

MEMORANDUM

DATE: October 23, 2017

TO: Mayor, City Council, City Administrator, and Assistant Clerk

FROM: Daniel S. Draper, City Attorney

Re: Amendment to the City of Lake Geneva Comprehensive Plan

As I am sure you noticed, the applications to amend the Comprehensive Plan for properties at 905 West Main Street and the Geneva Inn are not on the agenda.

The property located at 905 West Main Street is not on the agenda because the only way the City Council can adopt an ordinance to amend the comprehensive plan for this property is via a resolution from the Plan Commission. Secs.62.23(3)(b) and 66.1001(4)(a), *Wis. Stats.* Since a resolution was not adopted by the Plan Commission for this property, the City Council cannot take any action on this matter.

The Geneva Inn property is not on the agenda because a letter was received from the applicant's representative requesting that the application be withdrawn. Further, the matter would not have appeared on the agenda because of the above reasoning concerning 905 West Main Street.

The properties at 751 Geneva Parkway and the properties at the old Hillmoor Golf Course are before the City Council for adoption of an ordinance in accordance with the resolutions adopted by the Plan Commission. Because the above cited comprehensive planning statutes give the power to amend the Comprehensive Plan to the Plan Commission, the only consideration for the City Council is whether or not to adopt the proposed ordinance. The statutes do not grant the City Council the right to amend the resolution of the Plan Commission or amend the proposed ordinance based upon that resolution. They only grant the City Council the right to adopt or reject the proposed ordinance drafted in conformance with the resolution submitted by the Plan Commission. "The adoption of the plan or any part, amendment, or addition, **shall be by resolution** carried by the affirmative votes of not less than a majority of all the members of the city plan commission." Sec. 62.23(3)(b), *Wis. Stats.* I would therefore request that any discussion concerning the ordinances be limited to reasons for or against adopting the ordinance.

If you have any questions, please contact me.

Daniel S. Draper,  
City Attorney