

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, September 12, 2011

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 6:01 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Tom McGreevy, Pat Kenny, Cindy Wilson, Bill Gage, George Spadoni, President Arvid Petersen

Trustee absent: Peg Pollitt

Also Present: Bob Allen, Bill Buss, Administrator/Treasurer Kelly Hayden, Jim Howe, Britt Isham, Rob Ireland, Bruce Jensen, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Wes Milner, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Village Attorney Dale Thorpe, Amanda Voss, Jill Wegner, Tom Whowell, Director of Public Works Craig Workman

Visitors Heard

Bruce Jensen stated that the old lakefront documents he obtained from the Wisconsin Historical Society and subsequently presented to Attorney Hank Gempeler for his lakefront legal review were recently returned to him. Jensen stated that he made copies of the documents and he presented them for distribution to the Village Board members, including the three members of the Lake Street Platting Ad Hoc Committee established at last month's meeting. Bill Buss stated that he is a property owner of a cottage in the Harvard Club and he requested that the Village Board consider making an amendment to the Village noise ordinance to prohibit early morning trash collection and other noisy maintenance operations that are conducted daily throughout the season at the Abbey Springs Planned Development. Buss stated that very noisy trash collection vehicles are at the Abbey Springs, which abuts his property, every day as early as 5:30 AM. Buss stated that Abbey Springs employees operate very loud leaf blowers every single morning, seven days a week ranging in starting times from 5:45 AM to 7:15 AM. Buss stated that noisy Bobcat vehicles are used every morning to spread sand on the Abbey Springs lakefront beach beginning at 7:15 AM, which he stated was moved back earlier this season from 5:15 AM, but is still very early in the morning. Buss stated that he had examples of zoning ordinances from other municipalities that have provisions to address the early morning and leaf blower operations. President Petersen stated that the request and the zoning ordinance examples will be referred to the Protection Committee for a recommendation.

Announcements

1. Fontana/Walworth Water Pollution Control Commission Meeting – **Tuesday, September 13, 2011, 7:30 pm**
2. Plan Commission Staff Meeting – **Wednesday, September 14, 2011, 1:00 pm**
3. Evening Book Club at Public Library – **Thursday, September 15, 2011, 5:30 pm**
4. Finance Committee Budget Meetings – **Thursdays, September 15, 22 & 29, 2011, 6:00 pm**
5. Trout Unlimited/DNR Work Day in Van Slyke Creek – **Saturday, September 17, 2011**
6. Protection Committee Meeting – **Monday, September 19, 2011, 5:45 pm**
7. Park Commission Meeting – **Wednesday, September 21, 2011, 6:00 pm**
8. Fontana Municipal Court Date – **Thursday, September 22, 2011, 5:00 pm**
9. ACBS International Annual Meeting and Boat Show – **Friday through Sunday, September 23 to 25, 2011**
10. Plan Commission Monthly Meeting – **Monday, September 26, 2011, 5:30 pm**
11. Library Board Meeting – **Wednesday, September 28, 2011, 10:00 am**
12. Lakefront and Harbor Committee Meeting – **Wednesday, September 28, 2011, 4:30 pm**
13. Read & Romp Program at Public Library – **Thursday, September 29, 2011, 10:00 am**
14. 2011 Board of Review – **Thursday, September 29, 2011, 2:00 to 4:00 pm**
15. Village Board Monthly Meeting – **Monday, October 3, 2011, 6:00 pm**

Approval of Minutes

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meeting held August 1, 2011, and the MOTION carried without negative vote.

Village Treasurer's Report, Cash Flow Statement, Vendor Report, & Payroll Overtime Report
Trustee Spadoni/Trustee Kenny 2nd made a MOTION to acknowledge the receipt of the August 2011 treasurer's report and the current Cash Flow Statement, Vendor Report and Payroll Overtime Report and to place them on file for the audit. 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 payables as distributed, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden

Operator's License Applications Filed by Kyle T. Koch and Kelsey Cole (The Abbey Resort)
Chief Olson reported that there were concerns noted with both applications during the required background checks.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to deny the Operator's License applications filed by Kyle T. Koch and Kelsey Cole, and the MOTION carried without negative vote.

Proposal for Resolution to Authorize Deer Bow Hunting on Certain Village Properties

At last month's meeting, Britt Isham requested that the Village Board reinstitute the annual CWD deer hunt in the Village, with only bow hunting for the first three and last three hours of the DNR's hunting day, and with no weekend hunting allowed. Jill Wegner and Wes Milner, Fontana Avenue home owners, also submitted to the village three newspaper articles that address the urban problems created by large deer populations and methods to cull the herds. The DNR informed Isham and Village staff this past month that the CWD eradication hunt program is no longer in existence; however, the Village could authorize deer hunting within the Village limits to cull the local herd if desired. Hayden stated that the initial CWD hunt that was last approved in 2006 required that all the hunting zones be comprised of parcels with a minimum size of 5 total acres. Isham stated that the hunting areas on John Porter's property and John Stafford's property mirror some of the previously approved parcels in that area of the Village that were in the previous CWD hunt resolutions. Two lots owned by the Village off County Highway B that abut the "Back 40" property were also added to the resolution. The only parcel on the resolution that the Village has not received indication from the owners or subdivision association as to whether it wants to be included in the hunt resolution is the Belvidere Park garage land. Larry Pierce, one of the Belvidere Park Association officers, informed the village clerk that he would contact the Village as soon as the board meets and has a chance to vote on the proposal. Workman stated that the new DPW crew member, Matthew Pruessing, should be added to the list of Hunting Agents for the Village parcels.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 091211-01 authorizing specific Village property owners to participate in the 2011 deer bow hunting season through January 12, 2012, as presented, with Matt Pruessing added as a hunting agent for the Village of Fontana parcels, and with the Belvidere Park Association parcel included only if it is approved by the Belvidere Park Association Board of Directors. The MOTION carried without negative vote.

Authorization to Sell Old Parking Meters

Hayden stated that the Village Board has to authorize the sale of any village owned property. There are about 300 old parking meters in storage that are no longer needed because of the new parking pay stations.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to authorize Village staff to sell the old parking meters, and the MOTION carried without negative vote.

Lake Street Platting Ad Hoc Committee Update

Martin stated that although the Village Board voted at its last monthly meeting to appoint Trustees Kenny, Gage and Wilson to an Ad Hoc Committee charged with meeting with the Lake Street business owners to negotiate an official plat, a chairman was not appointed. Martin stated that Village staff has been working with Trustee Kenny to get an initial meeting scheduled, and Wilson and Gage indicated that they have no concerns with Kenny acting as the Ad Hoc Committee chairman. Kenny stated that there will be an initial meeting scheduled as soon as possible now that the busy summer

season has ended.

Lake Street Closure Proposal for September 17 and 24, 2011

Hayden stated that the Village Municipal Code allows for the closing Lake Street on weekend days and holidays through Labor Day; however, there are large events planned for Saturdays, September 17 and 24, 2011 and staff would like to be authorized to have Lake Street closed if deemed necessary. The annual Fat Tire Tour goes through the Fontana lakefront on Saturday, September 17, 2011 and the ACBS Boat Show will be underway on Saturday, September 24, 2011.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to authorize Administrator/Treasurer Kelly Hayden or Police Chief Steve Olson to have Lake Street closed to traffic on Saturdays, September 17 and 24, 2011 if deemed necessary. The MOTION carried without negative vote.

Bill Turner Beach House Dedication Event Rescheduled to September 19, 2011, 5:00 to 7:00 pm at Gordy's Boathouse

Since the initial dedication event was cancelled due to rain, Tom Whowell offered to host a reception at Gordy's Boathouse to recognize Bill Turner for his many years of service to the Village. As well as serving as a Village trustee, president and CDA chairman, Whowell stated that Turner was instrumental in the purchasing the land that comprises the Fontana Fen and preventing a large-scale convention center development that would have filled in the natural area. Whowell encouraged the trustees and committee members to come out and recognize Turner for his service.

ACBS Antique Boat Show Items and Extra Staffing

Hayden stated that during the event extra police officers are being brought in from the Walworth County Sheriff's Department to assist with traffic and crowd control duties. Hayden stated that the event organizers are still seeking open mooring spaces to move boats out of the Abbey Harbor and open slips spaces for antique boat show participants. Hayden stated that the event organizers also would like authorization to use the village launch ramp if necessary and if it is not too busy. Hayden stated that the Williams Bay launch will be closed next week for a construction project and the Williams Bay officials have asked if the Village of Fontana would allow people with season passes to use the Village of Fontana launch. Hayden stated that the Village of Williams Bay has made similar accommodations in the past for Village of Fontana season pass holders, when the beach or launch had to be closed. Hayden stated that the Village of Fontana may need to add a couple more people to the launch staff on the weekend to handle the potential increased volume. Gage stated that he also offered to the Village of Williams Bay season pass holders the use of the launch at Gage Marine during the construction project. Spadoni stated that the Village should do everything it can to help support the ACBS international event and to showcase the Village of Fontana for the world.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the use of the village boat launch for registered participants in the ACBS Boat Show, if necessary, and to authorize Williams Bay boat launch season pass holders to launch free at the Village of Fontana launch during the period when the Williams Bay launch is closed for a construction project. The MOTION carried without negative vote.

Single Audit Report Approval – Compliance with FW/WPCC Federal Grant

Hayden stated that this is the last year the Single Audit Report will be required to be in compliance with the terms of the federal grant the Village of Fontana received for the wastewater treatment facility plant improvement project. Hayden stated that the audit is complete and on file for review.

Civil Service Protection Ordinance

Hayden stated that a new ordinance is required to be adopted because of recent legislation; however, she has not been able to track down any information or a model ordinance.

Open Book and Board of Review Report

Hayden stated that Open Book was held the previous Wednesday, Thursday and Saturday and it was kind of quiet considering the market revaluation that was completed this year. Hayden stated that there was an average decrease in the assessment of village property of 3.5 percent, but there was a lot of variation between areas of the Village. There has been one Notice of Intent to File Objection filed to date for the Board of Review Hearings scheduled for Thursday, September 29, 2011.

Protection Committee – Trustee Pollitt

Ordinance Amendment to Establish No Parking Zone on Shabbona Drive

Chief Olson stated that the Protection Committee reviewed the recommendation to prohibit parking on both sides of Shabbona Drive from South Lakeshore Drive to the first residential driveway, and recommended approval. Wilson asked why the proposal was for no parking only to the first driveway. Petersen stated that the thought was to prevent people from parking on Shabbona Drive near the lakefront to avoid having to park in the Village's lakefront lots or the Country Club Estates lot; however, the residents on Shabbona Drive would still need to park some vehicles on the road in front of their homes from time to time.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 091211-01 as presented, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee McGreevy

Ordinance Amendment to Section 54-87(f) Establishing Permanent Record of Existing Mooring Inventory – Tabled July 6, 2011 & August 1, 2011

McGreevy stated that the ordinance amendment was tabled last month to further review Attorney Thorpe's recommended draft, instead of the draft with the committee's recommended language. Thorpe's recommendation is to simply state, "For purposes of considering permit applications pursuant to Chapter 54 of the Municipal Code, the Village shall maintain in the records of the Village Clerk an inventory of existing moorings within the Village, which said inventory shall be considered and approved by the Harbor and Lakeshore Committee from time to time. The Harbor and Lakeshore Committee criteria and mooring exchange formula as utilized by said Committee shall be placed on file with the Village Clerk." Gage asked if the ordinance needed to be further amended so that that the mooring exchange criteria adheres with the DNR's regulations for placement of moorings. Thorpe suggested that a subsequent amendment be presented to the committee for a recommendation that states the committee cannot approve anything contrary to the DNR's regulations. Thorpe stated that he will draft the language and forward it to the committee for review.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 091211-02 as drafted by Attorney Thorpe, and the MOTION carried without negative vote.

Public Works – Trustee Gage

Pottawatomie Drive Reconstruction Contract Pay Request No. 5

Workman stated that the \$18,380 pay request was reviewed by the Village engineer and approval is recommended. Workman stated that there will be one more pay request to close out the contract.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the \$18,380 pay request submitted by the Wanasek Corporation for the Pottawatomie Drive Reconstruction contract as recommended, and the MOTION carried without negative vote.

Authorization for DPW Crew Members to Work at Trout Unlimited/DNR September 17, 2011 Van Slyke Creek Work Day

Workman stated that the previously approved work day in Van Slyke Creek on Saturday morning, September 17, 2011 is being coordinated by the local chapter of Trout Unlimited and the Wisconsin DNR as part of a trout habitat improvement project that commenced in 2007. Workman stated that two of the DPW employees have offered to work overtime that morning to help with the project.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to authorize up to 10 total hours of overtime for the DPW employees to provide assistance at the September 17, 2011 Van Slyke Creek work day, and the MOTION carried without negative vote.

Village Infrastructure Planning Project Update

Workman stated that he has completed the Paser rating portion of the project and has had a few meetings with Ruckert-Mielke engineer Terry Tavera. Workman stated that the project will be completed in time for the 2012 budget planning.

Plan Commission – President Petersen

Update on Chapters 17 & 18 Rewriting Project

A progress report from Village Planner Mike Slavney was distributed as well as report from Assistant

Zoning Administrator Bridget McCarthy, who conducted a survey of local business owners. Thorpe provided an update on the meetings with the Abbey Resort representatives with regard to the proposed Resort Business zoning district. The next joint workshop meeting is scheduled for Monday, September 26, 2011 at 6:00 pm. Hayden encouraged the officials to read the survey report written by McCarthy and to review the responses and concerns noted by the business owners. Hayden stated that McCarthy's report also seeks direction on issues raised by the business owners. McCarthy stated that if desired, the Village officials could take a proactive approach to address some of the comments she received prior to the adoption of the rewritten Chapters 17 and 18. McCarthy stated that it was her pleasure to meet with so many talented and creative business owners and she is excited about the many possibilities of change that could help the local businesses thrive. McCarthy's report concludes with 11 suggestions provided by the business owners, and potential ideas to implement programs that address those suggestions.

CDA – President Petersen

Lease Extension for 138 Fontana Boulevard

Petersen stated that the CDA Board recommended approval of a one-year extension of the current lease with Patricia Doherty and Myles Hughes for the residential unit at 138 Fontana Boulevard. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve a one-year extension on the residential lease with Patricia Doherty and Myles Hughes for the upper residential unit at 138 Fontana Boulevard, as recommended, and the MOTION carried without negative vote.

President Petersen announced that the Village had just received notification that Park Commissioner Daniel Green was killed earlier in the day in an accident while working in Elmhurst, IL.

Adjournment

Trustee Spadoni/President Petersen 2nd made a MOTION to adjourn the Village Board meeting at 6:46 pm because of the tragic news of Daniel Green's death, and to reconvene on Wednesday, September 14, 2011, at 6:00 pm. The MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, 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: 10/3/2011