

**VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN**

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
and JOINT SESSION with the BOARD OF TRUSTEES  
**Monday, March 27, 2017**

Chairman Dave Prudden called the Plan Commission monthly meeting to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Trustee Prudden, Trustee Petersen, Commissioner Grant, Commissioner Lobdell

**Plan Commissioners absent:** Commission Ahern, Commissioner Frazier

**Also present:** Annie Calteaux, Police Chief Jeff Cates, Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Rebecca Millar, Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, John O'Neill, Duane Ratay, Village Attorney Dale Thorpe, Sammi Wendling

**Visitors Heard**

None

**Approval of Plan Commission Minutes**

Trustee Petersen/Commissioner Grant 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held on February 27, 2017, as presented, and the MOTION carried without negative vote.

**General Business**

**Proposed Ordinance Amendment: Section 18-211(j), Access Standards, Distance from Property Line – Set Public Hearing**

McCarthy stated the Municipal Code lists three feet as the standard setback distance from the property line in all areas of the zoning code except for in Section 18-211(j), where it lists the standard setback as five feet. The modification to three feet would make that section consistent with the rest of the Municipal Code. A draft of the proposed amendment was distributed.

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to set a public hearing on Proposed Ordinance Amendment to Section 18-211(j), Access Standards, Distance from Property line, at the next monthly Plan Commission meeting scheduled for Monday, April 24, 2017 beginning at 5:30 pm. The MOTION carried without negative vote.

**Conditional Use Permit Application Filed by Jeff Dublo for the Property Located at 424 Hillcrest Drive – Set Public Hearing**

The application is for authorization to install two access points on the same street frontage which is allowed only through approval of a Conditional Use Permit, which requires a public hearing.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to set a public hearing on the Conditional Use Permit application filed by Jeff Dublo for the property located at 424 Hillcrest Drive to construct a second access point serving the same frontage road as the existing access point at the next monthly Plan Commission meeting scheduled for Monday, April 24, 2017 beginning at 5:30 pm. The MOTION carried without negative vote.

Plan Commission Chairman Prudden called for a five-minute recess at 5:40 pm.

President Pat Kenny called the Village Board meeting to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Village Board Members present:** Roll Call: Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny

**Village Board Members absent:** Trustee McGreevy, Trustee Whowell

**Joint Session Public Hearings**

**Public Hearing to Consider Vacating and Discontinuing a Portion of Mohr Road**

Thorpe provided background on the 1990's discontinuance of the first couple hundred feet of Mohr Road from the lakefront to the south that was turned over to the two adjacent private property owners; and then the western half was deeded back to the Village and placed in a permanent parkland easement, and the eastern half was retained by the O'Halleran family. The Adreani family now owns the parcels to the west of the discontinued portion of Mohr Road. The new proposed agreement being presented in the public hearing calls for vacating and discontinuing an additional 33-foot portion of the road up to the Village lift station generator building located on the west side of the street. The additional portion of vacated street will be turned over to the O'Halleran family, the east half of the former right-of-way, and to the Adreani family, the western half of the former right-of-way; and the Adreani family will then deed the western half back to the Village and it will be added to the permanent parkland easement area. The walking path on parkland easement area of the former roadway that leads pedestrians to the lakefront shore path will be extended up to the generator building and three new public parking stalls to be located off the street. Martin added the Park Commission will be adding park signage to the area to direct pedestrians to the path. The lift station pumps and the generator and its building were upgraded as part of the cost-sharing agreement and part of the donated funds will be used to make the building exterior more attractive. There is a stream corridor that's within the 33-feet of road that will be put into public ownership so it stays preserved and protected. The remaining portion of Mohr Road from the generator building up to South Lakeshore Drive is being reconstructed and the Adreani and O'Halleran families also are splitting the cost of that project with the Village. Martin stated that the Park Commission will be planning additional landscaping and replanting some trees that have been cut down, and all utility lines have been buried, so the area will be greatly improved upon completion of the projects. Martin stated that one other aspect of the cost sharing agreement for the road reconstruction, lift station upgrade and utility burial projects is that the Adreani family will be providing the Village with a permanent storm water utility easement to authorize the use of the parcel at the southeast corner of Indian Hills Road and South Lakeshore Drive. Also, the O'Halleran family is authorizing the installation of storm water infiltration sewers on portions of their Mohr Road property to help alleviate storm water management concerns in the area. The public hearing was opened by the Plan Commission and Village Board at 5:52 pm. Merilee Holst, 744 Brickley Drive, stated she supports the comprehensive agreement so that Mohr Road Park is protected further. She added that there has been discussion for several years of erecting directional signs on South Lakeshore Drive to lead people to Mohr Road Park and the public access point to the shore path. Martin stated that as soon as the road reconstruction is complete, the Park Commission members have given direction for staff to find appropriate locations to erect directional signs for Mohr Road Park. The public hearing was closed at 5:55 pm. Thorpe recommended that if approval is desired of the petition to vacate and discontinue an additional portion of Mohr Road, approval should be recommended with conditions that the remainder of the cost-sharing agreement is sorted out.

**Conditional Use Permit Application Filed by Rebecca Millar and Annie Calteaux for the Property Located at 228 First Avenue**

The public hearing was opened at 5:32 pm. McCarthy explained the owners of the property at 228 First Avenue submitted a Conditional Use Permit Application to install a second driveway on the same street frontage as the existing driveway. As a long term plan, the applicant has proposed to construct a detached garage which the second driveway will serve. Applicant Rebecca Millar spoke in favor of the proposed CUP stating that there is currently a 15-by-15-foot pad on the property that serves as the driveway, but it does not access the back of the property. In order to convert the current pad into a driveway they would have to change the grade of the property which would cause a hardship on the neighbor to the west and force the construction of a substantial retaining wall. Constructing the access on the east side would be much less burdensome. There is a utility meter that would need to be

relocated or protected, and it was requested that relocation or protection is added to the list of conditions if approved. Rudy Pahl, 214 Fontana Avenue, stated he has no objection to the CUP. The neighbor to the east, William Rolander, 238 First Avenue, submitted a letter in opposition to the proposed CUP due to concerns which was distributed to the Plan Commission and Village Board members. A survey and aerial GIS map of Mr. Rolander's property was included with his letter. The public hearing was closed at 5:38 pm.

Trustee Petersen/Commission Lobdell 2<sup>nd</sup> made a MOTION to accept the letter submitted by Mr. William Rolander regarding the CUP application submitted for 228 First Avenue into the official record, and the MOTION carried without negative vote.

### **Joint Session Business**

#### **Plan Commission Recommendation on Public Hearing to Consider Vacating and Discontinuing a Portion of Mohr Road**

Lobdell asked Thorpe for clarification on which types of things are still to be worked out in the cost sharing agreement. Thorpe said one of the items is the addition of protective language to ensure the road access over the creek to the Adreani's driveway will remain, and Martin stated that the bridge needs to remain in its present location as there is a storm water culvert in the same location. Thorpe added that there have also been a number of storm water issues addressed by an infiltration system and French drain; and as part of the agreement the Village will obtain an easement on the unbuilt back portion of Mr. Adreani's property that will manage storm water coming down off the hill.

Trustee Prudden/Commissioner Grant 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed Resolution to vacate and discontinue a portion of Mohr Road, as presented, and the MOTION carried without negative vote.

#### **Village Board Consideration of Plan Commission Recommendation to Consider Vacating and Discontinuing a Portion of Mohr Road**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to accept the favorable recommendation from Plan Commission and adopt Resolution 032717-01 authorizing the discontinuance of the designated portion of Mohr Road, subject to and conditioned upon the successful negotiation of a comprehensive agreement with the Adreani and O'Halleran families, as to those issues outlined in the draft agreement, and failing that condition, the discontinuance is ineffective. The MOTION carried without negative vote.

#### **Plan Commission Recommendation on Public Hearing to Consider Conditional Use Permit Application Filed by Rebecca Millar and Annie Calteaux for the Property Located at 228 First Avenue**

Trustee Petersen/Commission Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the CUP application filed by Rebecca Millar and Annie Calteaux for the property located at 228 First Avenue subject to the conditions in the staff report and the relocation or protection of the gas service meter located on the side of the building, and the MOTION carried without negative vote.

#### **Village Board Consideration of Plan Commission Recommendation to Consider Conditional Use Permit Application Filed by Rebecca Millar and Annie Calteaux for the Property Located at 228 First Avenue**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the CUP filed by Rebecca Millar and Annie Calteaux for the Property Located at 228 First Avenue, as recommended, with the following conditions:

1. The proposed drive (pavement) shall be located a minimum of three feet from the adjacent property line.
2. The proposed access shall be located a minimum 25 feet from the existing access drive.
3. The proposed drive shall be a minimum 10-feet-wide.
4. Any curb openings for the proposed access drive shall not exceed 24-feet-wide as measured at the right-of-way line.

5. The proposed access approach shall be paved to the satisfaction of the Village of Fontana.
6. A driveway permit (building & zoning permits) shall be completed, submitted, and paid for in full within 30 days of the date of this approval.
7. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
8. An as-built survey shall be required depicting the proposed second access drive and all required distances. If found to be noncompliant to this approval, it is the responsibility of the applicant to bring it into compliance.
9. The meter(s) located at the east side of the dwelling unit shall be relocated or protected at the time of driveway installation.

The MOTION carried without negative vote.

#### **Adjournment Plan Commission**

Trustee Petersen/Commissioner Grant 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:00 pm, and the MOTION carried without negative vote.

#### **Approve Village Board Minutes**

The minutes for the March 6, 2017 meeting were distributed.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the minutes, as distributed, for the March 6, 2017 Village Board meeting and the MOTION carried without negative vote.

#### **Village Treasurer's Report, Vendor Report, & Payroll Overtime Report**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a motion to approve the Vendor Report and Payroll Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

#### **Approval of Village and Utility Payables**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

#### **General Business – President Kenny**

##### **Park Permit Application & Temporary Liquor License Application Filed by Dan Green's Touch a Life, Heal a Heart, Inc., for Pig in the Park at Reid Park, July 8, 2017**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Park Permit application and Temporary Liquor License application filed by Dan Green's Touch a Life, Heal a Heart, Inc., for Pig in the Park at Reid Park on July 8, 2017. The MOTION carried without negative vote.

##### **Temporary Operator's License Applications Filed by Mary Kreite-Green, Joe M. Special, Chad R. Beth, Pig in the Park, July 8, 2017**

There were no concerns with any of the background checks.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Temporary Operator's License Application filed by Mary Kreite-Green, Joe M. Special and Chad R. Beth for the Pig in the Park event on July 8, 2017, and the MOTION carried without negative vote.

##### **Appointment of Thomas Whowell as Successor Agent of Gordy's Boat House, 341 Lake Street**

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of Thomas Whowell as the Successor Agent of Gordy's Boat House at 341 Lake Street, and the MOTION carried without negative vote.

#### **Protection Committee – Trustee Prudden**

##### **Appointment of Chief Cates to Replace Steve Olson on VOF Committees**

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of new Police Chief Jeff Cates to replace Steve Olson on the appropriate Village of Fontana committees, and the MOTION carried without negative vote.

**Appointment of James Carroll to Replace Joe Corso on Protection Committee**

There was an error on the agenda. Phil Costa submitted his resignation to the Protection Committee which was accepted in January. James Carroll was recommended to fill the vacancy left by Phil Costa's resignation. Joe Corso remains on the Protection Committee.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of James Carroll to fill the vacant position on the Protection Committee, and the MOTION carried without negative vote.

**Geneva Lake Use Committee – Trustee Petersen**

**Uniform Lake Ordinance Amendments Update**

Pappas provided an update on the public hearing for the Joint Uniform Lake Law Ordinance that was held on March 13, 2017 in the Town of Linn. There were concerns with extending the traffic lane from 200-feet to 300-feet. Petersen stated that another public hearing will need to be scheduled and will be held in the Town of Linn.

**Lakefront & Harbor Committee – Trustee Pappas**

**Resolution Amending Boat Slip Waiting List Policy and Schedule**

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve Resolution 032717-02, Amending Boat Slip Waiting List Policy and Schedule, as presented, and the MOTION carried without negative vote.

**Boat Size Maximum Length Amendment Recommendation**

At the Lakefront & Harbor Committee meeting, Darrell Frederick from Austin Pier Service stated the old pier slips could accommodate up to a 28-foot boat with 9.5 foot beams and the new pier slips could accommodate a 30-foot boat with 10-foot beams; however, several feet of the watercrafts would stick out on either end. Pappas stated that since there would probably only be one or two 30-foot boats this season, if there is an issue with increasing the length, the size constraints could always convert back to the current maximum lengths. Trustee Prudden made an initial motion that was seconded by Trustee Pappas to accept the recommendation from Lakefront and Harbor Committee to allow up to 28-foot boats with a maximum beam with of 9.5-feet on the old pier slips, and 30-foot boats with a maximum beam with of 10-feet on the new pier, with the understanding boat bows cannot hang over the main pier. Prior to taking a vote, Trustee Petersen spoke in opposition to allowing larger boats on the municipal pier slips because there is already a high demand for the current slips without increasing the size of allowable boats. Prudden stated that most boat lengths now include the swim decks and it would be an accommodation to the slip renters. There was discussion about putting a probationary period on the approval; however after discussion, the initial motion was rescinded and a second motion was made to table the item until all seven board members are available for discussion.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to table the Boat Size Maximum Length Amendment Recommendation, and the MOTION carried without negative vote.

**Gage Marine Pier Lease Agreement Renewal Recommendation**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the renewed pier lease agreement between the Village of Fontana and Gage Marine for two-years with a 4 percent increase in the fee for 2017 in the amount of \$4,429.08 and a 4 percent increase in 2018 in the amount of \$4606.24, as recommended. The MOTION carried without negative vote. Trustee Petersen abstained.

**Park Commission – Trustee Whowell**

**Memorial Park Bench for Micki O'Connell**

Martin stated there is a spot open in Pioneer Park to put a memorial bench for former Trustee Micki O'Connell and donations have been received to cover the cost.

Trustee Livingston/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Memorial Park Bench for Micki O'Connell in Pioneer Park, as presented, and the MOTION carried without negative vote.

#### **Big Foot Rec. District Movies on the Beach Series 2017 Schedule**

The proposed dates for the Big Foot Rec. District Movies on the Beach are June 10, June 24, July 8, July 22, August 5 and August 19, and staff has no concerns with the dates.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Big Foot Rec. District Movies on the Beach Series 2017 Dates, as recommended, and the MOTION carried without negative vote.

#### **Park Permit Application filed by Sarah Lobdell for PTSO at Duck Pond on Friday, April 21, 2017 from 3:30 pm to 6:30 pm**

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Sarah Lobdell for PTSO at Duck Pond on Friday, April 21, 2017 from 3:30 pm to 6:30 pm, and the MOTION carried without negative vote.

#### **Park Permit Application Filed by Community Church of Fontana for Reid Park Gazebo on Sunday, April 16, 2017 from 6:00 am to 8:00 am; Duck Pond Pavilion on Sunday, June 4, 2017 from 12:00 pm to 4:00 pm**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Community Church of Fontana for Reid Park Gazebo on Sunday, April 16, 2017 from 6:00 am to 8:00 am and at Duck Pond Pavilion on Sunday, June 4, 2017 from 12:00 pm to 4:00 pm. The MOTION carried without negative vote.

#### **Park Permit Application Filed by Betty Shay for Family Reunion at Duck Pond Pavilion with Beer/Wine Permit on Saturday, August 5, 2017 from 1:00 pm to 6:00 pm**

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Betty Shay for a family reunion at Duck Pond Pavilion with Beer/Wine Permit on Saturday, August 5, 2017 from 1:00 pm to 6:00 pm. The MOTION carried without negative vote.

#### **Park Permit Application Filed by Sarah Lahey for Class of 1997 Big Foot High School Reunion Picnic at Duck Pond Pavilion on Saturday, August 12, 2017 from 1:00 pm to 3:30 pm**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Park Permit Application Filed by Sarah Lahey for Class of 1997 Big Foot High School Reunion Picnic at Duck Pond Pavilion on Saturday, August 12, 2017 from 1:00 pm to 3:30 pm. The MOTION carried without negative vote.

#### **Park Permit Application Filed by Maryanne Bruss for Reid Park Gazebo on Saturday, September 9, 2017 from 2:00 pm to 4:00 pm**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Maryanne Bruss for Reid Park Gazebo on Saturday, September 9, 2017 from 2:00 pm to 4:00 pm, and the MOTION carried without negative vote.

#### **Adjournment Village Board**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to Adjourn the Village Board meeting at 6:17 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

Note: These preliminary minutes are subject to further editing. Once approved by the Plan Commission and Village Board, the official minutes will be on file at the Village Hall.

APPROVED: VB Approval: 05/01/17

Plan Commission Approval: 04/24/17