

**SPECIAL CITY COUNCIL MEETING
CITY OF SHELL LAKE
February 22, 2024**

Mayor Sally Peterson called the meeting to order at 5:15 p.m. Council members present were Stephen Smith, Terry Severson, Mike Andrews, Ken Schultz, Dan Harrington and Rob Anderson. Deb Nebel and Rowie Hansberger were absent. Andy Eiche, Kathy zumBrunnen and Richard White were also present.

Roll call was taken.

Stephen Smith moved to go into closed session under Section 19.85 (1)(g) of the Wisconsin Statutes in order to confer with legal counsel for the City Council, who is rendering oral or written advise concerning strategy to be adopted by the Council with respect to litigation in which it is, or is likely to become involved. The closed session is to include the mayor, members of the City Council, the City Administrator, City Attorney Kathy zumBrunnen, and Richard White (Weld Riley counsel). Ken Schultz seconded the motion. Roll call vote was taken; Anderson – Yes, Harrington – Yes, Schultz – Yes, Andrews – Yes, Smith – Yes, Severson – Yes. Motion carried unanimously.

The City Council entered closed session at 5:17 p.m.

Schultz moved, seconded by Severson, to reconvene into open session at 6:33 p.m. Motion carried.

Schultz made the following statement: "Before I make a motion, I would like to make a statement on my own behalf to be clear, any motion or decision I make this evening is not to be confused as a reflection of the performance or decision made by the Zoning Board of Appeals. I believe the Zoning Board of Appeals made a sound decision regarding the variance request. My task this evening is to do my job as a City Council member in determining how to enforce the ordinance after the denial of the variance by the Zoning Board of Appeals."

Schultz moved that the Shell Lake City Council approve the proposed settlement agreement with the Reinharts and their LLC as outlined by Attorney White. The settlement would result in the Reinharts and their LLC dismissing their pending legal action against the City and its officials and agreeing not to initiate claims set forth in their October 17, 2023 Notice of Claim against the City. They would be granted a permit to complete construction consistent with the drawings they submitted on approximately November 2021 after paying a permit fee and their improvements would be treated as being in compliance with the Zoning Code requirements associated with a building or structure not meeting City setback requirements. The settlement agreement will be executed by representatives of the parties and contain additional provisions agreed upon by legal counsel for the parties which are consistent with these provisions. Severson seconded the motion.

Smith asked if the permit would be penalized the same as any other for a late permit. Eiche replied he would be charging double the sq. ft. cost for the permit.

Roll call vote was taken; Severson – Yes, Smith – No, Andrews – Yes, Schultz – Yes, Harrington – No, Anderson – No. Mayor Peterson broke the tie voting Yes. Motion carried.

Smith moved, seconded by Severson, to adjourn at 6:39 p.m. Meeting adjourned.

Andrew Eiche, City Administrator/Clerk/Treasurer