

CITY OF LAKE GENEVA SPECIAL COMMON COUNCIL MINUTES
THURSDAY, MAY 28, 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 6:00 p.m.

Roll Call

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

Absent: Hedlund

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

Hedlund joined the meeting at 6:10 p.m.

Acknowledgement of Correspondence

All correspondence was stated during the Public Comment Period.

Discussion/Action regarding a Certified Survey Map (CSM) for Salvatore J. Dimiceli Sr. Trust, 101 Broad St. to create a new 60,076 Single Lot CSM in the Town of Geneva as identified on the certified survey generated by surveyor Mark Miritz and dated Feb 20, 2020 and revised April 15, 2020 Project #18.1108, Tax Key No. JA361000001
Motion by Dunn to approve, second by Halverson. No discussion. Motion carried on a roll call vote 8-0.

Discussion/Action regarding conducting Council meetings via Zoom

Mayor Klein stated that currently the only meetings that are being held are the Council and Standing Committees. She noted that this equates to about ten meetings a month and that if the other non-standing committees are allowed to meet, this would raise the costs to conduct the meetings considerably. Klein did not know when the meetings would be open to the public and that would have to be determined by the City of Lake Geneva Public Safety Team. Attorney Draper noted that there isn't a requirement that meetings be held at City Hall, they just need to be open to the public. Motion by Howell to revisit this subject at the end of June, second by Yunker. Motion carried 8-0.

Discussion/Action regarding the City of Lake Geneva Ninth Amended State of Emergency Proclamation and City of Lake Geneva Bounce Back Plan relating to the COVID-19 Pandemic

Fire Chief Peters gave the Council a brief summary of the progress of the pandemic and the items that various government agencies have done to contain the threat. City Attorney Draper stated that the Council has to be careful about implementing policies that would prohibit people's movement throughout the City. As the Supreme Court has struck down the WI Health Department's Order some municipalities have loosened their restrictions as well. Draper added that the City could only restrict movement if an "imminent threat" is present and that there isn't substantial evidence to support the idea of a threat.

Draper added that Milwaukee and Dane County have County Health Departments that have certain legal powers to restrict people's movements; these restrictions are being challenged by those in Dane County.

Director of Public Works Tom Earle addressed the Council regarding the community throughout Memorial Day weekend. His staff was in town all day, every day throughout the weekend. He noted that the amount visitors were comparable to a fourth of July weekend. He applauded staff for their efforts and felt that they operated exceptionally well. He added that the beach was regulated very well and that the staff was able to keep up with the demand of the public restrooms, unlike in the past. The department has added fifty-seven extra garbage cans to help with the increase of to go orders and that these garbage receptacles were emptied about every two hours. He added that there has been additional social distancing signage along with hand sanitizer stations placed downtown.

City Administrator Nord reviewed his memo regarding the previous Council meetings discussion regarding sidewalks and parking in the downtown. He stated that there are items on the sidewalks that shouldn't be removed as part of a

functioning downtown, such as trees, benches, and garbage cans. He added that an idea of modifying the parking situation and the possibility of closing the streets could be vetted by the Council. The last component was public education regarding face coverings and social distancing. He added that maybe the City or the BID could give plaques to businesses that are following CDC guidelines stating as such.

The Council discussed the sidewalk cafes downtown and discussed that they would not like to see them removed. Halverson stated that he would be in favor of the suggestion that the parking on the north side of Wrigley be blocked off. Earle stated that if the Council were to approve that they City would need Class III barricades which the City does not own. Lieutenant Way stated that the barricades that City currently has could not stop a moving vehicle and could potentially be a safe hazard.

Attorney Draper noted that if the Council wants to change the ordinances regarding sidewalk café they will need to direct staff to draft a resolution as such.

Motion by Flower to direct staff to draft a resolution for Council consideration to the emergency proclamation to recommend that the Walworth Co best practices for social distancing are implemented in the sidewalk café permits including restricting general traffic through the space of outdoor dining areas, second by Hedlund. Motion carried 8-0 by a roll call vote.

Mayor Klein stated that the next item for discussion was the placement of items on the sidewalks. Flower stated that the placement of benches could be placed uniformly for traffic flow. Straube stated that maybe they could be placed near the street as there are already garbage cans and trees in that area. If the consensus us to move the benches, the DPW Director could implement that without a motion from the Council.

The next item for discussion would be extra signage to promote social distancing and the wearing of face coverings. Flower stated that she would be in favor of extra signage and the idea of plaques for businesses that are promoting best practices. Straube stated that she didn't feel that requiring people to wear a mask in times when social distancing is not possible.

Motion by Straube to direct staff to draft a resolution for Council consideration to the emergency proclamation that people be required to wear masks in situations where 6-foot social distancing cannot be maintained, second by Fesenmaier.

Attorney Draper and Alderperson Halverson agreed that the enforcement of this could be almost impossible and is very subjective. Lieutenant Way stated that this motion is very vague and it would be extremely difficult to enforce. She also added that they cannot enforce or issue citations based on ambiguity; they need to have specific guidelines and the issuance of citations cannot be guess work. Howell expressed concerns with having the Police Department to enforce this and worries that this will create major issues and potential violence.

Motion was re-read and it failed 2-6, with Hedlund, Howell, Halverson, Dunn, Yunker, and Flower voting no.

Flower suggested that the right hand turns on Main and Broad be a strict through right as this would give people waiting to cross more room to stand. Straube added that maybe the crossing signals be automatic without the use of a button. Earle stated that having the crosswalks be automatic could be a software change but that it would be contradictory to the movement of traffic as desired. Earle added that the restriction of right turns could not be done before this upcoming weekend and would take some time to plan. Earle stated that he would work with Tapco regarding the potential software change.

Straube would like to see the Parking Staff wearing their masks and cleaning the kiosks as they pass them; she indicated that she is not seeing this being done.

Harbormaster Frame stated that there have not been any studies to indicate that wearing masks outdoors can help with the spread of the virus. These are meant to be worn in confined areas.

Motion by Halverson to direct staff to draft a resolution for Council consideration to the emergency proclamation that the City restrict parking on the north side of Wrigley Drive on Fridays, Saturdays, and Sundays and to include barrier placement for pedestrian safety, second by Flower.

Howell stated that he would not be in favor of this due to the handicapped parking and accessibility.

Motion was re-read and failed on a roll call vote 2-6, with Hedlund, Howell, Dunn, Fesenmaier, Straube, and Yunker voting no.

Nord stated that he would like the City to work with the BID and VISIT Lake Geneva to create a campaign that offers a uniform message.

Fesenmaier would like to see groups maybe create yard signs encouraging people to wear masks.

Straube did indicate that she would like to see the beach run as it was for Memorial Day weekend and felt that it went very well.

The Council then discussed the Ninth Amended Emergency Proclamation. Fesenmaier clarified with the City Administrator that each department has filed in writing on how the department will limit public contact. Flower noted issue with allowing businesses to have items placed on the sidewalks in front of their buildings.

Motion by Hedlund to remove item #16 from the Ninth Amended Emergency Proclamation, second by Flower.

Earle stated that this is a building by building issue and would depend on the where the right-of-way is located. Halverson noted that this would be a reinforced by the current ordinance.

Motion was re-read. The motion failed 4-4 on a roll call vote, with Howell, Dunn, Fesenmaier, and Yunker voting no. Mayor Klein voted no to break the tie.

Motion by Howell to approve the Ninth Amended Emergency Proclamation, second by Straube. Motion carried 8-0.

Adjournment

Motion by Flower to adjourn, second by Straube. Motion carried 8-0. The meeting adjourned at 9:08 p.m.