

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, JULY 27, 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,
Alderpersons: Tim Dunn, Mary Jo Fesenmaier, Cindy Flower, Ken Howell, Shari Straube, and Joan Yunker

Mayor Klein called the meeting to order at 6:05 p.m.

Aldersperson Hedlund led the Council in the Pledge of Allegiance.

Roll Call

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

Absent: None

Awards, Presentations, Proclamations, and Announcements

Announcement regarding In-Person Absentee Voting & Polling Location for the Partisan Primary Election

Clerk Kropf explained that there will only be one polling location for the August Partisan Primary and that all electors will be voting at City Hall. She also outlined the days of in-office absentee voting and that the schedule is available on the City's website.

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

Gary Buraso; N2273 Piper Alley; Spoke in opposition to a mandatory mask requirement; this should be left to the individual person.

Judy Potter; Genoa City; Spoke in opposition to a mandatory mask requirement.

Kathleen Shu; N2880 Scholfield Rd; Spoke in favor of some kind of guideline as it relates to masks.

Elizabeth Krause; 513 Broad St; Spoke in opposition to a mandatory mask requirement; this should be left to the individual person.

John Bryant; N1537 Wildwood Rd; Spoke in opposition to a mandatory mask requirement.

Matt Norek; 30839 Running Fox Trail, Burlington; Spoke in opposition to a mandatory mask requirement.

Terese Sosomeyer; W350 S7895 Prairie Farms Ct, Eagle; Spoke in opposition to a mandatory mask requirement.

Sarah Hill; 1024 George St; Spoke in opposition to a mandatory mask requirement from an enforcement aspect.

Name Inaudible; 1834 Loramoor Dr; Spoke in opposition to a mandatory mask requirement.

Jack Strauk; 1157 S Wells St; Spoke in opposition to a mandatory mask requirement.

Michelle Willard; N3169 Ocasha Rd; Spoke in opposition to a mandatory mask requirement.

Katie Nagle N2406 Charles Young Dr, Burlington; Spoke in opposition to a mandatory mask requirement.

Tom Wanda; 9712 Wright Rd, Harvard, IL; Spoke in opposition to a mandatory mask requirement.

Herbert Sorock; N1834 Loramoor Dr; Spoke in opposition to a mandatory mask requirement.

Bob Hill; 523 S Lake Shore Dr; Spoke in favor of a mandatory mask requirement.

Eva Willa; Spoke in opposition to a mandatory mask requirement.

Madison Elmer; N520 Prairie View Rd, Walworth; Spoke in opposition to a mandatory mask requirement.

Heidi Anderson; Refused to give address; Spoke in opposition to a mandatory mask requirement.

Adrian Melby; 2821 Circle Dr, Burlington; Spoke in opposition to a mandatory mask requirement.

Tom Vanmaren; 800 S Lake Shore Dr; Spoke in favor of people having the choice to wear a mask and would like to see public comments limited to those who live in the City.

Unidentified Commenter: Spoke in opposition to a mandatory mask requirement.

Mark Bruno; N2646 S Como Rd; Spoke in favor of people having the choice to wear a mask.

John Olso; Spoke in opposition of a mandatory mask requirement.

Jeremy Brehem; Walworth Co; Spoke in opposition of a mandatory mask requirement.

Acknowledgement of Correspondence

Clerk Kropf read the correspondence from the following individuals:

Matt Kretsch; Spoke in favor of a mask mandate.

Randy and Deborah Sims; Spoke in opposition of a mask mandate.

Alexandra Bidner; Spoke in favor of a mask mandate.

Karen McKinney; Spoke in favor of a mask mandate.

Duanne Lafrenz; Spoke in favor of a mask mandate.

Dennis Suchomski; Spoke in opposition of a mask mandate.

Tami McManus; Spoke in favor of a mask mandate.

Patricia Guilfoyle; Spoke in favor of a mask mandate.

Laura Thompson; Spoke in opposition of a mask mandate.

Mike Campo; Spoke in favor of a mask mandate.

Kathy & Doug Jackson; Spoke in opposition of a mask mandate.

Lisa Campo; Spoke in favor of a mask mandate.

Mark Immer; Spoke in favor of a mask mandate.

Sean Payne; Spoke in opposition of a mask mandate.

Bob Lee; Spoke in opposition of a mask mandate.

Sarah Hardison; Spoke in opposition of a mask mandate.

Sherri Ames; Spoke in favor of a mask mandate.

Christine Quinn; Spoke in favor of a mask mandate.

Dave Desimone; Spoke in favor of maintaining the historical significance of the Riviera.

Stephanie Klett; Spoke in regards to a survey of tourism destinations regarding a mask mandate.

Tammie Carstensen; Spoke in favor of sending a letter to the Walworth County Board, but indicated that it should be signed on behalf of the Common Council not the residents of Lake Geneva.

Peter Merry; Spoke in favor of a mask mandate.

Approve the Regular Council Minutes of July 13, 2020 as prepared and distributed
Motion by Howell to approve, second by Dunn. No discussion. Motion carried 8-0.

CONSENT AGENDA– *Recommended by Finance, Licensing and Regulation on July 21, 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.

Temporary Operator License Renewal for Robert McCormick, Jr for the event of Fall Festival to take place on September 27, 2020

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

Items removed from the Consent Agenda

None

First Reading of Ordinance 20-08 An ordinance amending Chapter 98 of the Lake Geneva Zoning Code by amending sub-subsection (a): Surfacing and Marking; to subsection (6): Off-Street Parking and Traffic Circulation Design Standards, of Section 704: Off-Street Parking and Traffic Circulation Standards; shall be amended to allow Not-for Profit organizations to park vehicles on the unpaved lots with the issuance of a Temporary Use Permit

Mayor Klein offered Ordinance 20-08 as a first reading. Council discussion included that the ordinance is being offered as a request from non-profit organizations that wish to be able to park cars on their lawns during City events. Flower expressed concerns with the Building & Zoning Department being the issuing entity for these permits and feels that they should be considered by the Council. Ordinance 20-08 will be available for consideration and action at the next Council meeting.

Discussion/Action regarding potential City Meeting Date Schedule change as it relates to the COVID-19 pandemic

Mayor Klein noted that this a change that she has proposed to aid in the sanitization of the Council Chambers and meeting location consolidation.

Motion by Yunker to approve, second by Halverson. Fesenmaier asked if this would be permanent or temporary due to the COVID-19 pandemic; it was discussed that this would that may be a permanent change. Fesenmaier stated that she would like all committees to have a two-hour time gap in between them.

Motion to amend by Fesenmaier to change the start time for the Historical Preservation Committee to 7:00 p.m. and Park Board to 6:30pm, second by Halverson.

Motion by Fesenmaier to amend the amendment to have the Personnel to start at 4:00 p.m., second by Halverson. Motion carried 8-0.

Original amendment was voted on and carried 7-1, with Howell voting no.

Original motion as amended was then discussed. Flower questioned if the “non-scheduled” committees can meet on the other days that currently do not have scheduled meetings. Fesenmaier stated that the intent to have those meetings on the days that already have meetings. Motion carried 7-1, with Howell voting no.

Discussion/Action regarding Resolution 20-R54 a resolution to ratify the Mayoral Proclamation of State of Emergency
Attorney Draper explained that regardless what the Council wishes to do with this order, one still needs to exist as City funding is reliant on one existing.

Motion by Yunker to amend the proclamation to extend the Proclamation until August 24, 2020, second by Howell.
Hedlund stated that he has concerns with the section that relates to Sidewalk Furnishings and would like to see it removed.
Motion by Fesenmaier to amend and that every Wednesday for a four-hour time block at the start of the beach opening be for City resident use only, second by Straube.

Howell stated that he is concerned with this as there are certain groups that use the beach for swim lessons and such; he would like that explored prior to a decision being made. Fesenmaier added that the YMCA is using the beach for lessons on Tuesdays.

Amendment for beach use carried 7-1, with Howell voting no.

Amendment regarding the Proclamation extension carried 8-0.

Discussion/Action regarding an ordinance requiring face masks/face coverings in the City of Lake Geneva

Motion by Yunker to not pursue an ordinance requiring facemasks, second by Hedlund.

Straube stated that she had requested this to be implemented when social distancing cannot be followed. She cited many instances where a mask could be very beneficial. Howell stated that he worries about the enforcement of such an ordinance regardless of his own beliefs.

Motion by Howell to allow Carlo Nevicosi from the Walworth County Health Department to speak, second by Hedlund.

Motion carried 8-0.

Nevicosi addressed the Council and noted that the overall stance from Walworth County is that a mandate is not favorable and that individuals should be given the choice to wear/not wear a mask. He added that Whitewater has just passed an ordinance and would like to see how their Police Department handles enforcement. Fesenmaier stated that she is in favor of a mask ordinance and believes that the Lake Geneva Police Department would be able to enforce such an ordinance. Howell worries about a mandate and what that will do to the Police Department and the City overall.

Straube stated that there has been data to support the overall desire to have a mask mandate and believes that people will generally follow the rules. Nevicosi indicated that there is not any data collected to determine the transmission between state lines.

Motion by Dunn to allow Lt. Gritzner to address the Council, second by Hedlund. Motion carried 8-0.

Lt. Gritzner stated that Chief Rasmussen and he have concerns with the amount of phone calls that will come in with this mandate and that the department may not be able to address other calls that pose immediate threat to an individual. He further stated that he and Chief Rasmussen worry about the constitutionality of the mandate.

Motion carried 4-4, with Fesenmaier, Flower, Straube, and Halverson voting no. Mayor Klein voted yes to break the tie, so the final vote carried 5-4.

Discussion/Action regarding Letter of Support to be sent to the Walworth County Board of Supervisors and the Walworth County Health & Human Services Department urging that stricter guidelines be developed and enacted as it relates to the COVID-19 Pandemic

Motion by Hedlund to approve sending the Letter of Support to be sent to the Walworth County Board of Supervisors and the Walworth County Health & Human Services Department urging that stricter guidelines be developed and enacted as it relates to the COVID-19 Pandemic, second by Howell. No discussion. Motion carried 7-1, with Dunn voting no.

Discussion/Action regarding an ordinance amending the Lake Geneva Municipal Code, Chapter 2: Administration, Article II: City Council, Section 2-38(b) Meetings: To add that a Special Council Meetings may be called by the request of two Alderpersons (Agenda Item Request filed by Alderperson Fesenmaier & Alderperson Halverson)

Fesenmaier stated that she would like to see this enacted in case of a situation that the Mayor may not be able to call such a meeting. Hedlund stated that he is concerned with making the ordinance more restrictive than state law.

Motion by Fesenmaier to draft an ordinance amending the Lake Geneva Municipal Code, Chapter 2: Administration, Article II: City Council, Section 2-38(b) Meetings: To add that a Special Council Meetings may be called by the request of two Alderpersons, second by Halverson.

She wants this provision to be a safeguard in the event something should happen to the Mayor and Council President.

Motion carried 4-4, with Flower, Howell, Straube, and Yunker voting no. Mayor Klein voted yes to break the tie, the final vote carried 5-4.

Discussion/Action regarding an ordinance amending the Lake Geneva Municipal Code, Chapter 54, Article III: Board of Park Commissioners, Section 54-68: Board Powers and Duties, Subsection (3): Tree Board: To amend language that the Board of Park Commissioners shall recommend the members of the Tree Board (Agenda Item Request filed by Alderperson Fesenmaier & Alderperson Halverson)

Motion by Fesenmaier to continue to the next Council meeting, second by Hedlund Motion carried 8-0.

Discussion/Action to direct the City Administrator to draft a policy and/or procedure regarding agenda item submission deadlines and proper routing procedures for packet materials (Agenda Item Request filed by Alderperson Fesenmaier & Alderperson Halverson)

Motion by Fesenmaier to continue to the next Council meeting, second by Hedlund Motion carried 8-0.

Discussion/Action regarding maintaining the Historic Preservation Status of the Riviera Building and to explore different design options for the first floor (Recommended by the Riviera Restoration Ad Hoc Committee on July 20, 2020)

Motion by Flower to continue to the next Council meeting, second by Hedlund.

Flower expressed concerns with approving this at this time and would like more information.

No action taken on the motion to continue.

Motion by Flower to allow the Riviera Ad Hoc Committee to explore other options related to the first floor, second by Halverson. Motion carried 8-0.

Discussion/Action regarding approval of MSI Proposal for Riviera Restoration Project Phase II (Recommended by the Riviera Restoration Ad Hoc Committee on July 20, 2020)

Mayor Klein noted that this is approval to allow the contractor to continue to explore Phase II of the Riviera Restoration Project.

Motion by Howell to approve the Ad Hoc Committee working with MSI for Phase II, second by Yunker. Motion carried 8-0.

Recommendation of the Finance, Licensing, and Regulation Committee of July 21, 2020- Ald. Howell

Discussion/Action regarding the purchase of a Ventrac Sidewalk plow to be purchased with funds from the 2020 Capital Borrowing

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

Discussion/Action regarding pay request #6 (final) to MSI General for work completed for the Riviera Restoration project in an amount not to exceed \$139,209.50

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

Discussion/Action regarding awarding bid for the 2020 Street Improvement project, along with the work to be completed on the four additional bids as outlined in notice, to Payne & Dolan in an amount not to exceed \$612,605.28

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

Discussion/Action on disallowance of claim filed by Christopher Bastek for alleged damage caused by a loose manhole cover on Conant Street on May 16, 2020, pursuant to Wis. Stat. 893.80(1g) (Finance, Licensing, and Regulation Committee recommended denial)

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

Discussion/Action regarding a policy regarding publication notice of available Reserve "Class B" Intoxicating Liquor Licenses

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

Discussion/Acceptance of July 21, 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 Planning Commission on July 20, 2020- Ald. Dunn

Discussion/Action regarding **Resolution 20-R55** Resolution authorizing the amendment of the Precise Implementation Plan (PIP) filed by Southwind Prairie IV LLC. 751 Geneva Pkwy. for a request to install an approximate 2500 square foot patio for the pool area to the property located at 775 Southwind Dr. located in the Planned Development (PD) zoning district. Tax Key No. ZSWP00001

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

Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(b) considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session regarding: **Operator License Denial for Michael Rita**

Motion by Hedlund to go into Closed Session, to include staff and applicant, second by Howell. Motion carried on a roll call vote 8-0. The meeting convened into Closed Session at 10:01 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 into Open Session, second by Hedlund. Motion carried on a roll call vote 8-0. The reconvened into Open Session at 10:15 p.m.

Motion by Hedlund to approve a 1-year Operator License with an employment restriction to the applicant's current employer, second by Howell. Motion carried on a roll call vote 8-0.

Adjournment

Motion by Flower to adjourn, second by Flower. Motion carried 8-0. The meeting adjourned at 10:17 p.m.