

CITY OF LAKE GENEVA REGULAR COMMON COUNCIL
MONDAY, NOVEMBER 25, 2019 6:00 P.M.
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)

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

Mayor Hartz calls the meeting to order at 6:00 pm

Alderman Skates lead the Pledge of Allegiance

Roll Call

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

Absent (late): Flower

Awards, Presentations, Proclamations, and Announcements

Candidacy Paperwork for Spring Election 2020

Candidacy paperwork is available on the city's website and packets have been printed and are available for pick-up at the City Hall front counter. Candidates cannot obtain signatures until December 1, 2019 and paperwork/signatures need to be turned in by January 7, 2020.

Geneva Lake Museum Parade of Trees - November 23, 2019 through January 7, 2020

Mayor stated that there were 24 decorated trees on display and it's a lovely presentation

Motion by Howell to suspend the rules so that Barbara Braden can make a presentation to the city, second by Skates. Motion carried 8-0.

Expressed her appreciation to the city and staff for their help with Oak Hill Cemetery and to everyone that's placed greenery on Veteran's and loved one's graves. Special thanks to the Sons of American Legion for their work in Pioneer Cemetery. Special thank you also to Joyce Bouhl and Bill Berder for their help with the wreathes. She added that it is not too late to add a wreath either in Oakhill or the Catholic Cemetery in Bloomfield.

Flower arrived at 6:06 pm

Re-consider business from previous meeting

Reconsideration of: Discussion/Action regarding parking payment option; Adding customer payment option with "Passport" App

Motion by Howell to approve the new parking payment option contract; adding customer payment option with "Passport" app, second by Proksa. Motion carried 8-0. Mayor Hartz shared that the contract didn't read that the app was free to the city, and it wasn't clear how the city would obtain the money when the app is being used. The City Comptroller will work with the Parking Manger to obtain monthly reports to match against the UpSafety report to verify the city is receiving the app dollars being collected. The City Attorney distributed the new contract and Mayor Hartz referenced page 3 which reflects the updated verbiage.

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

Kevin Fleming, 1032 Wisconsin St. referencing Item #10 Proposed Budget, he would like to ask a question during that discussion.

Dick Malmin, N1991 S. Lake Shore Drive; Spoke in opposition of the amended Implementation Plan filed for 940 Maytag Rd.

Acknowledgement of Correspondence

Three items; a petition from the downtown business owners, another from Bruce Bennett, and one from Kevin Fleming all in opposition of the proposed increased parking rate. All correspondence was distributed to the Council

Approve Regular City Council Meeting minutes of November 11, 2019, as prepared and distributed
Motion by Skates to approve the November 11, 2019 minutes, second by Proksa. Motion carried 8-0.

Recommended by Finance, Licensing and Regulation on November 19, 2019. 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.

2019-2021 Original & Renewal Operator License applications filed by various applicants as listed in packet

Application for a Temporary Premises Extension filed by Harborshores Hotel- Gino's East to be used on Saturday, February 1, 2020 for a Winterfest Food & Beverage Tent to be located off the sidewalk in the parking lot located at 300 Wrigley Drive.

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

Public hearing on the proposed 2020 Municipal Operating and Capital Budgets for the City of Lake Geneva

Bruce Bennett, Business Owner of Cornerstone located at 214 Broad St, Lake Geneva. He and over 70 business owners signed petition in opposition of the parking rate increase.

Kevin Fleming, Business Owner of Flemings at 711 Main St., Lake Geneva, opposed to parking being the only solution to budget downfall. Shared comparison of parking to other like areas.

Charlene Klein, 817 Wisconsin St. stated the parking situation is not comparable to Illinois suburbs because the sales tax isn't the same. She also supports the budget goal-Thriving Public Spaces & Culture, but opposes the 2 million in Riviera renovations with nothing being accomplished in grants or fundraising. She's against borrowing funds or having this fall on the tax payers.

Dan Barowski, 647 W. Main St. is opposed to 5 hour parking max requiring employees having to leave their post to move their cars.

Halverson stated he believes parking needs to be looked at.

Flower stated there are various free parking lots for employees to park in i.e. lot I, East View, by City Hall, in subdivisions. She also noted that the 5 hour parking max was requested by the business owners to allow for spaces to open up for new shoppers.

Dunn cautioned business owners to be careful what you ask for as employees will be taking up free parking spaces in front of store fronts. We need a parking study and to have a conversation with business owners.

Proksa stated she's always been able to find free parking as an employee downtown.

Skates wanted to clarify that the 2 million dollars for the Riviera is meant for masonry, roofing and windows – not just the roof.

Flower stated that she agrees we've fallen short regarding fundraising for the Riviera, that the city needs a strategy for parking, and need to consider using free apps or discounted apps.

Howell stated that the citizens will not be affected as they have two hours of free parking with their pass and the raised pricing will come from tourists not citizens of Lake Geneva.

Motion by Skates to close the Public Hearing, second by Flower. Motion carried 8-0.

Discussion/Action regarding Resolution 19-R75 approving the 2020 Municipal Operating and Capital Budgets for the City of Lake Geneva

Motion by Hedlund to approve Resolution 19-R75 approving the 2020 Municipal Operating and Capital Budgets for the City of Lake Geneva, second by Skates. Motion carried 8-0. Hedlund did indicate that the mill rate had decreased.

Discussion/Action regarding Resolution 19-R76 a resolution approving the 2019 tax levy for the City of Lake Geneva

Motion by Flower to approve Resolution 19-R76 the 2019 tax levy for the City of Lake Geneva, second by Hedlund. Motion carried 8-0. Comptroller Hall noted the mill rate for the City did decrease in total from 19.78 to 19.29.

First Reading of Ordinance 19-16 An ordinance amending sub-sub-subsection 1a, Land Use Requirement of sub-subsection (Y), Tourist Rooming House, of subsection (8) accessory land uses, of section 98-206, detailed land use descriptions and regulations of Chapter 98: Zoning Ordinance, of the City of Lake Geneva Zoning Ordinance to clarify terminology for short term rentals

Mayor Hartz offered Ordinance 19-16 to the Council as a first reading.

Motion by Skates to Waive second reading for Ordinance 19-16 amending the sub-sub-subsection, Land Use Requirement of subsection (Y), Tourist Rooming House, of subsection (8) accessory land uses, of section 98-206, detailed land use descriptions and regulations of Chapter 98 move to a second reading, second by Flower. Motion carried 8-0.

Motion by Skates to approve Ordinance 19-16 An ordinance amending sub-sub-subsection 1a, Land Use Requirement of sub-subsection (Y), Tourist Rooming House, of subsection (8) accessory land uses, of section 98-206, detailed land use descriptions and regulations of Chapter 98: Zoning Ordinance, of the City of Lake Geneva Zoning Ordinance to clarify terminology for short term rentals, second by Flower.

Attorney Draper indicated that the state wanted the City to change the title to Short Term Rentals, and this clarification complies with state statute. Motion carried 8-0.

Discussion/Action regarding approving the Utility Commission expenditure in excess of \$250,000 for the Dodge Street Water Tower Raising project (Public Works Committee approved November 12, 2019)

Motion by Hedlund to approve the Utility Commission expenditure in excess of \$250,000 for the Dodge Street Water Tower Raising project, second by Flower. Motion carried 8-0.

Recommendation of the Finance, Licensing, and Regulation Committee of November 19, 2019- Ald Howell

Discussion/Action regarding issuing an Original "Class B" Reserve Intoxicating Liquor & Class "B" Fermented Malt Beverage License Application filed by D&D Restaurant Group, Inc d/b/a The Flat Iron Tap, agent, John Sherman Lindsey, located at 150 Center St, Lake Geneva, WI

Motion by Howell to approve the issuance of a "Class B" Reserve Intoxicating Liquor & Class "B" Fermented Malt Beverage License Application filed by D&D Restaurant Group, Inc d/b/a The Flat Iron Tap, agent, John Sherman Lindsey, located at 150 Center St, Lake Geneva, WI, second by Proksa.

Hedlund noted that he is not comfortable with issuing the license to this applicant due to violations issued by the Police Department. He felt that this license should be kept to promote economic development. Proksa echoed Hedlund's concerns with the recent violations. City Attorney Dan Draper addressed the Council regarding the protocol and reasons for not issuing a license to an applicant. Howell did indicate that the vote at the Finance Committee was close and that he would like more time to reconsider this. Hedlund indicated that he would like to see the license denied based on those concerns that he shared.

Motion to approve was re-read, and the motion failed 1-7, with Proksa, Skates, Dunn, Flower, Straube, Halverson, and Hedlund voting no.

Discussion/Action regarding Resolution 19-R73 adopting a 2019 budget amendment authorizing the transfer of funds from the General Fund to the Equipment Replacement Fund and approving the use of existing Equipment Replacement Funds for the replacement of a fire vehicle

Motion by Howell to approve Resolution 19-73 adopting a 2019 budget amendment authorizing the transfer of funds from the General Fund to the Equipment Replacement Fund and approving the use of existing Equipment Replacement Funds for the replacement of a fire vehicle, second by Skates. Motion carried 8-0.

Discussion/Action regarding Contract Change Order #1 for Payne and Dolan for the 2019 Street Improvement Project in the amount of \$10,391.03

Motion by Howell to approve the Contract Change Order #1 for Payne and Dolan for the 2019 Street Improvement Project in the amount of \$10,391.03, second by Flower. Motion carried 8-0.

Discussion/Action regarding amending the City of Lake Geneva Employee Handbook related to Personal Time Off (PTO) pay off rates

Motion by Howell to approve amending the City of Lake Geneva Employee Handbook related to Personal Time Off (PTO) pay off rates, second by Skates. Motion carried 8-0.

Discussion/Action regarding approval of the Riviera Event and Wedding Cancellation Policies

Motion by Howell to approve the Riviera Event and Wedding Cancellation Policies, second by Skates. Motion carried 8-0.

Discussion/ Acceptance of November 19, 2019 Finance, Licensing, and Regulation Committee Payment Approval Reports

Motion by Howell to approve the November 19, 2019 Finance, Licensing, and Regulation Committee Payment Approval Reports, second by Skates. Motion carried 8-0.

Recommendation of the Planning Commission of November 18, 2019- Ald Skates

Discussion/Action regarding Resolution 19-R74 authorizing the issuance of a Conditional Use Permit (CUP) filed by Bohdan & Patricia Kachur 968 S. Lake Shore Dr. Lake Geneva, for a request to reconstruct an addition to the property located at 968 S. Lake Shore Dr. located in the Estate Residential - 1(ER-1) zoning district. Tax Key No. ZYUP00106A

Motion by Skates to approve Resolution 19-R74 authorizing the issuance of a Conditional Use Permit (CUP) filed by Bohdan & Patricia Kachur 968 S. Lake Shore Dr. Lake Geneva, for a request to reconstruct an addition to the property located at 968 S. Lake Shore Dr. located in the Estate Residential - 1(ER-1) zoning district. Tax Key No. ZYUP00106A, second by Hedlund. Motion carried 8-0.

Discussion/Action regarding amended Precise Implementation Plan (PIP) filed by Patrick & Rachel Lynch 940 Maytag Rd., for a request to allow the reduction to the lake shore setback of the property located in the Estate Residential (ER-1) zoning district. Tax Key No. ZCE00005 (Planning Commission denied the amended PIP at the November 18, 2019 meeting)

Motion by Skates to deny amended Precise Implementation Plan (PIP) filed by Patrick & Rachel Lynch 940 Maytag Rd., for a request to allow the reduction to the lake shore setback of the property located in the Estate Residential (ER-1) zoning district, Tax Key No. ZCE00005, second by Flower. Motion carried 8-0.

Mayoral Appointments

Approving the appointment of Bob Russell to the Oakhill Cemetery Board with a term to expire May 1, 2022

Motion by Skates to approve the appointment of Bob Russell to the Oakhill Cemetery Board with a term to expire May 1, 2022, second by Flower. Motion carried 8-0.

Motion to go into Closed Session pursuant to Wis. Stat. 19.85(1)(g) 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 regarding Potential Claim related to City of Lake Geneva Short Term Rental Ordinance

Motion by Flower to go into closed session to include City Staff, Attorney, & Mayor, second by Proksa. Motion carried 8-0. The Council convened into closed session at 7:43 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 return to Open Session, second by Skates. Motion carried 8-0. The Council reconvened into open session at 7:56 pm. No action taken on closed session items.

Motion by Heldund to adjourn, second by Skates. Motion carried 8-0. The Council adjourned at 8:00 pm