

**REGULAR CITY COUNCIL MEETING MINUTES**  
**TUESDAY, MAY 29, 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 of the Common Council to order at 6:00 p.m.

Aldersperson Skates led the Council in the Pledge of Allegiance.

Roll Call:

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

Absent: None

Guests: Mayor Hartz, City Administrator Oborn, City Attorney Draper, City Clerk Kropf, and Public Works Director Earle

Awards, Presentations, and Proclamations

None

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.

Mary Jo Fesenmaier; 1085 Lakeshore Dr; Spoke in opposition of the purchase of the shade structure and the bleachers for the City Skate Park.

Charlene Klein; 817 Wisconsin St; Spoke in opposition of the approval of the General Development Plan for the Hampton Inn.

Janet Uhling; 3273 Lockwood Blvd; Spoke in opposition of the approval of the General Development Plan for the Hampton Inn.

Acknowledgement of Correspondence

Clerk Kropf noted that there was one item of correspondence regarding the Hampton Inn GDP and it was distributed to the City Council.

Approve Regular City Council Meeting minutes of May 14, 2018, as prepared and distributed

Motion by Skates to approve the May 14, 2018 City Council Minutes, second by Hedlund. Motion carried 8-0.

**CONSENT AGENDA**– *Recommended by Finance, License and Regulation on May 22, 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.

-2018-2019 Operator (Bartender) License applications filed by various applicants listed in packet

-Event Permit Application filed by the Lake Geneva Public Library for the events of Music in the Library to be held June 8, 2018, June 22, 2018, July 13, 2018, July 27, 2018, August 10, 2018, and August 24, 2018 on the south lawn of the library facing the beach(*Applicant is requesting waiver of all fees*)

**-Renewal of Massage Establishment License applications filed by the following:**

- 1) Element Massage Studio, 647 W Main St
- 2) Lake Geneva Massage Therapy, 905 Marshall St
- 3) Loosen Up LTD, 201 Broad St

- 4) Healing Muscle Therapies, 201 Broad St Suite D
- 5) The Therapeutic Touch, 601 W Main St
- 6) Clear Waters Salon Spa, 734 Main St

-Agent Change Request filed by SS2 INC d/b/a The Red Geranium Restaurant, 393 N Edwards Blvd, from Lyle Swatek to Troy Bartz

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

### **Finance, License, and Regulation Committee Recommendations of May 22, 2018 - Ald. Howell**

Discussion/Action regarding Renewal of Taxi Cab Company License applications filed by the following (Approval contingent upon favorable review of Insurance by City Attorney)

- N&T Enterprises INC d/b/a Lakes Area Taxi, 112 S 4<sup>th</sup> St, Delavan, WI
- Senior Cab, W3099 Krueger Rd, Lake Geneva, WI

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

Discussion/Action on **Resolution 18-R42** placing the “Closing Dark Store Loopholes” referendum question on the November 2018 ballot (Request made by Alderperson Flower and Alderperson Proksa)

Motion by Howell to approve, second by Flower. Howell noted that the City is looking to close the dark store loophole and other cities are having this referendum to let state legislators know that the legislation has to be changed. Mayor Hartz asked where the money to fund this was coming from. City Administrator Oborn noted that this would be paid for out of the elections budget. Mayor Hartz then asked if there was enough money in the elections budget to which the City Administrator indicated that there wasn't and it would have to be paid from contingency. Motion carried 8-0.

Discussion/Action on **Resolution 18-R37** amending the Schedules of Fees to provide for an Administrative Fee for the Tourist Rooming House/Short-term Rentals Annual City License in the amount of \$2,000

Motion by Howell to approve, second by Hedlund. Howell noted that this amount is an estimate to help cover the costs associated with City services cost. He added that this amount can be changed at any time to reflect the actual costs for City staff time. Mayor Hartz noted that his concern with this is the loss of residential housing more specifically the loss of students and state school funding in the City. Motion carried 8-0.

Discussion/Action regarding purchase of Shade Structure in the amount of \$8,000.00 to be paid from Park Impact Fees for placement at City Skate Park/Dunn Field

Motion by Howell to approve, second by Hedlund. Howell noted that the placement of this structure is to help benefit the parents as they sit and watch their children. The City Attorney noted that the impact funds may not be appropriate for this purchase. Skates added that at the time this was discussed, they decided to use the park fees not the impact fees. City Attorney Draper added that the use of park fees would be appropriate for this purchase. Motion carried 8-0.

Motion by Howell to withdraw his initial motion, second by Hedlund.

Motion by Howell to continue this item until the time that the City Attorney can review if the use of Park Impact Fees can be used for this purchase, second by Hedlund. Motion carried 8-0.

Discussion/Action regarding purchase of bleachers in the amount of \$2,400.00 to be paid from Park Impact Fees for placement at City Skate Park/Dunn Field

Motion by Howell to continue this item until the time that the City Attorney can review if the use of Park Impact Fees can be used for this purchase, second by Hedlund. Motion carried 8-0.

Discussion/Action regarding the purchase of a fluid drive coupler replacement for the Public Works current Vac-All unit in the amount of \$5,550.00

Motion by Howell to approve the purchase of the fluid drive coupler replacement in the amount of \$5,562.44, second by Hedlund. Howell noted that this part has already been purchased and that this is a cleanup item. Motion carried 8-0.

Discussion/Action regarding the purchase of a new Public Works Department Vac-All unit from R.N.O.W. INC in the amount of \$253,045.00 to be paid from the Equipment Replacement Fund

Motion by Howell to approve, second by Hedlund. Howell noted that this piece of equipment will be used to clean the stormwater catch basins and will clean up leaves/brush. He added that this machine will also replace the probable purchase of a new street sweeper for 2023. Flower would like to see that the equipment replacement fund balance sheets change as items are discussed/approved. Motion carried 8-0.

### **Planning Commission Recommendations of May 21, 2018- Ald. Skates**

Discussion/Action on a Land Division, for a Condominium Plat, to create two condominium lots for an existing duplex building currently located on South Stone Ridge Drive at 530 & 532 South Stone Ridge Drive situated in the Two-Family Residential – 6 (TR-6) zoning, filed by Judith E. Castleman, 530 South Stone Ridge Drive, Lake Geneva, WI 53147 Tax Key Nos. ZSR00066.

Motion by Skates to approve, second by Straube. Skates noted that this was to accommodate two utility lines coming into the property. Motion carried 8-0.

Discussion/Action on **Resolution 18-R38** an application for a Conditional Use Permit filed by Ryan Finley, 805 Cumberland Trail, Lake Geneva, WI 53147 to install a 48” fence along the property line abutting Townline Road. The property zoned SR-4 and allows for a maximum street side fence height of 36” & 60% opaqueness. Tax Key No. ZTT00041.

Motion by Skates to approve, second by Proksa. Skates noted that this is at the end of the subdivision and is looking to construct a fence. Motion carried 8-0.

Discussion/Action on **Resolution 18-R39** an application for a Conditional Use Permit filed by Renee T. Wu, 527 Forest Glen Dr, Fontana, WI 53125 to operate a restaurant located at 239 Cook Street, Lake Geneva, WI 53147 located in the Central Business (CB) zoning, Tax Key No. ZOP00253.

Motion by Skates to approve, second by Flower. Skates noted that this is a new ownership with no problems. Motion carried 8-0.

Discussion/Action on **Resolution 18-R40** an application for a Conditional Use Permit filed by William and Carol Dick, 723B Geneva Street, Lake Geneva WI, 53147 to operate a Commercial Indoor Lodging at 723 Geneva Street, located in the Central Business (CB) zoning, Tax Key No. ZOP000158.

Motion by Skates to approve, second by Halverson. Skates noted that both the upper and lower units can be used in this limited conditional use. Motion carried 7-0, with Dunn abstaining.

Discussion/Action on **Resolution 18-R41** an amendment to the Precise Implementation Plan (PIP) for property located in the Summerhaven of Lake Geneva Condominiums located on Lake Geneva Blvd, filed by McMurr II LLC. The request is to amend the existing PIP to complete Phase 1 of the development. Overlapping Multiple Tax Key Nos. ZSUM00101 – ZSUM00247.

Motion by Skates to approve, second by Hedlund. Skates noted that this was slight change of the PIP as the number of units in the subdivision was being lowered. Motion carried 8-0.

Discussion/Action on a Certified Survey Map (CSM) Land Division for the applicant Dodge Street Properties LLC, 500 Stone Ridge Drive, Lake Geneva, WI 53147, to divide the property zoned SR-4 for, 2 lots as .93 acres and 1 parcel at 1.09 acres located to the north of Dodge Street, and west of Freemont Ave located in the SR-4 zoning district. Tax Key No. ZYUP00053.

Motion by Skates to approve, second by Hedlund. Skates noted that this is a land division for a proposed project and staff review was favorable. Motion carried 8-0.

Discussion/Action on an application for a General Development Plan for the Hampton Inn located at 1111 N. Edwards Blvd, filed by 1111 N. Edwards Blvd LLC, to construct a 5 story, 92 unit, Hampton Inn hotel at the South East corner of the Sheridan Springs Rd and North Edwards Blvd intersection adjacent to the Highway 12 corridor. Located in the Planned Industrial (PI) zoning district, Tax Key Nos. ZA468000003 & ZA468000004.

Motion by Skates to approve, second by Hedlund. Skates stated that there was some flexibilities in regards to the number of stories and setbacks for this development. He added that this is part of the GDP process and will need to see more information as the development continues. Halverson is happy with the plan and gave the developers credit for using that space so creatively. Flower noted that she wants this development to happen but is worried that too much is being put in that space. She reviewed a list of unknown issues that she has compiled related to the project in regards to project land

grade, access to the site, and general plan questions. She suggests that the Council consider a continuance versus outright approving the plan. Mayor Hartz noted that the questions the Alderperson Flower asked is something that is discussed during the precise implementation plan. Motion carried 6-2, with Proksa and Flower voting noe.

Announce opening the annual plan amendment process and review of draft public participation plan to amend the City of Lake Geneva's Comprehensive Plan.

Skates noted that this is just an announcement of the annual plan amendment process. No action was taken.

Discussion/Action regarding Resolution 18-R43 Temporary 4-Way Stop Signs at the Intersection of Geneva Street and Board Street.

Mayor Hartz read the resolution and identified that this resolution would allow the continued placement of the temporary stop signs at Geneva Street and Broad Street and that the Police Department enforce the traffic control devices. Director of Public Works Earle noted that he does find issue with the temporary stop when you consider the traffic on Main Street. He noted that when cars were traveling north on Broad Street from Wrigley Drive they were obeying the lights on Main Street but then the stop sign was causing the traffic to backup in the intersection. Council discussion included needing to perform a study to determine the need and what kind of traffic calming device would be placed.

Motion by Heldund to refer this item to the Public Works Committee for further investigation and to approve Resolution 18-R43 to state that the temporary stop sign will remain until June 25, 2018, second by Howell. Motion carried 8-0.

**Mayoral Appointments**

-Appointment of Christine Brookes to the Historic Preservation Committee with a term to expire May 1, 2021

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

**Presentation of Accounts – Ald. Howell (Recommended by Finance, License and Regulation Committee on May 22, 2018)**

Purchase Orders

None

Prepaid Bills in the amount of \$11,631.23

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

Regular Bills in the amount of \$153,657.07

Motion by Howell to approve, second by Skates. 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 Firefighters Union Labor Agreement

Motion by Hedlund to go into closed session, second by Proksa. Motion carried on a roll call vote 7-1, with Howell voting noe. The Common Council convened into closed session at 7:41 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 Howell. Motion carried on a roll call vote 8-0. The Council reconvened in open session at 7:50 p.m.

Motion by Heldund to approve the Firefighters Union Labor Agreement as discussed in closed session, second by Skates. No discussion. Motion carried on a roll call vote 8-0.

**Adjournment**

Motion by Howell to adjourn the meeting of the Common Council, second by Straube. Motion carried 8-0. The May 29, 2018 meeting of the Common Council adjourned at 7:51 p.m.

THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE COMMON COUNCIL