

SPECIAL CITY COUNCIL MEETING
MONDAY, AUGUST 29, 2011 – 5:00 PM
COUNCIL CHAMBERS, CITY HALL

Mayor Connors called the meeting to order at 5:00pm.

The Pledge of Allegiance was led by Alderman Kehoe.

Roll Call. Present: Aldermen Kehoe, Kupsik, Krohn, O'Neill, Krause, Hartz, Mott, and Marsala. Also present: City Attorney Draper and City Clerk Reale.

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.

David C. Williams, 1629 Evergreen Lane, remarked that it had become clear in the eyes of the public that this change was being pushed through in conjunction with the potential settlement of the Geneva Ridge Joint Venture lawsuit against the City, which was generating a great deal of distrust as to the intentions of the aldermen. He commented on the fact that it was illegal to have zoning by contract, adding that the issue at hand was whether there was a settlement of the lawsuit contingent upon the Comprehensive Plan being changed. He noted that court records, along with other factors, indicated that a settlement had been in the works for two months. To that point, he asked when City officials would disclose to the public the terms of the settlement and what was involved.

Harvey Larson, 501 Garrison Drive, noted that he was at the previous Council meeting during which the public hearing on the Comprehensive Plan amendment was held. At that meeting, the city planner had instructed the Council that the adoption of any change should be accompanied by an explanation of good cause for making such a change. Mr. Larson stated that five aldermen had supported the amendment during that prior meeting; however, none had clearly expressed any reasonable basis for making a change to the plan.

Mark Sansonetti, representing applicant Geneva Ridge Joint Venture, stated that he would be available to address any questions or provide additional information, if so requested by the Council.

Ed Yaeger, Water Street, stated that he felt this was a sad occasion for the City of Lake Geneva. He disputed the claims made by some on the Council that the proposed amendment was in the best interests of Lake Geneva and was totally unrelated to zoning or zoning potential for the property in question. He remarked that this was another case of a developer using intimidation tactics to instill fear in his opponents until they acquiesce with his demands. Mr. Yaeger noted that for years, citizens had been telling mayors and aldermen that they did not want "Hummelville" in Lake Geneva, even culminating in a referendum in which seventy-seven percent of the electorate opposed the development. He asked that this Council honor that position and oppose the amendment.

Anice Machado, N1738 Wildwood Drive, Town of Linn, noted that Alderman Hartz had commented at a previous meeting on the importance of maintaining a civil discourse. Ms. Machado suggested that it was no less important for the Council to maintain transparency in its discussions on these matters as well. She urged the Council to consider the importance of the conservation of Geneva Lake and maintaining the small-town character of the City in casting its decision on the proposed amendment. She asked that the aldermen consider adopting a position that favored preservation of the aspects that make the Geneva Lake area special, rather than one that favored the short-term economic risk of development.

Grace Hanny, W2865 Swinghurst Lane, Town of Linn, first thanked Aldermen O'Neill, Krohn, and Hartz for their honesty and integrity in casting votes against Ordinance 11-23 at the previous meeting. She stated that she believed the Council had been given this time for a reason, as it presented an opportunity for the aldermen to rethink their positions on the amendment. Ms. Hanny also stated that, if a change was to be approved for the Comprehensive Plan, the citizens deserved an explanation as to why such change was being made.

Spyro Condos, 1760 Hillcrest Drive, reiterated comments that he had made at the prior Council meeting regarding the failure of City officials to follow policies and procedures, which he argued was a primary reason that the Council found itself in its current position. He noted that the procedural error in voting to pass Ordinance 11-23 on First Reading without an adequate number of votes to suspend the rules was yet another example of this failure. He stated that it was obvious a deal was being made, as the procedural mistakes and the rush to act on the ordinance did not add up otherwise. He questioned how the public was to be made aware of this special meeting when there was no notice provided in the City's official newspaper, thereby depriving the public of its right to know. Mr. Condos further questioned whether the Council had been voting or otherwise making decisions in closed session proceedings, noting that actions must be taken openly and in view of the public.

Dona Palmer, 270 Country Club Drive, approached the podium and requested that her time be allocated to Mr. Condos to allow him to finish his comments. Mayor Connors responded that five minutes were allotted to each speaker, and the request was denied.

Bob Schroeder, 324 Timber Lane, commented that, as a former alderman, one of his primary concerns had always been the protection of the environment. With respect to the issue at hand, he noted that he was concerned about the impact of large-scale development on the waters of Geneva Lake, as increased boat traffic and pollution would destroy the tourism that is the lifeblood of the local economy. He stated that adding more development would inevitably contribute to the further lowering of the water table, thereby increasing the concentration of pollutants present in the lake. He urged the Council to oppose Ordinance 11-23.

Barbara Gaffke, 1321 Main Street, addressed the Council as a non-resident property owner in the City of Lake Geneva. She noted that there were a number of non-resident property owners who contribute to the economy of the City and who enjoy the small-town atmosphere, the lake, and the recreational opportunities available in the area. She expressed opposition to the development, as it would put additional strain on Geneva Lake and on City services, and could deter families and visitors who might otherwise want to be a part of the community.

Richard Malmin, N1991 S. Lake Shore Drive, Town of Linn, stated that the "inconvenient truth" was that the deal the Council was being forced to make in order to settle the Geneva Ridge lawsuit had become so obvious that the Council was coming across as both ridiculous and arrogant in insulting the intelligence of the public. He questioned comments made by aldermen in a recent article from *The Regional News* in reference to the proposed amendment being made to correct the mistakes of a former alderman. He noted that Aldermen Krause and Marsala had both supported the original Comprehensive Plan, and wondered to whom they were now listening in supporting making the change for the Geneva Ridge property. Mr. Malmin stated that the rush of activity to pass Ordinance 11-23 by calling special meetings coincided with the August 31 settlement deadline. He added that these factors clearly constituted evidence of contract zoning, and predicted that the amendment would ultimately be nullified by the courts.

Jo Ann Williams, 307 Water Street, commented on the fact that she had counted twice as many residents of the City speaking in opposition during the public hearing as residents from outlying areas, contradicting the claims that the opposition was primarily based in the townships. She also reminded the Council that Lake Geneva does not stop at Main Street, adding that many properties and areas within the City were in need of attention. Ms. Williams questioned the sudden rush to act on Ordinance 11-23, and asked why the public was not being kept informed about the events surrounding this requested amendment. She stated that it was only fair for the Council to keep those it represents informed. She noted that the recent activities of the Council members were not inspiring public confidence in their ability to make good decisions on behalf of the citizens.

Steven Phelps, 1562 N. Lakeshore Drive, noted that the majority of citizens had expressed opposition to the change, further asking why the Council wouldn't listen to the public on this issue.

Joan Thompson, 1561 Evergreen Lane, suggested that there was a "stench of mendacity" surrounding the entire process. She stated that government cannot exist without openness, adding that perhaps the public would be able to better understand the motivations of the Council if the members would simply explain why they are considering these actions. Ms. Thompson remarked that the citizens might not be so adversarial if they didn't feel that the Council was ignoring their voices and their votes. She noted that there was still time for the aldermen to explain themselves and remedy this situation.

Dona Palmer, 270 Country Club Drive, commented that in her years of teaching experience, the hardest part of being a teacher was looking a child in the eye and either telling him that we live in a democracy or lying to him. She urged the Council members to show that we do live in a democracy by either recusing themselves or voting against the proposed amendment.

First Reading of Ordinance 11-23, amending the City of Lake Geneva Comprehensive Plan

City Attorney Draper responded to comments made regarding the procedural error that had been made in suspension of the rules during the First Reading of Ordinance 11-23 at the previous Council meeting. He noted that there was a provision in local ordinance that required the affirmative vote of three-quarters of the Council to suspend the rules. He added that he took responsibility for the error and apologized to the Council members for any embarrassment that may have been caused as a result.

City Clerk Reale then publicly read Ordinance 11-23 in its entirety.

Following the reading, Alderman O’Neill asked if someone on the Council could please explain how passing Ordinance 11-23 would benefit the City of Lake Geneva or Geneva Lake. He noted that many citizens had been left with unanswered questions about this issue, adding that there were many questions that the Council members could not answer themselves. Given those facts, he suggested that the ordinance be tabled until such time that those questions could be answered.

O’Neill/Krohn motion to table Ordinance 11-23.

Roll Call: Krohn and O’Neill voted “yes”. Kehoe, Kupsik, Krause, Hartz, Mott, and Marsala voted “no”. Motion failed by vote of 2 to 6.

Adjournment

Marsala/Kehoe motion to adjourn.

Roll Call: Kehoe, Kupsik, Krohn, Krause, Mott, and Marsala voted “yes”. O’Neill and Hartz voted “no”. Motion carried by vote of 6 to 2.

The meeting was adjourned at 5:52pm.

/s/ Jeremy A. Reale, City Clerk

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