spoke in favor of a mask mandate possibly being enlisted.

Jim Strauss; N1556 Meadow Ridge Circle; Spoke in favor of allowing the permit approval for the ministry in the park. He spoke in opposition of the ordinance change for Wrigley Drive to allow for a fuel truck. He also spoke to the closed session item in regards to White River Holdings.

Tammie Carstensen; 300 Wrigley Drive; Spoke in favor of the approval of Ordinance 20-12. She also spoke in opposition to the possible increase of rental fees for the Riviera.

Terry Johnson; 5141 Dailey Rd, Delavan; Spoke in favor of the approval of Ordinance 20-12.

Sherri Ames; 603 Center St; Spoke in favor of a mask mandate possible being enlisted.

Dick Malmin; N1991 Lake Shore Dr; Spoke in favor of a mask mandate possible being enlisted.

Acknowledgement of Correspondence

Approve the Regular Council Minutes of August 12, 2020 as prepared and distributed
Motion by Howell to approve, second by Yunker. No discussion. Motion carried 8-0.

CONSENT AGENDA– Recommended by Finance, Licensing and Regulation on August 18, 2020. 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.

NONE

Items removed from the Consent Agenda

None

Discussion/Action regarding **Resolution 20-R57** a resolution authorizing the receipt of the 2019 City of Lake Geneva Annual Financial Report and Management Letter (Item continued from the August 12, 2020 Common Council Meeting)

Motion by Howell to approve Resolution 20-R57, second by Hedlund. Fesenmaier would like to the Finance Director to provide a report regarding the deficiency that was listed in the audit report. Motion carried 8-0 on a roll call vote.

Discussion/Action regarding the acceptance of a Poppy Statue donation from the American Legion to be placed in Library Park (Recommended to the Council by the Park Board on August 18, 2020)

Motion by Fesenmaier to refer this item to the Plan Commission, second by Flower. Fesenmaier stated that the plan did not indicate a site plan of landscaping plan which will need to be vetted by the Plan Commission. Motion carried 8-0.

Discussion/Action regarding **Resolution 20-R58** a resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency

Motion by Fesenmaier to approve Resolution 20-R58 and to extend the proclamation until September 28, 2020, second by Howell. No discussion. Motion carried 8-0.

Discussion/Action regarding possible creation of an ordinance in anticipation of the expiration of Governor Evers' Order (Agenda Item request of Alderperson Fesenmaier and Alderperson Halverson)

Halverson stated that he feels that the Governor's order has improved conditions and that a mandate would continual to normalize masks. Fesenmaier added that she would like an ordinance put into place to help protect the children returning back to school. Howell would like to gather information from the Police Department regarding the possible enforcement of such an ordinance.

Motion by Yunker to send to the Finance, Licensing, and Regulation Committee for further discussion, second by Halverson. Motion carried 8-0.

Discussion/Action regarding the possible creation/hiring of a Municipal Health Officer position (Agenda Item request of Alderperson Fesenmaier and Alderperson Halverson)

Attorney Draper addressed the Council regarding this item and noted that State Statute states that if a Health Department was established prior to 1984 the Council would not have the authority to create one now. No action taken.

Second Reading of **Ordinance 20-10** an ordinance amending subsection b, of Section 2-38: Meetings, of Article II: City Council, Chapter 2: Administration of the Lake Geneva, Wisconsin Municipal Code, adding that a Special Council meeting may be called at the request of two alderpersons

Mayor Klein offered Ordinance 20-10 as a second reading. Howell stated that if the Mayor, Council President, and Council Vice President were unavailable that a special Council meeting could be called. He expressed concerns with this should this provision fall on a Council with malicious intents. Howell added that he would like to see this fall on the majority of the Council versus just two alderpersons.

Motion by Howell to approve Ordinance 20-10 by changing the language to include the majority of the Council, second by Halverson. Motion carried 7-1, with Flower voting no.

Second Reading of **Ordinance 20-11** an ordinance amending subsection 3: Tree Board, of Section 54-68: Board Powers and Duties, of Article III: Board of Park Commissioners, Chapter 54: Parks and Recreation of the Lake Geneva, Wisconsin Municipal Code, amending the duties of the Board of Park Commissioners as it relates to the appointment of Tree Board Members

Mayor Klein offered Ordinance 20-11 as a second reading.

Motion by Fesenmaier to approve Ordinance 20-11, second by Hedlund. Motion carried 8-0.

First Reading of **Ordinance 20-12** an ordinance adding subsection (i)(1) and (i)(2), Boat Launching Staging and Launching Area, of Section 210, Parking Regulations, of Article VI, Traffic Code, of Chapter 74, Traffic and Vehicles of the City of Lake Geneva Municipal Code; relating to Boat Launching Staging and Launching Area on Wrigley Drive

Mayor Klein offered Ordinance 20-12 as a first reading. No action taken.

First Reading of **Ordinance 20-13** an ordinance amending subsection (a)(1), No parking, standing or stopping zones, of Section 210, Parking Regulations, of Article VI, Traffic Code, of Chapter 74, Traffic and Vehicles of the City of Lake Geneva Municipal Code; relating to parking regulations on Conant Street

Mayor Klein offered Ordinance 20-13 as a first reading.

Motion by Hedlund to suspend the rules and send to second reading, second by Flower. Motion carried 8-0.

Mayor Klein offered Ordinance 20-13 as a second reading.

Motion by Hedlund to approve, second by Flower. Motion carried 8-0.

Discussion/Action regarding acceptance of the Riviera first floor concept plan as prepared by MSI General including the current configuration of windows and wood doors (Recommendation from the Riviera Restoration Ad Hoc Committee of August 19, 2020)

Motion by Fesenmaier to approve, second by Dunn. Motion by Howell to suspend the rules and allow Dave Luterbach from MSI General to address the Council, second by Dunn. Flower stated that she would like to see the family restroom removed due to spacing and room issues. Flower also expressed issues with approving all of SHPO's requests and would like to see something done with the windows or doors to allow for a view of the lake front. Dave Luterbach of MSI General stated that the City has spent a considerable amount of time and money to maintain the Riviera's historical relevance. Dunn expressed opposition to changing the historical significance of the building to allow for monetary gain. Luterbach added that MSI needs direction on how to proceed and would like specifics from the Council on what they would like to see.

Motion by Dunn to call the question, second by Fesenmaier. Motion carried 7-1, with Flower voting no.

Motion carried 5-4 with Straube, Flower, Halverson, Hedlund voting no and the Mayor voting yes to break the tie.

Recommendation of the Finance, Licensing, and Regulation Committee of August 18, 2020- Ald. Howell

Discussion/Action regarding a Public Assembly Permit filed by Religious Ministry for the event of Sunday Service in the Park to be held every Sunday for the remainder of the summer 2020 from 10:30 a.m. to 12:00 p.m. located in Seminary Park (Police Chief Rasmussen is seeking Committee/Council approval as applicant is requesting use of the Park for every Sunday and is requesting the use of amplified sound; FLR Committee denied application on August 18, 2020)

Motion by Howell to deny, second by Hedlund. Howell noted that there were concerns with the group meeting every Sunday with amplified sound. Motion carried 7-1, with Flower voting no.

Discussion/Action regarding **Resolution 20-R61** a resolution amending the City of Lake Geneva Fee Schedule as it relates to non-resident Riviera rental rates

Motion by Fesenmaier to approve, second by Yunker. Mayor Klein stated that these rates would be for 2022 as stated in the resolution. Flower stated that she is not comfortable with the large increase at this point. Motion carried 7-1, with Flower voting no.

Discussion/Action regarding setting Trick or Treating date and time for Saturday, October 31, 2020 to take place from Noon to 4:00 p.m.

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

Discussion/Action regarding the Veteran's Park Rental Agreement and correlating fee schedule (FLR Committee referred to Council without recommendation)

Motion by Howell to accept the City's rental agreement and fee schedule for Veteran's Park, second by Yunker. Clerk Kropf noted that these costs were vetted by the Department of Public Works, City Administrator, and Clerk's Office based on actual costs. Clerk Kropf noted that this new rental agreement was developed as a direct reflection of the City's current agreement with the YMCA.

Motion carried 6-2, with Fesenmaier and Yunker voting no.

Discussion/Acceptance of August 18, 2020 Finance, Licensing, and Regulation Committee Payment Approval Reports

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

Recommendation of the Plan Commission of August 17, 2020- Ald. Dunn

Discussion/Action regarding **Resolution 20-R59** a resolution authorizing the issuance of a Limited Conditional Use Permit (CUP) filed by Samantha Strenger, 615 Center St. for a request to utilize the 2nd floor of the property located at 703 W. Main St. for a Commercial Indoor Lodging land use in the Central Business (CB) zoning district. Tax Key No. ZA276000001

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

Discussion/Action regarding **Resolution 20-R60** a resolution authorizing the issuance of a Conditional Use Permit (CUP) filed by John & Susan Gullicksen for a request to install a 62 foot – 2 slip pier for the property located at 1096 LaGrange Dr. located in the Estate Residential - 1 (ER-1) zoning district. Tax Key No. ZLE00001

Motion by Dunn to approve, second by Hedlund. Dunn noted that this is to replace an existing pier. Motion carried 8-0.

Discussion/Action regarding a Certified Survey Map (CSM) for Karen Layng d.b.a. 273 Maplewood LLC. 238 Maxwell St, to create 2 newly dimensioned lots CSM in the Single Family – 4 (SR-4) zoning classification as identified on the certified survey dated 7/06/20 Job # 20361 for Tax Key Nos. ZOP00201, ZOP00202 & ZOP 00204A.

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

Mayoral Appointments

Appointment of Spyro Condos to the Downtown Business Improvement District with a term to expire January 1, 2022

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

Motion to go into Closed Session pursuant to Wis. State. 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, RE: Notice of Claim by White River Holdings

Motion by Howell to convene the Council into Closed Session, second by Halverson. Motion carried on a roll call vote 8-0. The Council convened into Closed Session at 8:11 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 Flower to reconvene the Council into Open Session, second by Hedlund. Motion carried on a roll call vote 8-0. The Council reconvened into Open Session at 9:06 p.m.

Motion by Howell to proceed as discussion in Closed Session, second by Flower. Motion carried 8-0.

Adjournment

Motion by Flower to adjourn, second by Hedlund. Motion carried 8-0. The Council adjourned at 9:07 p.m.