

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, February 1, 2021

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:00 pm.

Trustees Present by Phone: Roll call vote: President Kenny, Trustee Pappas (5:06 pm), Trustee Prudden, Trustee O'Neill, Trustee Livingston, Trustee McGreevy, Trustee Petersen

Also Present by Phone: Steve Bagniuk, MaryAnne Bruss, Walter Burkhalter, Rodney Carter, Jeff Cates, Kevin Day, Maria DeCaprio, Cindy Fabbri, Laura Gerstner, Denise Gibson, Christina Green, Julie Harper, Tom Hausner, William Hughes, Janel Huston, Kevin Kirkland, Allen Landau, Sarah Lobdell, Mary Logan, Theresa Loomer, Tom Middleton, Carolyn Musselman, Andy Pearce, Jim Privoznik, Mike Rizzo, Nat Rosaco, Trisha Rosasco, Elaine Roupas, Lee Roupas, Bonnie Schaeffer, Darryl Schatz, Mike Slavney, Stephanie Smith, Ryan Southwick, John Strong, Dale Thorpe, Scott Vilona, Malvina Weiss, Cindy Wilson, Chiara Wrocinski

Visitors Heard

Jim Privoznik, Villa Unit 31C, stated he is against the proposed structure. The area is far too small relative to the building. The wood bridge that separates the Villas from the resort is right around the corner and many kids are walking or riding bikes, which creates a huge safety concern. Privoznik questioned the proximity to the creek, which was a concern raised at the Plan Commission meeting and the blueprint does not show the exact measurement, however he believes by his own measurements it is approximately fifty-feet. The design and theme of the building is nothing close to what exists in Fontana. Ryan Southwick, owner of Lakes Property Management, which manages six associations in Fontana stated he would ask the Board to deny based on location, proximity to creek, aesthetics, noise, and concerns with density. Rod Carter, an attorney with Husch Blackwell and council for Abbey Villas Condo Association stated he would urge the Village Board to look closely at the pending application. Carter attended the Plan Commission meeting last week and feels the proposal went fast, was predetermined and was not given careful consideration. Some concerns with the proposed project are density, design, and location. At the time of the Plan Commission meeting last week there were forty-one letters of opposition. One resident spoke in favor of the project and six residents spoke against the project. It was determined after the fact that the one who spoke in favor of the project has ownership in the Abbey Resort. Carter stated a larger concern that was brought forward was there is a Plan Commission member and Trustee that has ownership interest in the Abbey Resort, which is a conflict of interest. Carter stated in his closing comments he would ask the Village Board to carefully review and deny both applications. Maria DeCaprio, owner of Villa Unit 36F, stated she would like to state her objections which were expressed at the Plan Commission meeting. DeCaprio has concerns with the narrow two-lane road, the density and unsuitable location. DeCaprio suggested a proposed solution could be to purchase the Fontana Village Inn and convert it to employee housing. If the proposed project is approved everyone is going to have to employ the negative consequences. Mike Rizzo, owner of Villa Unit 12D, stated he agrees with all comments that have been made. Rizzo felt as though seasonal residents did not receive proper notification and an even larger concern is the Village Trustee who has a vested interest. If the Village does approve the request, he stated they are heading down a slippery slope. Lee Roupas, owner of Villa Unit 37C, stated he is speaking in opposition to the inappropriate location, safety concerns, and feels this is a recipe for disaster. Roupas referenced the concerns with the creek that were raised at the Plan Commission meeting as well as other concerns that were not addressed. Nat Rosasco, owner of Villa Unit 31C, stated he is opposed to the proposed application and agrees with all concerns that have been mentioned. Rosasco expressed safety concerns with seasonal workers. Trisha Rosasco, owner of Villa Unit 31C, stated her family choose Abbey Villas because of the limited number of residents and by allowing seasonal workers to live on site this will increase as well as pose additional safety and traffic concerns. Julie Harper, owner of Villa Unit 33B, stated she agrees with all comments mentioned already. Harper explained she is extremely concerned with the safety, tight space, and the appearance of the building. Steve Bagniuk, owner of Villa Unit 20G, stated he is in

agreement of all concerns that have been raised. Bagniak mentioned the current parking situation at the Abbey and how they do not take license plate information which causes an even bigger security issue. Allen Landau, 19 Abbey Villa Circle, stated he agrees with all concerns that have been mentioned and is against the project. Landau had concerns regarding the application originally submitted by the Abbey Resort which stated housing for seasonal workers and then at the Plan Commission meeting it was stated the building would be occupied all-year by employees. William Hughes, 605 Abbey Ridge Court, stated the proposed transient housing is going to be located too close to residential property. This proposed project will pose a safety concern for residents as it is located right in the middle of residential properties. Denise Gibson, owner of Villa Units 12A and 12B as well as a marina slip owner, stated she is opposed to the project and would like to express concerns regarding congestion and pedestrian safety with the lack of visibility by the proposed building. Gibson stated she was astounded by the conflict of interest as well as the questions that could not be answered by the Plan Commission. Gibson stated she found it highly alarming that an individual would speak on behalf of all Abbey Harbor Marina owners with no consent to do so during the public hearing. Tom Middleton, owner of Villa Units 33C and 33E, stated he would like to echo the concerns mentioned and urge the Village Board to deny the request. Middleton believes the employee housing building is completely unnecessary and the location really needs to be reconsidered. Janel Huston, owner of Villa Unit 12G, would like to thank the Village Board for a chance to speak. Huston stated she is respectfully opposed to the project. Based on the square footage of the project, people would be living on top of one another which is a recipe for disaster. The location chosen is not large enough and has streams in front of and back of it and is inappropriate from every standpoint. Huston stated at last week's Plan Commission meeting it was mentioned that many resorts have employee housing, however the difference is they do not share a residential community. Huston questioned the transparency of this project and the notice given to residents of the community as it would impact the entire community. Chiara Wrocinski, owner of Villa Unit 36B, stated safety is her primary concern especially for the children that don't have the freedom in the city. Wrocinski stated that her and her husband are proud to be a part of the Abbey and enjoy putting family and friends up in the resort as well as using the spa amenities. In the same token, she stated if all the concerns raised are ignored it will make it difficult to spend her hard-earned money at the resort. Wrocinski commented on the fact that the Abbey Resort is a for-profit business and needs to do what is best for business, but also puts a bad taste in the mouth of all who have supported them. Mary Logan, owner of Villa Unit 19C, stated she would like to voice her opposition and echo all concerns mentioned. Logan expressed concern of safety and security and stated the Abbey is a four-star resort and would expect comparable users. Logan commented on the fact that many times when resorts have on-site employee housing it is when they are in a remote settings such as a ski resort, and with the abundance of rental properties in the Walworth area, a different location can be chosen. Elaine Roupas, 7 Abbey Villa Circle, stated she would like to thank the Village Board for allowing her to express her strong opposition to the proposed employee housing building. Roupas wanted to thank all the individuals who expressed their opposition as well as the forty-one who wrote letters. Roupas stated she hopes the Village Board considers the strong opposition tonight. Darryl Schatz, owner of Villa Unit 19B, stated he agrees with all that was said tonight and believes with a project of this significance all aspects need to be looked at. Schatz agrees the location is the worst possible spot and finds it hard to believe they are going to use the garage to store landscape materials in. The resort is a great place to go and Schatz hopes more diligence will be used in the process about what should and should not be done. Cindy Fabbri, 501 Abbey Ridge Court, stated she is strongly opposed, and her unit is the first unit by the bridge and many nonresidents tend to fish off the bridge and come onto her property and she has concerns with that increasing greatly. Fabbri stated she values her property for its quiet and peacefulness.

General Business

Approval of Minutes

The minutes for the meeting held on January 4, 2021, were distributed to board members via email. Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the minutes from January 4, 2021, meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the Treasurer's Report, Vendor Report and Payroll Overtime Report as distributed for December, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, along with the additional payables submitted earlier in the day, and the MOTION carried without negative vote.

General Business – President Kenny

DNR Request to perform erosion control work on VanSlyke Creek in Hildebrand Property

Loomer stated the DNR had contacted her about performing erosion control work on VanSlyke Creek in the Hildebrand area with noninvasive techniques. The DNR would take care of the permitting and doing the work as long the Village agrees.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the DNR request to perform erosion control work in the Hildebrand, as submitted, and the MOTION carried without negative vote.

GLLEA Appointment and Stipend for Secretary/Treasurer Position

Secretary/Treasurer Peg Pollitt has announced she is resigning from the position at GLLEA. Since the agency will be moving to Fontana Commander Hausner asked if anyone from the Village staff is interested in the position. Loomer stated Deputy Clerk/Treasurer Stephanie Smith volunteered for the position and recommends a \$1,500 annual stipend for the additional work.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the appointment of Stephanie Smith for Secretary/Treasurer of GLLEA and an annual stipend of \$1500, and the MOTION carried without negative vote.

GLLEA request for Furnace and Air Conditioner Improvements

President Kenny stated the bid is for furnace and air conditioner improvements in the section of the building that GLLEA will be taking over. The bid is in the amount of \$12,500. Loomer stated the Board can request that the Village obtain three quotes or place a do not exceed limit. Attorney Thorpe suggested that this be subject to entering into a sublease agreement.

GLLEA Sublease Agreement

Attorney Thorpe explained he has been in contact with Tom Hausner and Kevin Kirkland and explained what he would expect to see regarding a sublease as far as floor plan, protective language, utility connections and signage. Thorpe stated progress is being made on the sublease agreement, but it is not quite ready yet. Thorpe would recommend the Village Board have specific drawings to review prior to any building changes being made. Trustee McGreevy questioned if it would make more sense for the Village to do their own lease instead of a sublease. Attorney Thorpe stated that had been considered, however all the same issues still need to be resolved. President Kenny stated the Village Board is willing to do what is needed to help move things along. Attorney Thorpe is going to follow up with Kirkland and Hausner.

Operator License Application for Madison T. Nourigat (Little Bar)

Background checks are clear and \$60 fees have been paid.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the operator license application filed for Madison T. Nourigat (Little Bar), and the MOTION carried without negative vote.

Revisit Village Hall Office Hours

Loomer stated Village Hall is now open for in-office absentee voting for the next two weeks from 8am – 4pm. After the election Loomer would recommend mirroring the Library hours of 10am – 2pm and revisit at the March meeting.

Plan Commission – Trustee Petersen

Ordinance Amending Zoning Code Section 18-56(r) regarding Resort Hotel

Attorney Dale Thorpe summarized the events that took place following the Plan Commission meeting on Monday, January 25, 2021. The Plan Commission recommended Village Board approval of the text amendment to zoning code section 18-56(r) and the Conditional Use Permit Application filed conditional to verification of shore yard setbacks. On Tuesday, January 26, 2021 Attorney Thorpe contacted the Abbey Resort’s attorney to provide a reminder of verification of the shore yard setbacks. On Thursday, January 28, 2021, Attorney Thorpe was provided a revised plan which showed the shore yard setbacks and required some clarification, which resulted in a new revised plan with changes filed on Friday, January 29, 2021. Attorney Thorpe noted that some of the changes that were made were a reduction in the size of the buildings and reduction in the number of units. Attorney Thorpe stated he asked Attorney Green to formally amend the application in writing and that was delivered to the Village Hall on the afternoon of Friday January 29, 2021. The amended application addresses the questions regarding setbacks and offers a smaller building within the same footprint. Thorpe stated there are a few different ways to move forward; the Village Board can move forward with the conditional use permit and treat as a reduction in scope or table and send back to Plan Commission to review and allow the public and staff time to review. An additional issue that was pointed out by staff since the Plan Commission meeting is that the CDA has some rights of review the architecture. Although in the past, the Village Board has made approvals subject to the review of the CDA. Attorney Thorpe stated in talking with President Kenny it would make sense to table both items regarding the Abbey Resort housing and send back to Plan Commission for review, which will slow the process down and allow the public additional time to review as well.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to table the Ordinance amending zoning code section 18-56(r) regarding Resort Hotel and send back to Plan Commission and CDA for review, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Michael Lucero on behalf of Abbey Resort Condominium Association for an employee housing building at 269 Fontana Boulevard

Trustee Livingston/Trustee Petersen 2nd made a MOTION to table the Conditional Use Permit application filed by Michael Lucero on behalf of Abbey Resort Condominium Association for an employee housing building at 269 Fontana Boulevard and send back to Plan Commission and CDA to allow time to review, and the MOTION carried without negative vote.

Ordinance Amending Zoning Code Section 18-84(7) regarding Accessory Structure Setback Intrusions

Attorney Thorpe explained this amendment was suggested by staff after discussions on what housing features could intrude. The added definitions of structures and height will make regulating much easier.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Ordinance 020121-01 regarding Accessory Structure Setback Intrusions, and the MOTION carried without negative vote.

Conceptual Presentation for Townhomes at 132 and 144 W. Main Street

Attorney Christina Green was representing her client CALC Holdings LLC. Green states the proposed properties are located at 132 and 144 W. Main Street and there are pictures and zoning maps included in the packet. This property is currently zoned SR-4 and has two existing separate dwelling units on the property. Green explained her client is looking to tear down the existing buildings and construct a six-unit townhome development. This property is adjacent to the townhomes that were just completed by her client on W. Main Street. Attorney Green stated her client is requesting a public hearing for a comprehensive plan amendment to allow a change in use from single residential to multi-family residential. If the Village Board agrees to move forward with a public hearing, the applicant would then apply for a rezone request and come forward with stormwater management plans as well as architectural designs. Attorney Thorpe stated the Board is not being asked to approve this project tonight, the Village Board would only be initiating the process of a comprehensive plan amendment. The process being followed are the steps that are required to amend a comprehensive plan, which this is the first time the Village has had a client request an amendment. The first

step in the process is to authorize a public hearing on the proposed zoning change. Village Planner Mike Slavney stated that Wisconsin Statutes require a zoning map to be consistent with the comprehensive plan. Slavney explained that prior to considering a zoning map amendment or planned development application the process requires the Village to hold a public hearing on whether or not to amend the comprehensive plan from single family to multi-family residential.

Resolution Initiating Comprehensive Plan Amendment Process for 132 and 144 W. Main Street
Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve Resolution 020121-01, Initiating Comprehensive Plan Amendment Process for 132 and 144 W. Main Street, and the MOTION was as follows:

Trustee Livingston – Aye

Trustee Petersen – Nay

President Kenny – Nay

Trustee Pappas – Nay

Trustee Prudden – Aye

Trustee McGreevy – Nay

The MOTION failed on a 4-2 vote.

Consider action—waiving unnecessary procedural requirements for a CSM that crosses a subdivision boundary per Wis Stats Section 236.34(dm)

Attorney Thorpe stated that Attorney Green, on behalf of the Weiss's, has filed a CSM that crosses the exterior boundaries of a subdivision and the exterior boundaries of an old assessor's plat. The CSM is taking two lots and turning them into two slightly bigger lots. Thorpe stated the process used to be far more cumbersome than it is currently. The most recent changes in state statutes still require the Village to treat as a full-blown subdivision plat. Attorney Thorpe has talked to the State and researched and would suggest since no new lots are being created the Board consider waiving any requirements for a final plat that go beyond what is required for a CSM application to help alleviate unnecessary paperwork.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve waiving unnecessary procedural requirements for a CSM that crosses subdivision boundaries, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application and Temporary Liquor License Filed by Big Foot Lions Club for Lobster Boil and Steak Fry on Saturday, July 31, 2021 for Reid Park

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the application filed by Big Foot Lions Club Lobster Boil and Steak Fry for Reid Park Gazebo and Reid Park Pavilion on Saturday, July 31, 2021, and the MOTION carried without negative vote and President Kenny abstain.

Park Permit Application Filed by Immanuel United Church of Christ for Fat Tire Race on Saturday, September 11, 2021 For Reid Park

Trustee Petersen questioned what the tent is used for. Andy Pearce from Immanuel United Church of Christ stated the event would be the same as previous years. A tent is set up to serve sandwiches and they only use a small portion of the park.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the application filed by Immanuel United Church of Christ for the Fat Tire Race to set up of a tent and concession area in the Reid Park Pavilion on Saturday, September 11, 2021, and the MOTION carried without negative.

Park Permit Application and Temporary Liquor License Filed by Big Foot Lions Club for Triathlon on Saturday, September 18, 2021 for Reid Park

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the application filed by Big Foot Lions Club/Triathlon for Reid Park Pavilion on Saturday, September 18, 2021, and the MOTION carried without negative vote and President Kenny abstain.

Park Permit Application Filed by GTS for Use of Duck Pond Recreation Area Ball Fields April-July 3pm-dark

GTS has agreed to pay \$1,650 for use of the fields. Trustee Petersen questioned who GTS is. Trustee Livingston stated GTS is a traveling baseball and softball organization that has been using the fields for the past three years.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the application filed by GTS for use of Duck Pond Fields during April – July from 3pm - dark, and the MOTION carried without negative vote.

Memorial Bench Application Filed by John O’Neill for Little Foot Playground

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the memorial bench application filed by John O’Neill for Little Foot Playground, and the MOTION carried without negative vote.

Memorial Tree Application Filed by John O’Neill for Sugar Maple at Fontana Fen

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Memorial Tree Application filed by John O’Neill for a Sugar Maple at Fontana Fen, and the MOTION carried without negative vote.

Memorial Bench Application Filed by Laura Rozak for Lakefront (Corner of Lake St. and Kinzie St.)

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the memorial bench application filed by Laura Rozak for Lakefront (Corner of Lake St. and Kinzie St.), and the MOTION carried without negative vote.

Memorial Bench for Dennis Barr at Duck Pond

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the memorial bench for Dennis Barr at Duck, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

Replace VFD at Brickley Booster Station

Public Works Director Kevin Day stated the VFD is what starts the motor, so it is not at full speed. Power Tech contacted Day and believes a soft start can be installed, which would save money.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the replacement of soft start at Brickley Booster Station in the amount of \$4,550, and the MOTION carried without negative vote.

Replace Handheld Water Meter Reader and Autoread Software Support

Day stated the current handheld reader is eight years old and quit working. The software is also two updates behind.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the replacement of handheld water meter reader in the amount of \$6,950 and autoread software support in the amount of \$2,300 annually, and the MOTION carried without negative vote.

Authorize Sale of Truck #3 2009 Ford F250

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the sale of truck #3 2009 Ford F250 for \$800, and the MOTION carried without negative vote.

Authorize Sale of Old Western Blizzard Plow

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the sale of the Western Blizzard Plow for \$800, and the MOTION carried without negative vote.

Proposed Stormwater Management Plan for 862 Sauganash Drive

Day stated the homeowners engineer sent stormwater management plans to Village Engineer Terry Tavera for review. The plan is to split the lot into two parcels and possibly build another home. Engineering plans show installing storm sewer in the right of way and connecting to the Village’s existing storm sewer main.

Day stated the Public Works Committee recommended denying the proposed plan and encourage the homeowners to investigate ways of storing stormwater on-site.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to deny the proposed stormwater management plan for 862 Sauganash Drive, and the MOTION carried without negative vote.

Approve 2020-2021 Indian Hills Road LRIP Project for Engineering and Bidding

Day explained this is to approve Village Engineer Terry Tavera to do the engineering for the project and begin bidding. The Public Works Committee recommended not starting the project until after Labor Day of 2021, after the summer months and once the S. Lakeshore Drive reconstruction is complete.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the 2020-2021 Indian Hills Road LRIP Project for Engineering and Bidding, with the project to commence after Labor Day 2021, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Proposal for County Library Back Payments

Loomer stated it was discovered at the end of last year that the Lakeshore Library System had a miscalculation in their spreadsheet which allocates the County Library Tax fund grants. As a result, the Fontana Library had a shortage of \$94,511 from the past ten years. Loomer explained that Village treasurer Scott Vilona contacted the auditors about the best way to account for the funds. The auditors recommended the Village gift the funds to the Library for use over the next ten years. The Library Board has agreed to provide reports when the funds are expended.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve gifting the Library Board a check in the amount of \$94,511 equal to the back payments owed with the idea the Library Board will provide expenditure reports, and the MOTION carried without negative vote.

Recommend Simple Water Rate Increase

Treasurer Vilona stated the last conventional rate increase was done a few years ago and to stay ahead the Finance Committee would recommend a simple rate increase in the amount of three percent.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve a simple water rate increase in the amount of 3%, and the MOTION carried without negative vote.

Update on Moody's Rating

Treasurer Vilona stated the Village has a rating call every year and prior to issuance of the 2020 bonding Moody's rated the Village at Aa3 with a negative outlook; the negative outlook has since been removed from the rating.

HR Committee – President Kenny

WPPA Contract Negotiations

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the WPPA Contract as presented, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee McGreevy 2nd made a MOTION at 6:33 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

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: 03/01/2021