

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Wednesday, July 8, 2015

Village President Patrick Kenny called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote: Dave Prudden, George Spadoni, Arvid Petersen, Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas

Also Present: Greg Blizard, Jade Bolack, Joe Eberle, Merilee Holst, Clerk Theresa Linneman, John Maier, Administrator Dennis Martin, Claude Nelson, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Pat Romenesko, Ally Sandner, Dale Thorpe, John Tracy, Treasurer Scott Vilona

Visitors Heard

Chief Olson introduced the current year's CSO, Ally Sandner. He said Sandner currently holds a Bachelor's degree and is working towards her Master's Degree in Forensic Psychology. Merilee Holst stated the Geneva Lake Conservancy put up a Little Free Library at its Mill House office and it contains books about environmental and conservation issues. Trustee Spadoni handed out pictures of two houses in the Abbey Ridge subdivision that have Fontana Boulevard addresses and stated the addresses need to be changed due to safety issues and asked at the last monthly meeting that the item be placed on the next Public Works agenda. Martin informed him there has not been a Public Works meeting since the last Village Board meeting, and the item is scheduled to be on the next committee meeting agenda. Martin stated that with a reporter in the audience, he wanted to make sure to announce that there is no "safety" issue with the official street addresses in the subdivision as long as the residents and property owners use the street addresses as assigned six or seven years ago.

Approval of Village Board Minutes

The open and closed minutes for the June 1, 2015 meeting were distributed.

Trustee Spadoni/Trustee Prudden 2nd made a MOTION to approve the minutes for the meeting held June 1, 2015 as presented, and the MOTION carried without negative vote.

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

The June 2015 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Spadoni/Trustee McGreevy 2nd 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 Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

Finance Committee – President Kenny

2014 Audit Presentation

The 2014 audit report prepared by CPA Patrick Romenesko was distributed to the Village Board members and Romenesko provided a brief overview. Several recommendations were made including creating separate capital projects accounting fund for the unspent proceeds from the 2014 corporate purpose bonds, establishing an annual deposit schedule into the equipment replacement fund to remain compliant and in good standing with CMAR, and establishing an accounts payable reconciliation standard, which Romenesko stated was already implemented by staff earlier in the year. Pappas pointed out that in the last 10 years the Village's per capita long term debt has quadrupled and it is the Board's duty to reverse this trend. There was discussion by the board members who also posed several questions to Romenesko regarding the general obligation debt, levy limit borrowing, assessed value and the TIF fund account. President Kenny/Trustee McGreevy 2nd made a MOTION to adopt and accept the 2014 Financial Report

ending December 31, 2014, and the MOTION carried without negative vote.

General Business

Operator License Applications: Abbey Resort – Jazmin K. Lennon, Laura D. Malone; Abbey Springs – Ellen E. Broad, Kelsey L. Creighton, Jessica L. Gregg, Alyssa M. Kram, Emily J. Kunes; Chucks – Michael T. Brown, Bonnie L. Millar; Gordy’s – Forrest M. Anderson, Jordan M. Bradford, Matthew A. Curtis, Amber M. Wellhausen; Lake Geneva Yacht Club – Eric G. Beierwaltes, Robert A. Riese; Pie High Pizza – Farrah J. Buenaobra, Raymond O. O’Connell

There were no concerns with the required background checks and all fees have been paid. Trustee Spadoni/Trustee Prudden 2nd made a MOTION to approve the Operator License applications as presented, and the MOTION carried without negative vote.

Temporary Liquor License Application Filed by Dan Green’s Touch a Life, Heal a Heart, Inc., for Pig in the Park, September 5, 2015

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the issuance of a Temporary Liquor License to Dan Green’s Touch A Life, Heal A Heart, Inc. organization, and the issuance of a Temporary Operator’s License to Mary Kriete-Green for the annual Pig Roast in Reid Park on Saturday, September 5, 2015. The MOTION carried without negative vote.

Resolution Adopting Fee Schedule Amendment

Staff found a provision in the state statutes which require municipalities to charge no more than \$15 for a 60-day provisional operator’s license. The proposed resolution amends the fee schedule to reflect state statutes.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 07-08-15-03, establishing fees and charges for Provisional Operator’s License pursuant to Section 6-13 of the Municipal Code, amending the fee to an amount not to exceed \$15 to be consistent with state statutes. The MOTION carried without negative vote.

Spinal Cord Awareness Month Proclamation

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Spinal Cord Awareness Month Proclamation as presented, and the MOTION carried without negative vote.

Appoint Member to Fill Vacant Position on Joint ETZ Committee

Martin stated that new Plan Commission member Bob Ahern had offered to fill the open Village of Fontana representative position on the Joint ETZ Committee. Former member, Cynthia Nickolai resigned from the Plan Commission last month as she had moved out of the Village, and she also served as one of the three ETZ representative positions.

Trustee Spadoni/Trustee Prudden 2nd made a MOTION to appoint Plan Commission member Bob Ahern to fill the open position on the Joint ETZ Committee. The MOTION carried without negative vote.

Positive Police Program – Trustee Spadoni

Spadoni stated he was unable to present his Positive Police Program idea at last month’s Protection Committee meeting due to a death in the family, but requested it be placed on this month’s Protection Committee agenda. Packets with information on the program were distributed with the Village Board Meeting materials.

Fourth of July Revenue Generating Ideas – Trustee Spadoni

Spadoni listed several revenue generating ideas for the Fourth of July including additional parking, shuttles to the lakefront and charging higher rates to the beach for out of town residents. After discussion, Prudden suggested creating an exploratory committee, and Kenny recommended that he, Martin and Spadoni discuss the ideas further, and find a way to generate additional revenue while still keeping visitors happy and without draining their wallets.

Board of Appeals

Recommendation to Refund \$325 Appeal Application Fee to Donald Gutowski

A Board of Appeals meeting was held June 24, 2015 to determine if the Board of Appeals had jurisdiction over the matter and could hold a hearing regarding an appeal application that was filed by Donald Gutowski objecting to the Lakeview Terrace Planned Development zoning approval. The board voted that they did not have jurisdiction and could not hear the appeal, it should have to be appealed to the circuit court. Since a hearing was not held and no notices were published, the Board of Appeals recommended refunding the \$325 application fee. An initial motion was made by Pappas and seconded by Spadoni to deny refunding the \$325 application fee; the motion carried on a 7-0 vote. Discussion subsequently took place and Pappas pointed out that more than \$3,000 in legal fees were spent due to the appeal and felt it was inappropriate to refund the fee. A cost recovery agreement was also signed, but Thorpe explained those types of agreements apply to zoning approvals and not these types of cases. He felt the process that ensued was necessary to ensure the law was being followed and Gutowski had a chance to be heard. He voiced his concern that by not refunding the application fee, it could upset the petitioner and open the door to larger and more costly appeals in the future.

Trustee Whowell/Trustee Prudden 2nd made a MOTION to refund the \$325 appeal application fee to Donald Gutowski, and the MOTION carried on a 5-2 vote with Trustee Pappas and Trustee McGreevy opposed.

Public Works – Trustee McGreevy

Authorize Sale of Old Wheel Balancer and AC Units from Old Cell Tower Shed

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to sell the old wheel balancer and AC units from the old cell tower shed, and the MOTION carried without negative vote.

CMAR Resolution Approval

Martin stated that the annual compliance maintenance report for the sanitary sewer system is filed online and the resolution is required to complete the posting and reporting process with the Wisconsin Department of Natural Resources.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve Resolution 07-08-15-02, a compliance maintenance resolution required by the Wisconsin Department of Natural Resources, as presented, and the MOTION carried without negative vote.

Dixon Engineering Proposal for Brookwood Water Tower Tank Inspection

Staff presented a proposal submitted by Dixon Engineering, Inc., to inspect the Brookwood water tower to determine if it can be refurbished to meet current standards and if so, how many more years of life the Village can expect if the tower is refurbished and repainted. The amount of the Dixon proposal is \$3,240. The tower would be drained and Dixon staff would clean the inside of the tank to allow them to see any deterioration of the steel, pitting, etc. They would review exterior appurtenances, safety requirements and health aspects. If the structural study yields positive results, the water tower could be repainted and refurbished omitting the need to secure a location for a new water tower or standpipe and the additional expenses of constructing a new tower or standpipe and razing the Brookwood tower. If the water tower can be refurbished and repainted it would be a savings of at least half million dollars. Discussion took place about whether a study of the same nature exists from several years ago as a couple of board members believed it did. Village Engineer Joe Eberle stated that since Ruckert-Mielke has been contracted as the Village engineering company, no study of this sort has been completed by Ruckert-Mielke. Martin confirmed the previous Village engineering company Strand Associates, completed two studies on the tower, not Ruckert-Mielke. Eberle stated that the proposed inspection to be completed by Dixon is far more extensive and will provide the village will all of the options and cost estimates for refurbishing and repainting the existing tower.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the proposal from Dixon Engineering, Inc., for Elevated Water Storage Tank in an amount not to exceed \$3,240, and the MOTION carried on a 6-1 vote, with Trustee Spadoni opposed.

Authorize Chapter 32 Process for Abbey Springs Water Main Easements

Martin stated the item should be tabled as more information is needed on the proposed route for the new water main prior to consideration if the condemnation process should be initiated as a backstop

to make sure the required easements can be secured and the construction project can finally be scheduled. It has been more than six years of unsuccessful easement and land acquisition negotiations and Martin stated that staff and the Public Works Committee would really like to get the new water main installed before another \$50,000 water main break repair project is required on the Abbey Springs golf course.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Authorize Contract Property Assessor for Abbey Springs Water Main Easements

If the Chapter 32 process is initiated, the Village will need assessments for the parcels that the new water line will run under.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Approve Bid for Second Avenue Water Main Contract

The item was tabled at last month's meeting. Since then, Martin met with former DPW Director Craig Workman and current DPW Manager Brett McCollum and the lowest bidder, Odling Construction, Inc., has been recommended for approval.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the low bid submitted by Odling Construction, Inc., for the Second Avenue Water Main Relay project for an amount not to exceed \$139,964, and the MOTION carried without negative vote.

Approve Change Order for South Lakeshore Drive/Brookwood Water Main Contract

A memo from Ruckert-Mielke was distributed in the meeting packets accompanying a change order for South Lakeshore Drive/Brookwood Water Main Contract. When Upper Brookwood Drive was reconstructed, it was assumed the contractor would "saw cut the road over the new water main and patch with new asphalt;" however, the Upper Brookwood Drive has deteriorated in several spots so severely that the road base needs to be reconstructed. There is also additional work required on the new driveway at the Lake Geneva Yacht Club prior to the final asphalt layer being installed. At last month's meeting, Village Engineer Terry Tavera provided three options to address Upper Brookwood Drive and suggested Option No. 2 to "pulverize, shape and compact the road and provide a new asphaltic surface." Option No. 2 has an estimated cost of \$200,000. Martin stated that the item was tabled last month pending a meeting with representatives of the Brookwood Association. The project, if approved, is scheduled to start Tuesday, July 14, 2015, depending on weather.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the Change Order for South Lakeshore Drive/Brookwood Water Main Contract, as presented, and the MOTION carried without negative vote.

Direct Village Attorney for Mohr Road Proposal

Village of Fontana property owners Michael O'Halleran and Bruce Adreani submitted a proposal to financially assist the Village with the repair and improvement of Mohr Road from South Lakeshore Drive to the Mohr Road Park shorepath entrance area, and with some utility project expenses in exchange for the Village abandoning about 150 feet of the roadway from O'Halleran's residential property line to the lift station generator building, where two public parking stalls would be established. The remaining portion of Mohr Road would remain a dedicated public street. Their proposal also includes replacing the Mohr Road Lift Station pumps, burial of power lines, and storm water management. Thorpe requested the board decide how detailed the contract should be as they are dealing with two people who are good for their word. Pappas felt it is appropriate to have everything in writing. Martin stated that if authorized, staff will meet with the property owners to discuss the proposal details and review the required approval process with the Village attorney.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct the Village Attorney to move forward with commencement of the required approval process and the drafting of an agreement with Michael O'Halleran and Bruce Adreani, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell Modified Park House Fee Proposal

A modified park application was presented proposing a negotiable fee, instead of a \$75 fee, for rental of the Park House by non-profit, civic and school groups, and special events.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the modified Park Permit Application as presented, and the MOTION carried without negative vote.

Park Permit Application Filed by Big Foot Area Schools Summer Band for Reid Park, Friday, July 10, 2015 – waive fee

The park permit application was filed after the June 17, 2015 Park Commission meeting. The application was filed by the Big Foot Area Schools Summer Band for use of Reid Park on Friday, July 10, 2015 and requested the application fee be waived.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve the Park Permit application filed by Big Foot Area Schools Summer Band for Reid Park, Friday, July 10, 2015 and waive the fee, and the MOTION carried without negative vote.

Park Permit Applications Filed by J.D.R.F./Meghan Vilona, Duck Pond Pavilion and Recreation Area, August 12, 2015; and Kyle Heiselmann, Reek School Club, Park House, August 1, 2015

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the Park Permit Applications filed by J.D.R.F./Meghan Vilona, Duck Pond Pavilion and Recreation Area, Wednesday, August 12, 2015; and Kyle Heiselmann, Reek School Club, Park House, Saturday, August 1, 2015. The MOTION carried without negative vote.

Sam's Garden Update

Whowell announced Sam's Garden, in memory of Sam Johnson, has been relocated to across the street, next to the new parking area for the library due to the Shodeen construction project, and the area looks great.

Lakefront Committee – Trustee Pappas

Glenwood Springs Proposal to Store Lift Stations on Municipal Beach

Glenwood Springs request to store lift stations on the municipal beach was recommended for denial at the Lakefront and Harbor Committee meeting. After some discussion, Whowell stated none of the other individuals, associations or businesses store their lifts on the beach. Martin offered the Duck Pond, where Big Foot Lion's store their tents, as another viable option.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to deny the request made by the Glenwood Springs Association to store lift stations on municipal lakefront property, and the MOTION carried on a 5-2 vote, with Trustee Petersen and Trustee Spadoni opposed.

Indian Hills Request to Store Boat Lifts on Municipal Beach

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to deny the request made by Indian Hills to store boat lifts on Municipal Beach, and the MOTION carried on a 5-1 vote, with Trustee Spadoni opposed and Trustee Pappas abstained.

Ad Hoc Committee Recommendation on How to Fill New Pier Slips

The Ad Hoc Committee and Lakefront and Harbor Committee recommendation is to offer slips on the new pier to the current slip holders in order of seniority, then to current buoy holders in order of seniority. Seven buoys will remain for 2016 and buoy holders, in order of seniority, may retain a buoy through the 2016 boating season if they choose. Once the individuals from both the current slip and buoy holder lists have been solicited, the new pier slips will be offered to those on the pier slip waiting list in order of priority. If approved, the proposed timeline is to contact the current slip holders by letter and provide information, they will be given until August 1, 2015 to respond if they are interested in a new pier slip, no deposit is required; next, buoy holders will be mailed letters and information on August 1, 2015 and an initial \$500 deposit is required by August 15, 2015 and another \$1,000 deposit is required by January 15, 2016. On August 15, 2015 letters will be mailed to the current Wait List members and the \$500 deposit will be due in order to receive the initial lease agreement with the additional \$1,000 deposit due by January 15, 2016. A rendering of the new pier will be on display at Village Hall and as slips are taken, they will be marked off.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the Lakefront and Harbor

Committee's recommendation on how to fill new pier slips and the timeline as presented, and the MOTION carried without negative vote.

2016 Village Mooring Lease Rates

In an effort to avoid the significant jump in fees that would happen if mooring lease rates were only increased every couple of years, the Lakefront and Harbor Committee recommended a nominal increase in the lease rates in 2016 by 3 percent for the existing moorings and to set the rate for the new larger pier slips at 5 percent greater than the fee for the existing pier slips. The new pier slip are two-feet longer. The village's current 24-foot pier slip spaces would total \$2,550, and the new 26-foot pier slip spaces would \$2,760. The remaining buoys and ramps would also be increased by 3%.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve of the Lakefront and Harbor Committee's recommendation on the 2016 Village Mooring Lease Rates for the pier slips as presented, and to increase the 2016 lease rates for the remaining buoys and for the ramp spaces by 3 percent, and the MOTION carried without negative vote.

Rockford Scuba Group Fontana Lakefront Event Approval for Oct. 18, 2015

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Rockford Scuba Group Fontana Lakefront clean-up dive event on the Fontana lakefront on Sunday, October 18, 2015, and the MOTION carried without negative vote.

Recommendation to Lease Buoys for Weekly and Monthly Rates

The Lakefront and Harbor Committee recommended leasing buoys for a weekly and monthly fee after a request was received by a citizen who wanted to rent one for the week. The committee recommended a \$400 monthly and \$150 weekly rental fee.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to authorize the rental of Village buoys for a weekly rate of \$150 and a monthly rate of \$400, as long as there are available buoys, and the MOTION carried without negative vote.

Rock River Multi-Sport Group Rate Request for Beach Admission Fees

The Rock River Multi-Sport Group requested a reduced group rate for admission to the beach. All previous requests of this nature not submitted by a non-profit organization or school group have been denied in the past and the Lakefront and Harbor Committee recommended denial.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to deny the Rock River Multi-Sport Group's request for group admission fees to the Fontana Municipal Beach, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Lakeview Terrace Planned Development Precise Implementation Plan, 264 – 268 Third Avenue

Thorpe presented an overview of the Lakeview Terrace Planned Development timeline. An appeal was filed by Don Gutowski against the Planned Development Zoning approval and the Board of Appeals met on June 24, 2015 and determined they did not have jurisdiction over the matter. The appeal petition was subsequently dismissed. Plan Commission reviewed and recommended approval of the PIP making two minor changes, one creates segregation of water meters for all units and the other allows 24-hour access to the Village Utility Department to access the individual water meters. These changes were both reflected in the resolution presented.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Resolution 070815-01 approving the precise implementation plan for the project known as Lakeview Terrace, and the MOTION carried without negative vote.

Lakeview Terrace Condominium Plat and Declarations

Thorpe stated he has reviewed the Condominium Plat and Condominium Association Declarations and he along with staff recommends them for approval.

Trustee Spadoni/Trustee Pappas made a MOTION to approve the Hartland Holdings, LLC, Condominium Plat and Declarations for the Lakeview Terrace Planned Development, and the MOTION carried without negative vote.

Authorize Village Planner Work on VC Zoning District Amendments

Discuss Village Center Zoning District Amendments for Lakefront Businesses – Update

A proposal from Village Planner Mike Slavney was included in the meeting packets and discussed at last month’s Plan Commission meeting. It was recommended the Board approve Slavney to come up with a draft ordinance that differentiates the lakefront district from the rest of the village center zoning district at a cost not to exceed \$1,000.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve Village Planner Mike Slavney to work with staff to create a draft ordinance for an amount not to exceed \$1,000, and the MOTION carried without negative vote.

Protection – Trustee Prudden

Authorize Sale of Seized Vehicle

A 1999 Chevrolet Tahoe SUV was seized by the department as a result of a drug-related arrest and the Protection Committee recommended the vehicle be sold. Prudden also announced that the Fire and Rescue Department’s Ford F250 pickup truck that was used to tow the rescue boat prior to this year’s purchase of a new truck, will be repaired for use by the Public Works Department.

Trustee Petersen/Trustee Spadoni 2nd made a MOTION to sell the seized vehicle on E-bay to the highest bidder, and the MOTION carried without negative vote.

Ordinance Amendment for Outdoor Alcohol Service

An ordinance was presented that would lengthen the sale of alcoholic beverages in outdoor venues by two hours. The current ordinance allows sales from 11:00 am to 9:00 pm and the ordinance proposes allowing sales from 10:00 am to 10:00 pm. The Protection Committee recommended approval of the amendment as presented.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 070815-01 amending Section 6-21(2)(e) of the Municipal Code allowing outdoor alcohol service from 10:00 am to 10:00 pm, and the MOTION carried without negative vote.

Adopt Ordinance for Non-Moving Violations

Chief Olson presented an ordinance that would adopt a non-moving violation ordinance for disobeying official traffic signs. The ordinance allows police to issue tickets that do not result in a loss of Driver’s License points. Tickets can already be amended in court from moving to non-moving violations but Thorpe indicated it is helpful to have something, “on the books.”

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to adopt Ordinance 070815-02 creating section 74-14(c) of the Municipal Code regarding non-moving violation for disobeying official traffic sign, and the MOTION carried 6-1 with Trustee Petersen opposed.

Adjournment

Trustee Spadoni/Trustee Prudden 2nd made a MOTION at 7:15 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, Village Clerk.

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

APPROVED: 08/03/15