

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, August 3, 2015

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: George Spadoni, Arvid Petersen, Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas, Dave Prudden

Also Present: Jade Bolack, Christine Green, Bob Leibsle, Clerk Theresa Linneman, Administrator Dennis Martin, Fire and Rescue Dept. Chief Wolfgang Nitsch, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Scott Petersen, Dale Thorpe, Treasurer Scott Vilona, Jamie Whowell

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

The minutes for the July 8, 2015 meeting were distributed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meeting held July 8, 2015 as presented, and the MOTION carried without negative vote.

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

The July, 2015 Treasurer's, Vendor and Payroll Overtime reports were distributed. Martin noted a spreadsheet with the 4th of July revenue numbers as compared to past years was included in the packets.

Trustee Spadoni/Trustee Prudden 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.

General Business – President Kenny

Reschedule September 2015 Village Board Meeting Due to Labor Day

The next regularly scheduled Village Board meeting falls on Labor Day and staff recommended rescheduling the meeting to the previous week which is the first week in September. The board members agreed on Tuesday, September 1, 2015.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to reschedule the September Village Board meeting to Tuesday, September 1, 2015, and the MOTION carried without negative vote.

Operator License Applications Filed by Tajinder Kaur, Fontana Shell; Katie E. Drohner, Abbey Resort

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

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator's License applications filed by Tajinder Kaur and Katie E. Drohner, and the MOTION carried without negative vote.

Temporary Operator's License Applications Filed by Joseph M. Special, Mary D. Kriete-Green and Klaus H. Nitsch for Pig in The Park

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the Temporary Operator's License applications filed by Joseph M. Special, Mary D. Kriete Green and Klaus H. Nitsch for Pig in the Park on September 5, 2015, and the MOTION carried without negative vote.

Proposed Amendment to Chapter 2, Division 4 – Board of Review Procedures

Two revisions were made to Chapter 2, Division 4 of the municipal code regarding Board of Review. Section 2-259 was updated to reflect the board of review shall meet annually during the 30-day period beginning the 2nd Monday of May rather than *on* the second Monday of May as it previously stated. The addition of Section 2-260 reflects revisions of the state statute which now allows municipalities the option to hear alternate forms of testimony at board of review.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to adopt Ordinance 080315-02 amending Chapter 2, Division 4, Board of Review, as presented, and the MOTION carried without negative vote.

138 Fontana Blvd. Residential Lease Proposal

Martin stated the applicant, Holly Olson, is selling her house in Glenwood Springs and is looking to move into an apartment.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Residential Lease Application filed by Holly Olson for the upper unit at 138 Fontana Blvd., and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Accept Fire and Rescue Department Donations of High Pressure Pump Unit & Atlas Trailer

Fire Chief Wolfgang Nitsch stated the Fire Department used donated funds to purchase a pump unit and an atlas trailer. The high pressure foam pump unit was purchased for \$14,000 and the atlas trailer was purchased for \$6,000. Nitsch pointed out the equipment was used at an accident scene the same day it was put in service.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to accept the high pressure pump unit and atlas trailer that were purchased with donated funds by the Fontana Fire & Rescue Department, and the MOTION carried without negative vote.

Proposed Ordinance Amendment Banning Synthetic Marijuana

The proposed ordinance creates Section 42-121 (c) and amends Section 42-121 (b) prohibiting the possession, purchase, display, sale and use of synthetic marijuana.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 080315-01 as presented, and the MOTION carries without negative vote.

Human Resources Committee – President Kenny

WPPA Contract Renewal Negotiations Update

Martin said the HR Committee met earlier this month and there are three major items the committee would like to get ironed out in the WPPA contract going forward. Those items include unclear language, parameters on sick time usage, and holiday pay. The same agenda item is also included in closed session for further direction on how the village should proceed with negotiations.

Building and Zoning Dept. Part-time Zoning Administration and Code Specialist Assistant Position Approval – Payroll Resolution Amendment

The HR Committee recommended hiring former Assistant Zoning Administrator & Code Specialist and current part-time library employee Bridget McCarthy as a part-time Assistant Zoning Administration and Code Specialist. Building Inspector/Zoning Administrator Ron Nyman currently is need of administrative assistance with all the increased building and zoning permit applications in this busy year; and Nyman also will be adjusting to part-time hours in the next year or so with the intent of eventually retiring, and the new part-time position will commence the transition period.

McCarthy still has her state license from when she held the position several years ago and is interested in resuming work in the Building & Zoning Department. The recommended wage for the position is \$20 per hour. Approval of the position also requires amending the Payroll Resolution. Trustee Whowell/Trustee McGreevy 2nd made a MOTION to approve hiring Bridget McCarthy for the part-time position as recommended and to approve Resolution 080315-02, setting exempt

salaries and hourly nonunion personnel rates for the 2015 calendar year, as presented, and the MOTION carried without negative vote.

Ad Hoc Committee – Trustee Prudden
Approve New Pier Relocation to North

Prudden stated Austin Pier Service, the contracted company that is building and installing the new pier, has recommended the pier be placed 15 feet north of the current proposed location to provide more clearance from the adjacent village pier that is leased by Gage Marine. Whowell said Kevin Kirkland who leases the Village's lakefront marine building and uses two of the village's slips, also supports moving the pier.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the relocation of the new village pier 15 feet north of the previously approved location, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Pioneer Park Bathroom – Approve Architect Proposal

Park Commission members have proposed replacing the Porta-Potty with a permanent bathroom in Pioneer Park across from the Village boat launch. Whowell stated he has talked to several local developers about donating construction materials and labor. Aspect Design, Inc., submitted a quote for \$1,200 to prepare the preliminary design drawings and construction documents that are required for a public building and based off other structures found in Fontana. Also distributed were three different design proposals from Aspect Design, Inc. Whowell asked the Trustees to let him know which of the three designs they preferred and most agreed on "Option B." The \$1,200 proposal fee is broken down into three phases. The first phase is listed at \$200 and is for, "design feasibility study, zoning ordinance review, building code analysis and site visit." Pappas asked if that portion of the proposal is something Ron Nyman could do. He also asked whether the building would run east/west or north/south. Majority of the Trustees felt the entrance should face the lake. Prudden requested having two toilets instead of just one, which he said, with the plumbing and electrical already being connected to the location, should not be difficult. Whowell thought he could possibly get the construction of the bathroom donated, but if not, Pappas thought it could be included in the budget for 2016 and the Lakefront and Harbor Committee could assist with funding the project.

Trustee Petersen/Trustee Spadoni 2nd made a MOTION to approve \$1,200 for Aspect Design, Inc., to complete an initial proposal for construction of bathrooms in Pioneer Park, and the MOTION carried without negative vote.

Approve Tile Flooring Purchase to Replace Carpeting at Park House

The Park Commission would like to use donated funds to replace the carpeting in the Park House with tile flooring. There are some leftover tiles from the 2007 project which will be used, and the remaining tiles will be purchased for an estimated cost of \$1,000 – \$2,500. Park Commission members will work with DPW to coordinate the installation and design of the new flooring.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve purchasing tile for the Park House floor in an amount not to exceed \$2,500, and the MOTION carried without negative vote.

Big Foot Lions Club Permit Application for Food Tent in Reid Park, September 19, 2015

Trustee Whowell/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application as presented for the Big Foot Lions Club to operate a Food Tent in Reid Park from 9:00 am to 5:00 pm on Saturday, September 19, 2015, and the MOTION carried without negative vote.

Park Permit Application Filed by MPC for Duck Pond Pavilion and Recreation Area with Beer/Wine Permit, Saturday, June 18, 2016

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the Park Permit application filed by MPC for a Company Picnic at the Duck Pond Recreation Area and Pavilion with Beer/Wine Permit on Saturday, June 18, 2016. The MOTION carried without negative vote.

Public Works Committee – Trustee McGreevy

Church and Van Slyke Drives Reconstruction Contract Payment Recommendation No. 6

The Village received a pay request totaling \$10,216.42 for the work done on Church and Van Slyke

Drive. The pay request was reviewed by village engineers and staff and is recommended for approval. Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve pay request No. 6 submitted by Payne & Dolan, Inc., for the amount of \$10,216.42 for the reconstruction of Church and Van Slyke Drives, and the MOTION carried without negative vote.

South Lakeshore Drive and Upper Brookwood Water Main Contract Payment Recommendation No. 3

The Village received a pay request totaling \$263,725.02 for the work done on the water main on South Lakeshore Drive and Upper Brookwood. The pay request was reviewed by village engineers and staff and is recommended for approval.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve pay request No. 3 submitted by the Wanasek Corp., in the amount of \$263,725.02 for the Lake Geneva Yacht Club water main & and Upper Brookwood water main project, and the MOTION carried without negative vote.

Recommendation of Award – South Lakeshore Drive Force Main Relay Project

The only bidder for the South Lakeshore Drive Force Main Relay Project was RJ Underground, Inc. Martin stated that Ruckert-Mielke reviewed the \$316,230 bid and recommended approval. The Village Board previously approved and secured a \$180,000 bond to fund the sanitary sewer project; however, after the bond approval, staff and the village engineers recommended adding to the force main project bid plans the proposal to bury the other utility lines at the lakefront. The bid for the sanitary sewer portion of the project came in at just over the estimated budget at \$186,623; and the additional work for adding a conduit for burying the electrical and cable lines came in at \$129,606. Martin stated only \$180,000 was added to the total bond proceeds, and the additional \$6,623 for the sanitary sewer line, and the \$129,606 for the proposed burial of the electrical and cable lines will have to be added to the short-term loan the Village will be seeking from Walworth State Bank. The short-term loan will be pursued to fund the bridge reconstruction project expenses that will exceed the \$1.5 million SIB Loan and the \$180,000 bond that already have been secured for the projects.

Trustee Spadoni/Trustee McGreevy made a MOTION to approve the bid submitted by RJ Underground, Inc., Kenosha, for an amount not to exceed \$316,230, and the MOTION carried without negative vote.

Abbey Ridges/Abbey Villas Street Addresses Request Plan

Due to concerns and confusion with the Abbey Ridges and Abbey Villas Condominium addresses, which are currently Fontana Boulevard addresses, the Public Works Committee recommended dedicating and renaming the minimum required distance of the entrance driveway off Highway 67 to East Dewey Avenue. The renaming of the street is intended to make navigation easier and less confusing for property owners and visitors. The associations can erect directional signs as desired and a directional sign/map with the former driveway names and unit numbers could also be erected to help visitors navigate the roads.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to direct staff to work with the Abbey Ridge Condominium Association and Abbey Villas Condominium Association to have the minimum required distance of the access driveway located off Highway 67 dedicated as a public street and to name it East Dewey Avenue, and to direct the village attorney to commence with the required approval process, and the MOTION carried without negative vote.

Portable Lift Truck Purchase Approval

DPW Manager Brett McCollum has requested to use the \$25,000 that was allocated in this year's budget for a bucket truck, to purchase a 4-wheel-drive portable boom lift. The boom lift can accommodate up to an 8-foot wide basket that can hold two to three crew workers and can be used for all the same tasks as a bucket truck such as mounting street flags and banners. The cost for used boom lifts with baskets ranges from \$13,000 to \$20,000. The current specked lift is priced at \$19,500 but McCollum believes he can get the price down to \$16,000.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the purchase of a portable lift truck for an amount not to exceed \$19,500 and the MOTION carried without negative vote.

Plan Commission/Joint ETZ Committee – Trustee Spadoni

Resolution Approving Conditional Use Permit Amendment Application Filed by Willow

Bend Marine, for Additional Storage Building at W6175 Willow Bend Road, Walworth Township

The Plan Commission held a joint public hearing with the Town of Walworth ETZ Committee members on a CUP amendment application filed by Willow Bend Marine. The application is for an additional storage building to store boats and RV's. The Plan Commission unanimously voted in favor to recommend approval of the amended application to the Village Board and support construction of a new storage unit.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 080315-01, amending/eliminating prior conditional use conditions, which authorizes the Conditional Use Permit amendment application as filed by Willow Bend Marine for an additional storage building at Willow Bend Marine, Inc., W6175 Willow Bend Road, Walworth Township, WI in the A-4 ETZ Zoning District. The MOTION carried without negative vote.

Request to Review Regulations and Penalties for Short-Term Residential Rental Violations

Several residents have noted concerns about short-term home rentals, which is not permitted in the majority of the Fontana zoning districts and only in the Abbey Resort District, Abbey Springs Planned Development and the Fontana Village Inn. The only types of rentals allowed, with the proper permits, are for a period longer than 30 days. McGreevy stated he has witnessed improper behavior by individuals illegally renting a house in his neighborhood. Thorpe recommended prosecuting the most notorious cases and publicizing them as an example to all home owners that rent out their home. Nyman said the Building & Zoning Department can enforce the ordinances prohibiting short-term rentals, but only if they are made aware of the situation. He encouraged any concerns be brought forward to his office for further review.

Closed Session

Trustee McGreevy/Trustee Whowell 2nd made a MOTION at 6:38 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(e), "deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require," specifically WPPA Union Contract, 138 Fontana Blvd. Residential Lease Proposal, and Big Foot Country Club Storm Water Agreement Amendment; and Chapter 19.85 (1)(c), "considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," specifically Building and Zoning Assistant Position and the Roll Call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Spadoni – Aye

The MOTION carried on a 7-0 vote.

Adjournment Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a motion at 6:52 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

Big Foot Country Club Storm Water Agreement Amendment

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Second Amendment to Storm Water Improvement and Maintenance Agreement between the Village and Big Foot Country Club as presented, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee Petersen 2nd made a MOTION at 6:53 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: 09/01/15