

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, August 1, 2016

Village President Pat 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, Arvid Petersen, President Pat Kenny, Tom Whowell, Rick Pappas

Trustees Absent: Stan Livingston, Tom McGreevy

Also Present: Steve Beers, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Treasurer Scott Vilona

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

The minutes for the July 11, 2016 Village Board meeting were distributed.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the minutes as submitted, and the MOTION carried without negative vote.

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

Since the meeting fell on the first day of the month, Vilona stated the bank statements were not yet available to be reconciled, therefore they will be presented at next month's meeting. The overtime reports were prepared and distributed.

Trustee Petersen/Trustee Whowell 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

The July Village and Utility Payable list was distributed with the addition of four late arriving payables.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Operator's License Application Filed by Michelle D.M. Arntz (Abbey Harbor Yacht Club); Kelsey N. Cole, Jacquelyn L. Kroner, Brittany A. Trent (Abbey Resort)

There were no issues with the applicant's background checks and the \$60 fees have been paid.

Trustee Whowell/Trustee Petersen 2nd made a MOTION to approve the Operator's License application filed by Michelle D.M. Arntz (Abbey Harbor Yacht Club); Kelsey N. Cole, Jacquelyn L. Kroner, Brittany A. Trent (Abbey Resort), and the MOTION carried without negative vote.

Robin Nuzzo Election Inspector Appointment

Trustee Petersen/Trustee Prudden 2nd made a MOTION to appoint Robin Nuzzo as a Village of Fontana Election Inspector with the term ending December 31, 2017, and the MOTION carried without negative vote.

Fourth of July P&L

Vilona presented the 2016 Operational Revenues and Expenses spreadsheet that compares July 4,

2016 to the previous Fourth of July holidays dating back to 2007. Beach revenue was down at \$15,561.75, but that is likely because the holiday fell on a Monday and the weather was overcast. The total expenses were \$10,867.72, creating an overall profit of \$4,694.03; however, that only takes into consideration July 4th. Friday, July 1 through Sunday, July 3, 2016 were extremely busy, but those numbers are not reflected on the spreadsheet.

Plan Commission – Trustee Prudden

Proposed Amendment to Section 18-257(1)(d) Regarding Violations and Penalties

The proposed amendment brings back a portion of the zoning code that existed prior to the zoning code re-write in 2012 and allows the Building and Zoning Department to issue citations without having to first seek authorization from the Plan Commission. The way the code currently reads, if an incident happens at the beginning of the month, enforcement has to wait several weeks or until the next Plan Commission meeting, which could create a long and drawn out process.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Ordinance 080116-01 Regarding Section 18-257(1)(d) Violations and Penalties, as recommended, and the MOTION carried without negative vote.

Proposed Amendment Regarding Preservation of Existing Grade

A public hearing was held at last month's Plan Commission meeting to consider an amendment to Chapter 18 regarding the preservation of existing grade on residential construction projects, and the recommendation was to deny any ordinance change. Petersen described an issue with his house and a neighboring residential construction site that is causing flooding in his basement. He described the problem as a 10-foot basement being raised 5-feet above the grade of the initial lot that is now causing water runoff issues. Possible modification to the Municipal Code Chapter 16, Storm Water Management and Erosion Control, was discussed by Thorpe, who suggested adding more enabling language to tie the regulations into the building permit process. The ordinance that went before the Plan Commission for a public hearing was on Zoning Code Chapter 18 and included two sections; 18-229(a) is a general requirement that no developed land cause property damage, a nuisance or erosion on adjacent properties, and proposed section 18-229(b) would require a more staff intensive process and a costly topographical survey. Thorpe stated that property damage caused by water runoff is a civil matter that can be remedied through courtroom proceedings, but not many homeowners pursue that avenue because it is timely and expensive. In response to questions, McCarthy stated that most homeowners address these types of issues amongst themselves and pointed out the job site in question is not completed yet. She referenced a situation last week where a resident called about the placement of their neighbor's drain tile running onto their property, and after making contact with the neighbor, the problem was resolved. Property owner Steve Beers said there have been very few instances of problems as described by Petersen since most builders and contractors are local and know what's involved and expected in Fontana. Pappas acknowledged there is a water runoff problem in the Village and stated that every house that goes up puts more pressure everywhere else and in the realm of the cost of building a new house, paying for a topographical survey is not a huge amount. He stated something needs to be done so the issue do not turn into a bigger problem years down the road. Martin stated that the Village paid the village engineering firm to draft Chapter 16 several years ago, and all the issues being discussed are addressed in that chapter. Martin stated that Thorpe previously indicated a simple amendment to the Zoning Code would enable the Village to incorporate the provisions of Chapter 16 into the building permit process. There was then discussion on approving only the proposed 18-229(a), which would create a flat prohibition against water run off damage; and about whether the proposed ordinance would actually fix the water runoff problems in Fontana. McCarthy stated that issuing a municipal citation to one neighbor because the other called to complain is not an effective way to solve the issue. Thorpe argued that receiving a citation would get the homeowner into the courtroom and provoke them to find a fix to the problem. Martin stated that the Plan Commission discussed every item that was being brought up that night and made the recommendation that both portions of the proposed amendment be denied. After discussion on how to address Petersen's concerns with the neighboring construction site, Prudden and Kenny requested the Building & Zoning staff along with Martin go to the Opitz property to meet with the construction crew and try to get some resolution to the situation. Martin added that storm sewers are included along Waubun and Juneau Drives in the preliminary plans for the Country Club Estates road reconstruction project that will commence in

2017.

Trustee Prudden/Trustee Whowell 2nd made a MOTION to deny the proposed amendments regarding Preservation of Existing Grade, as recommended, and to direct Building & Zoning staff and the administrator to meet with the Opitz residential construction project contractor regarding the issues raised by Trustee Petersen and the MOTION carried on a 4-1 vote with Trustee Petersen opposed. Trustees McGreevy and were Livingston absent.

Public Works – Trustee McGreevy

Brookwood Water Tower Fence Replacement Contract Approval

Martin said the water tower project contract with Maxcor, Inc., only calls for the company to reinstall the old fence, which is in rough shape, especially the two sides that were taken down by DPW staff during the water tower rehab project. Staff would like the chain link fencing to remain on two sides and staff has been working with neighbors on the other two sides to change to wooden fencing. The Village engineer is obtaining a credit from Maxcor for taking the item out of the contract and staff has obtained an estimate from B&M Fence Company for the purchase and installation of a new fence. The new fence will be moved inward by about 5-feet. The total cost for both portions of the fence is \$19,300; \$9,400 for the Half Galvanized C/L fence and \$9,900 for the Half Treated Pine portion. Martin stated by contracting directly with B&M, the Village will not have to pay an additional 10 percent on the cost if it were added to the water tower contract as a change order.

Trustee Whowell/Trustee Petersen 2nd made a MOTION to approve the B&M Fence Company, Inc. Proposal as submitted to replace the Brookwood Water Tower site fencing, for an amount not to exceed \$19,300, and the MOTION carried without negative vote

Mohr Road Construction Contract Bid Approval

Two bids were received at the bid opening on July 28, 2016 for the Mohr Road Reconstruction Project. The low bid was submitted by Odling Construction in the amount of \$147,205. The Wanasek Corporation submitted a bid totaling \$156,645. Martin said the Odling bid was reviewed and recommended for approval by the Village engineer. Martin requested the Board to consider approval of the low bid, but to hold off on awarding the contract until the cost sharing agreement with the Adreani and O'Halleran families for all the Mohr Road lift station, utility and road reconstruction projects is finalized and executed.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the low bid submitted by Odling Construction in the amount of 147,205 for the Mohr Road Construction, with the condition the cost sharing agreement with the Adreani and O'Halleran families is finalized and executed, and the MOTION carried without negative vote.

License Agreement Recommendation for Abbey Harbor Driveway Proposal

The Abbey Harbor Condominium Association will replace fencing along the west side of South Lakeshore Drive about 2-feet out from the current fence. The new fence will be black and will match the fence located in the Country Club Estates Association parking lot. The Abbey Harbor Association has requested permission from the Village to use a portion of the grass shoulder, right-of-way area located north of the gate to South Lakeshore Drive and move the fence out by two-feet in order to widen the driveway at the current “pinch” to allow for easier access for emergency vehicles. Thorpe stated he could draft a license agreement to authorize the proposal, and suggested a term limit so that it can be reviewed and renewed.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to direct Attorney Thorpe to draft a license agreement between the Village and the Abbey Harbor Condominium Association for the proposed driveway agreement, to be reviewed for renewal consideration in 15-years, and the MOTION carried without negative vote. Trustee Prudden abstained.

Sanitary Sewer Facilities Management Plan Proposed Contracts

Martin stated the homes in between North and South Shore Drive and the lake are on sanitary sewer lines that were constructed in the 1940s and consist of vitrified clay pipe. The pipe is very brittle and susceptible to cracking causing infiltration that allows groundwater to enter the sewer system, and also root intrusion that causes blockages. A plan submitted by Ruckert-Mielke would include a contract between the Village and Visu-Sewer, Pewaukee, to televisive each of the sewers and prepare a report on the condition. Ruckert-Mielke would assess the existing sewerage system, forecast future

design flows, outline design criteria, identify alternatives, and recommend a specific plan. The two alternatives presented to be explored are rehabilitation of the existing sanitary system or replacement of the existing system with a Low Pressure Sewer (LPS) System. The rehabilitation option would include lining the sewers, repairing manholes, possibly relaying sewers in select areas, and repairing and updating the four lift stations that are part of the collection system in the project area. The objective of the repairs would be to provide a 50-year service life of the rehabilitated system. The second option, the LPS System, would require installing a grinder pump station in the yards or each residential property in the project area. The sewerage would then flow through a force main located in North Lakeshore Drive and South Lakeshore Drive. The sewer main would be relocated from private properties to a public roadway. The cost of the proposed scope is an estimated \$98,500 and includes hourly rates for staff based on a two-person team to complete manhole inspections. It also includes 20-hours for meetings with Village Staff. Ehlers will be the final part of the project to help complete the financial component and decide whether the cost should be taken out of the utility budget or whether it should be part of upcoming proposed bonding. If approved, the first step is to notify property owners and neighbors that employees from Visu-Sewer and Ruckert-Mielke will be working in private residential areas along the lakefront and between homes. Martin thought it would be a good idea to get the letters out now while the summer residents are still around but not all Board members agreed and some felt the process should not be rushed. There was a lot of premature discussion about whether the first or second option to be explored in the proposed study would be preferable to property owners since individual grinder pumps are usually at the homeowners' expense and are unlikely to add value to the property. The Board recommended waiting until next month's meeting to gather information on funding and have Joe Eberle from Ruckert-Mielke present to answer questions.

Trustee Whowell/Trustee Prudden 2nd made a MOTION to table the Sanitary Sewer Facilities Management Plan proposal, as recommended by the Public Works Committee, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Lions Club Reid Park Pavilion Funding Proposal

Village President Kenny, who is also a member of the Big Foot Lions Club, presented an artist's rendering for the proposed shelter to be constructed to the east of the Reid Park Restroom Pavilion. Six bids were obtained by the Lions Club for the construction of the pavilion and although not the lowest bidder, the Lions chose to go with Andy Pearce of Pearce Builders. Kenny stated the total bid for the pavilion is \$91,637. The breakdowns are \$8,463 for excavating, \$38,464 for building materials, \$16,440 for construction labor, \$16,327 for concrete, and \$11,943 for electrical. Kenny stated that the Lions Club would like the Village to fund the construction cost up front, and then have the Lions Club and private donors pay back the expenses over a period of years. Since the Lions Club will only use the pavilion once per year for its annual Lobster Boil and Steak Fry and the Village will benefit year-round from the pavilion and will likely be able to rent it out, the Lions are also looking for a donation from the Village. Martin stated that at the last monthly meeting, the Park Commission members agreed to plan for a contribution in the 2017 budget requests. Whowell stated that Mary Green's foundation is also willing to contribute. The Lions Club plans to sell plaques and bricks as a fundraiser to help offset the project cost.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to support the funding proposals for the Lions Club's Reid Park Pavilion construction project as presented, and the MOTION carried without negative vote. Trustee Pappas abstained.

Memorial Bench Donation Request – Ray Fitzgerald

The memorial bench donation request filed by Ray Fitzgerald was recommended for approval by the Parks Commission. Martin said the new bench will fill a hole along the shore path next to the benches recently donated by two other families.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the Memorial Bench Donation Request submitted by Ray Fitzgerald, as recommended, and the MOTION carried without negative vote.

Park Permit Applications Filed by National MS Society Tour of Champions; Betty Shay for Photo Up Reunion and Benton Durley

Pappas recommended the \$75 fee paid by the National MS Society Tour of Champions be refunded since they are a non-profit organization.

Trustee Whowell/Trustee Pappas 2nd made a MOTION to approve the Park Permit applications filed by National MS Society Tour of Champions for Reid Park Gazebo on September 23, 2016 from 7:00 am to 9:00 am, and to refund the \$75 fee; by Betty Shay for a Photo Up Reunion at the Duck Pond Pavilion, with a Beer/Wine Permit on August 5, 2016 from 12:00 pm to 7:00 pm; and by Benton Durley for the Reid Park Gazebo on October 1, 2016 from 11:00 am to 5:00 pm, and the MOTION carried without negative vote.

Recommendation for Ordinance Amending Section 74-383 Restricted Streets

Whowell stated there was a recommendation from the Park Commission to amend Ordinance 74-383 as it relates to the opening and closing of Lake Street. The proposed ordinance changes the opening time for Lake Street from Monday morning at 7:00 am to Sunday night at 7:00 pm beginning Memorial Day Weekend through Labor Day Weekend. The amended ordinance further adds “The exception to this ordinance is inclement weather (rainy days). The street may be reopened at the discretion of the Village Administrator, Village President or Chief of Police on rainy days for the mutual benefit of residents, visitors and local business.” Prudden read a portion of an email received from Chief Olson outlining his concerns about the ordinance change which include that clarification is needed on what classifies as inclement weather, Chief’s belief that the ordinance change was not discussed with other businesses located on Lake Street, that the current ordinance has worked majority of the time, and that the amendments are being considered in mid-season. McCarthy suggested taking out “rainy days” as inclement weather could also be defined as 50-degrees and overcast.

Trustee Whowell/Trustee Petersen 2nd made a MOTION to approve Ordinance 080116-02, amending Section 74-38, Restricted Streets, as presented, but to strike out “rainy days” in the two locations in the document where it is proposed, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas Approve 2016 Village Mooring Lease Holders

A list of the 2016 mooring leaseholders was distributed with the meeting packets. New Pier Lease Holders: Michael Fedyniak, Phillip Niemeyer, Justin Giroux, Clancy Green, Patrick Kenny, Jay Hicks, Mark & Katie Francis, Lee Eakright, Tom Marek, Tony Fiscelli, Peggy Woods, Glenn Gilstrap, Pete Novak, Melissa Corey, John Macchitelli, Chris Hibbard, Scott Vilona, Carol Genz Zajmi, FJ Frazier and Bob Chanson. Pier 2 Lease Holders: Bruce & Kathy Wilkinson, Robert Moravecek, Keith Rademacher, Harry Halma, Fredrik Broekhuizen, David Hayes, Rhonda Blakesley, Mark Ramiljak, Vito Cristino and Phillip Van Kuiken. Pier 3 Lease Holders: Ed Fleming, Marv Behm, Mark Kennedy, John Noyer, Chris Campbell, Russell Ceschi, Jay Babowice, Thomas Dunn, Keith Kinerk, Tom O’Connell, Ken Reuter, David Werner, Richard Patchin, Harvey Goldstein, Ray Biesk, Gerry Pepping, Nancy Peterson, Ray Fitzgerald, Dona Johnson and Mike McNicholas. Buoys: Dan Baltes, Tom Schirtzinger, Walter Watkins, John & Cathy Murphy, Michael Geraci, Thomas Sherin and Al Fiorille. Ramps 1 – 10: Paul Catanese, Shawn Faust, Roberta Bagni, Robin Nuzzo, Larry Gibas, Jack Shedd, Matt Wilken, Sandra Hutchings, Mark Majcher, Lee Eakright, Allen Bilik, Jim & Janet Wolande, Ron Nyman, Ann Ruff, Nancy Klepek. Ramps 11 – 22: Susan Marshall, Robert Chanson, Dan Baltes, Michael Geraci, Cynthia Muldoon, Tim & Maria Demco, Bruce Voight, Bonnie Radtke, Cliff Woodbury, Mark Niemascek, Joe Flies, and Steve Maresso. Ramps 23 – 28: Nick Niketic, Patrick Kenny, Tom Schirtzinger, Frank Breneisen, Scott Vilona and Walter Watkins.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the 2016 Village Mooring Leaseholder list as presented, and the MOTION carried without negative vote.

383 N. Lakeshore Drive Application for Rip-Rap Project

Pappas said the application for a Rip-Rap Project was recommended for approval by the Lakefront and Harbor Committee and will be designed by Landscape Architect Shawn Kelly. The application has already been approved by the DNR.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to approve the application for Rip-Rap for the property at 389 N. Lakeshore Drive, and the MOTION carried without negative vote.

389 N. Lakeshore Drive Application for Rip-Rap Project

A second application was submitted for rip-rap at the neighboring property of 383 N. Lakeshore Drive. The work is also being completed by Kelly and has been approved by the DNR. Trustee Pappas/Trustee Whowell 2nd made a MOTION to approve the application for Rip-Rap for the property located at 389 N. Lakeshore Drive, and the MOTION carried without negative vote.

Austin Pier Service Village Pier Addition Proposal

Austin Pier Service submitted quotes for expanding the two municipal piers as previously planned to finish exchanging the last seven remaining Village buoys for pier slips. The quote for the slip addition on Pier No. 3 is \$33,379 and the quote for the addition on Pier No. 4 is \$39,429. The expense was not budgeted for so Pappas recommended approving the contract and directed staff to contact Darrell Frederick in order to work out payment arrangements so work can get underway prior to the end of the year.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the contract as presented, and direct staff to discuss payment options with Darrell Frederick from Austin Pier Service so work can commence before the end of 2016, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Proposed Amendment to Ordinance 42-1 to Include Entire State Statute 943.23

In Municipal Ordinance Section 42-1, only one subsection of State Statute 943.23 regarding Operating Vehicle Without Owner's Consent was adopted. The adopted subsection would penalize the passenger and not the driver. The Protection Committee recommended adoption of the entire statute and the six subsections. Thorpe recommended that it be placed in ordinance form and brought back at the next Board meeting.

Adjournment

Trustee Petersen/Whowell 2nd made a MOTION at 7:00 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: 09/12/16