

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

(Official Minutes)

SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA BOARD OF  
TRUSTEES with the FINANCE COMMITTEE and  
RESCHEDULED MONTHLY MEETING of BOARD OF TRUSTEES  
**Monday, July 10, 2017**

Village President and Finance Committee Chairman Pat Kenny called the joint session meeting of the Board of Trustees and Finance Committee to order at 6:00 pm in the Meeting Room at the Fontana Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote: Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill

**Finance Committee Members Present:** President Kenny, Tom Marek, Mike Sheyker, Duane Ratay, Thomas Freytag, Karl Floody

**Finance Committee Member Absent:** Jim Feeney

**Also Present:** William Buss, Police Chief Jeff Cates, John Karabas, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, CPA Patrick Romenesko, Village Attorney Dale Thorpe, Treasurer Scott Vilona

**Visitors Heard**

Harvard Club property owner William Buss stated he is upset with the level of noise stemming from concerts held at the Abbey Springs Yacht Club, specifically the concerts held this past Tuesday, Saturday and Sunday. Buss stated he called the police on Saturday and Sunday due to the disruptive noise, but the responding officer was unable to substantiate the noise complaint. Buss also stated that the Abbey Springs grounds crew uses loud leaf blowers every day of the week, sometimes beginning as early as 7:00 am. Chief Cates stated there have been several complaints over the years regarding the noise from Abbey Springs and that the concerts typically run from about 5:00 pm to 9:00 or 10:00 pm, but because the village noise ordinance is subjective and does not provide time of enforcement or provide a definition of what qualifies as "reasonable", it is up to the discretion of the officer on duty to make that determination. The item was referred to the Protection Committee for further discussion and follow up.

**Joint Session Business**

**2016 Audit Report – CPA Patrick Romenseko**

Auditor Pat Romenesko presented the 2016 audit report and stated projected revenues came out higher in every category while expenditures were underestimated in the Public Safety, Culture, Recreation and Education, Conservation and Development and Capital Outlay categories. The ending fund balance increased by \$57,000 for a total fund balance of \$2,034,258 which is he said is very healthy. The fund balance for the utility accounts was \$4,921,676 for the water utility and \$13,167,870 for the sewer utility. There was a large advance for capital improvements in the amount of \$2,157,000 which left no cash equivalents in the Water Utility fund and a little over \$1,224,242 in the Sewer Utility fund. Romenesko suggested filing for a rate case with the Public Service Commission and Martin indicated rates were raised this year under the simplified rate increase method, but there is a limit on the number of times a municipality may go with the simplified rate increase method before going through the more complex full rate increase process, which will likely have to be done within the next few years. The TIF and CDA funds have been subsidized by the General Fund which in past years have been treated in the audit report like a gift, but Romenesko stated that this year the numbers are reported as if they are going to be paid back, and the current total balance of CDA debt service that has been paid through the General Fund is \$1,700,000. The TID debt service total amount still owed is \$2,025,000. Martin stated that due to a new state requirement, the Joint Review Board met last month regarding the filing of the annual TIF reports and the break-even year is projected to be 2027.

Finance Committee members Sheyker/Marek 2<sup>nd</sup> made a MOTION to accept the 2016 Audit Report as presented, and recommend Village Board approval, and the MOTION carried without negative

vote.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to accept the 2016 Audit Report, as recommended, and the MOTION carried without negative vote.

### **Adjournment Finance Committee**

Sheyker/Marek 2<sup>nd</sup> made a MOTION to adjourn the Finance Committee Meeting at 6:21 pm, and the MOTION carried without negative vote.

### **Approval of Minutes**

The minutes from the June 1, June 5, and June 26, 2017 Village Board meetings were distributed. Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the minutes from the Village Board Meetings held on June 1, June 5, and June 26, 2017, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a motion to approve the Treasurer's Report, 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**

The June Village and Utility Payable list was distributed. Three additions were added including \$2,000 for Heartland Land Creations, \$5,600 for Powertech, LLC, and \$23,000 for the second quarterly payment for the GLEEA contract.

Trustee O'Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility payable list, with three additions as presented, and the MOTION carried without negative vote.

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

#### **Application Filed by Abbey Harbor Yacht Club, Located at 271 Fontana Boulevard, ORIGINAL "CLASS B" LIQUOR License**

Since Steve Fairchild surrendered the "Class B" liquor license issued to SteveO's LLC in May, 2017 at the end of the license year, there is one "Class B" liquor license available. Martin stated that John Karabas of Pie High Pizza applied for the available license and his application was tabled at the June 5 and June 26, 2017 meetings and the Abbey Harbor Yacht Club has also applied for the license. Martin stated that Steve Fairchild changed the premise of his "Class B" liquor license to Pie High Pizza last year, but no liquor was actually purchased or sold at the location. Karabas indicated that if he is issued the license he would keep the same operating hours and would not turn Pie High Pizza into a "bar", but would like for his customers to be able to order cocktails with their meal, and not just beer or wine. Martin noted there were some issues with the initial inspections in early June, including no licensed operator on premise, but all issues have since been resolved. The Abbey Harbor Yacht Club currently has a private club liquor license through the state; however, by law, if a license becomes available through the municipality, they must obtain that license first. The Abbey Harbor Yacht Club would also like to occasionally open up to the public for charitable events. Their current state license requires them to get a sponsor if they wish to open up to the public. The Fontana ordinances do not spell out a process for awarding available liquor licenses such as who filed an application first, and it is up to the discretion of the board to make that decision. Following discussion, the Village Board members reached the consensus that the available liquor license should not be issued to Pie High Pizza.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Original "Class B" Liquor License application filed by the Abbey Harbor Yacht Club, Located at 271 Fontana Boulevard, with the condition the Seller's Permit is active and in good standing, and subject to the Village Attorney's legal review, and the MOTION carried without negative vote. Trustee Prudden abstained.

#### **Application Filed by Pie High Pizza, Located at 441 Mill Street, ORIGINAL "CLASS B" LIQUOR License**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny the Original "Class B" Liquor License application filed by Pie High Pizza, Located at 441 Mill Street, subject to Village Attorney's

legal review, and the MOTION carried without negative vote. Trustee Prudden abstained.

**Operator's License Applications Filed by Natalie Stratton (Abbey Harbor Yacht Club); Megan McCarthy, Melonie Wright (Abbey Provident Resort); Janae Miner (Abbey Springs); Rodney Wright (Big Foot Country Club); Joanne Johnson (Country Club Estates); Nav Kiran Thind, Karmjit Kaur (Fontana Shell); Stephanie Akright (Lake Geneva Yacht Club); Ranae Haskins, Mari Hubanks (Novak's); Robert Bole (Pie High Pizza)**

There were no concerns with any of the background checks and all fees have been paid.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License Applications For Abbey Harbor Yacht Club employee Natalie Stratton; Abbey Provident Resort employees Megan McCarthy, Melonie Wright; Abbey Springs employee Janae Miner; Big Foot Country Club employee Rodney Wright; Country Club Estates employee Joanne Johnson; Fontana Shell employees Nav Kiran Thind, Karmjit Kaur; Lake Geneva Yacht Club employee Stephanie Akright; Novak's employees Ranae Haskins, Mari Hubanks; and Pie High Pizza employee Robert Bole. The MOTION carried without negative vote.

### **Payroll Resolution Amendment**

The Library Board approved increasing the Library Director's Salary from \$48,500 per year to \$52,137.51 per year, the Kid's Librarian Salary from \$30,230 per year to \$34,382.40 per year, the Librarian Assistant from \$12.00 per hour to \$13.00 per hour and the Library Support Staff from 10.50 per hour to \$11.27 per hour. Funds for all wage increases are available in this year's budget. Martin stated that the positions are included in the Village Board payroll resolution, so an amendment is necessary.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Resolution 07-10-17-01, Amending Resolution 06-01-17-02 Setting Exempt Salaried and Hourly Non Union Personnel Rates for the 2017 Calendar Year, as presented, and the MOTION carried without negative vote.

### **Geneva Lake Use Committee – Trustee Petersen**

#### **Amending Joint Uniform Lake Law Ordinance of Geneva Lake, Walworth County**

A second public hearing was held in Linn Township on June 12, 2017 on the updated Joint Lake Use Ordinance. There were no public comments and the ordinance passed as presented. Petersen stated the only thing that changed between the first and second public hearing was that the traffic area was reverted back from 300-feet to the original 200-feet. Thorpe stated that the village ordinance will also have to be amended to codify the new document.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the updated Joint Uniform Lake Law Ordinance as presented, and to approve Village Ordinance 071017-01, an amendment to the Joint Uniform Lake Law Ordinance as recommended, and the MOTION carried without negative vote.

### **Park Commission – Trustee Livingston**

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

This item was referred back to the Park Commission.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to refer the Mohr Road Park Memorial Park Bench Proposal for Micki O'Connell back to the Park Commission, and the MOTION carried without negative vote.

#### **Park Permit Application Filed by Robin Walker/Brooke Patterson for Duck Pond Recreation Area & Pavilion for Three on Three Soccer Tournament on Sunday, August 13, 2017 from 8:00 am to 4:00 pm**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Robin Walker/Brooke Patterson for Duck Pond Recreation Area & Pavilion for Three on Three Soccer Tournament on Sunday, August 13, 2017 from 8:00 am to 4:00 pm, and the MOTION carried without negative vote.

#### **Park Permit Application Filed by Big Foot Summer Band/Neal Raskin for Reid Park Pavilion for Big Foot Schools Public Band Performance Grades 7-12 on Friday, August 4, 2017 from 5:00 pm to 7:30 pm**

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Big Foot Summer Band/Neal Raskin for Reid Park Pavilion for Big Foot Schools Public Band Performance Grades 7-12 on Friday, August 4, 2017 from 5:00 pm to 7:30 pm, and the MOTION carried without negative vote.

**Park Permit Application Filed by Geneva Lake West Chamber of Commerce for Duck Pond Recreation Area with Beer/Wine Permit on Thursday, September 14, 2017 from 5:00 pm to 7:00 pm**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Geneva Lake West Chamber of Commerce for Duck Pond Recreation Area with Beer/Wine Permit on Thursday, September 14, 2017 from 5:00 pm to 7:00 pm, and the MOTION carried without negative vote.

**Park Permit Application Filed by the Knorr Family for Duck Pond Pavilion on Sunday, July 23, 2017 From 1:00 pm to 4:00 pm**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the park permit application filed by the Knorr Family for Duck Pond Pavilion on Sunday, July 23, 2017 from 1:00 pm to 4:00 pm, and the MOTION carried without negative vote.

**Park Permit Application Filed by Big Foot Rec. For Beer/Wine Permit at Duck Pond Recreation Area for 16" Softball League on Monday Evenings Between 6:30 pm and Dusk**  
Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Big Foot Rec. for Beer/Wine Permit at Duck Pond Recreation Area for 16" Softball League on Monday Evenings between 6:30 pm and dusk, and the MOTION carried without negative vote.

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

##### **Amend Ordinance Section 74-281(p) Specific Areas Regarding Parking on Bay View Avenue**

The protection committee recommended amending section 74-281(p) regarding parking on Bay View Avenue to accurately list the no parking areas. The amendment is to delineate a no-parking zone on the south side of Bay View Avenue between the signs located directly across from 328 Bayview Avenue and 334 Bayview Avenue.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 071017-02 amending ordinance section 74-281(p) Specific Areas Regarding Parking on Bay View Avenue, as presented and recommended, and the MOTION carried without negative vote.

##### **Creation of Village Health Inspector Position**

Prudden stated that the proposal is being reconsidered and it should be tabled.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the creation of a Village Health Inspector position, and the MOTION carried without negative vote.

#### **Plan Commission – Trustee Prudden**

##### **Zoning Ordinance Amendment to Remove Floor Area Ratio Requirements (FAR)**

A public hearing was held at last month's Plan Commission meeting and the zoning ordinance amendment was recommended for approval. The ordinance was an oversight from the 2012 zoning code rewrite and was not part of the code before 2012. The ordinance causes a hardship on development of small lots because it often restricts and sometimes does not allow for the construction of a second story.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 071017-03 to Remove Floor Area Ratio Requirements (FAR) from the Zoning Code, as recommended, and the MOTION carried without negative vote.

#### **Lakefront and Harbor Committee – Trustee Pappas**

##### **Approve 2017 Mooring Lease Applications**

The 2017 mooring lease application list was distributed. Martin also requested to prorate the leases for one ramp lessee and one slip lessee due to not having accessibility to place the watercraft on the pier and ramp space at the beginning of the season.

Trustee O'Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the 2017 Mooring Lease

Applications as distributed, and prorate the rate for the two leaseholders, and the MOTION carried without negative vote. President Kenny and Trustee Prudden abstained because they are lease holders.

### **Public Works Committee**

#### **Payment Request No. 2 for County Highway B Water Main Extension Contract**

Contractor's Application for Payment No. 2 was submitted by Globe Contractors, Inc. for the work completed on the County Highway B Water Main Extension project for the amount of \$54,367.03. The application for payment has been reviewed by the village engineers and recommended for approval.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$54,367.03 pay request submitted by Globe Contractors, Inc. for the County Highway B Water Main Extension project, as recommended, and the MOTION carried without negative vote.

#### **Payment Request No. 1 for Mohr Road Reconstruction**

Contractor's Application for Payment No. 1 was submitted by Odling Construction for the Mohr Road Reconstruction project in the amount of \$81,612.77. The application for payment has been reviewed by the village engineers and is recommended for approval. Pappas asked whether the retainage fee should be increased from the current \$3,680.13 because of the \$5,685 invoice that has been submitted by Power Tech due to the contractor cutting through an electrical line for the lift station. He suggested adding the \$5,685 to the retainage to make the total retainage amount \$9,365.13.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$81,612.77 pay request submitted by Odling Construction, as recommended, for the Mohr Road Reconstruction Project, with the condition \$5,685 is added to the retainage fee, and the MOTION carried without negative vote.

#### **Payment Request No. 1-R for 2017 Resurfacing**

Contractor's Application for Payment No. 1-R was submitted by Stark Pavement Corporation for the 2017 Resurfacing projects in the amount of \$248,908.19. The application for payment has been reviewed by the village engineers and is recommended for approval.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the \$248,908.19 pay request submitted by Stark Pavement Corporation for the 2017 Resurfacing Projects, as recommended, and the MOTION carried without negative vote.

### **Adjournment**

Trustee Prudden/Trustee O'Neill 2<sup>nd</sup> made a MOTION at 6:42 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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:

Village Board: 08/07/17

Finance: 08/31/17