

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
Monday, March 5, 2018

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: Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny, Trustee O'Neill

**Trustees Absent:** Trustee McGreevy

**Also Present:** Steve Beers, Skip Bliss, Jeff Cates, Tim Collins, Jim Howe, Theresa Loomer, Bridget McCarthy, Gretchen McCarthy, Ron Nyman, Doug Parker, Scott Peterson, Ed Snyder, Craig Surta, Treasurer Scott Vilona

**Visitors Heard**

**Big Foot High School Administrator Doug Parker – Referendum**

Big Foot High School Administrator Doug Parker and Recreation Director Tim Collins described the proposed Big Foot High School athletic complex that will be voted on in the form of two referendum questions on the November ballot. Parker explained that the track has not been resurfaced in twenty years and is in such poor shape that the high school will not be hosting any home meets this year, and the school currently plays baseball and softball games off premise at the Village of Walworth ball parks, however, Walworth will only be allowing the school use of the fields for two additional years. The proposed athletic complex includes the addition of a soccer field, two baseball fields, two softball fields, three tennis courts, a new track and 1,000 seat bleachers. Two referendum questions, which have not yet been written or certified with the state, will ask taxpayers to fund the proposal at the cost of \$8.25 million and request an additional \$350,000 in operating costs for a three-year term. Since a previously approved referendum will be expiring by the time the proposed referendum would be in effect, Parker stated taxes would not increase. Collins stated they are also fundraising to offset some of the cost including name plaques for donors, advertising spots on the mesh fence and name rights sponsorships.

**Approval of Minutes**

The minutes for the meetings held on February 12 and February 20, 2018 were distributed.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the minutes from the February 12 and February 20, 2018 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee O'Neill/Trustee Livingston 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**

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> 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**

**Temporary Operator's License Applications Filed by Joe Abell, Patrick Kenny, Kevin Racky (Big Foot Lions Lobster Boil)**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Temporary Operator's License Applications Filed by Joe Abell, Patrick Kenny and Kevin Racky for the Big Foot Lions Lobster Boil on July 28, 2018, and the MOTION carried without negative vote.

**Reschedule April Monthly Meeting**

The April meeting date was rescheduled to Monday, April 9, 2018 beginning at 6:00 pm.

**Finance Committee – President Kenny**

**Water Hook-Up Fee Increase Recommendation**

At last month's meeting, the Board directed staff to explore what other communities charge for water and sewer hook-up fees. The Village currently charges \$50 for water hook-up and \$800 for sewer hook-up. Loomer reported that the Village of East Troy charges \$3,500 and City of Elkhorn, City of Delavan, Village of Williams Bay, Village of Darien and the Town of Darien are all part of WALCOMET which charges \$4,497 for sewer hookup fees. For both entities, the fees progress based on size. In order to stay competitive with other municipalities staff recommended increasing the sewer hook-up fee to match WALCOMET. The fee increase will require an ordinance amendment which will be presented at next month's meeting.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to increase the sewer hook-up fees to match WALCOMET's fees, and the MOTION carried without negative vote.

**Plan Commission – Trustee Prudden**

**Planned Development Amendment Application for Clear Sky Lodge, Filed by Jolynn Blair, as Trustee of Michael D. Blair 2012 Irrevocable Trust, for Property Located at 1100C South Lake Shore Drive**

The Clear Sky Lodge Planned Development amendment application was filed for authorization to construct a three-car garage on the property located at 1100C South Lakeshore Drive. The five other homeowners in the Clear Sky Lodge development have given their consent for the garage in addition to the association board. A public hearing was held at last month's Plan Commission meeting where it was recommended for Village Board approval. An updated conservation easement and amendment to the declaration of condominium were included in the submission for approval.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Resolution 030518-01 for the Planned Development Amendment Application for Clear Sky Lodge, Filed by Jolynn Blair, as Trustee of Michael D. Blair 2012 Irrevocable Trust, for Property Located at 1100C South Lakeshore Drive, and the MOTION carried without negative vote.

**Create Ordinance Section 18-40 (IV.)(d)(3) of the Municipal Code Regarding Abbey Harbor Zoning Sub-District**

The proposed zoning ordinance change would allow the following use in the Abbey Harbor zoning sub-district: "Indoor entertainment limited to an outdoor service bar with two bathrooms and concession area serving the unit owners of the Abbey Harbor Condominium and their guests; provided however, said outdoor service bar shall be limited to no more than 400 square feet, a capacity of not more than 25 persons, a building height of 18 feet, and 30 foot shore yard setback." The ordinance amendment is in conjunction with the conditional use permit application filed by Ed Snyder of the Abbey Harbor Condominium Association to construct an outdoor service bar with two bathrooms.

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Ordinance 030518-01, Creating Section 18-40 (IV.)(d)(3) of the Municipal Code Regarding Abbey Harbor Zoning Sub-District, and the MOTION carried without negative vote. Trustee Prudden abstained.

**Conditional Use Permit Application for Outdoor Bar Service with Bathrooms, filed by Ed Snyder for the Abbey Harbor Condominium Association, LTD, for the Property Located at 271 Fontana Boulevard**

The Conditional Use Permit Application was filed by Ed Snyder from the Abbey Harbor Condominium Association for construction of a service bar with bathrooms and concession area. The Plan Commission held a public hearing at last month's meeting and the CUP was recommended for Village Board approval with the conditions listed in the motion.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application for Outdoor Bar Service with Bathrooms, filed by Ed Snyder for the Abbey Harbor Condominium Association, LTD, for the Property Located at 271 Fontana Boulevard, with the following conditions:

- Approval of a CUP to allow for an outdoor service bar with two bathrooms and a concession area [Sec. 18-40(IV)(d)(3)]

- Approval of a CUP to allow for exceeding existing density, intensity and bulk regulations within the Abbey Harbor Marina Subdistrict. [Sec. 18-40(IV)(n)]
- Approval of a CUP to allow for the following requested exemptions of Article X, Design Standards. [Sec. 18-162]
  - Sec. 18-164(b): Building Form and General Architectural Style
  - Sec. 18-164(c): Architectural Details
  - Sec. 18-164(e): Building Materials
- The structure shall not exceed 400 square feet in size.
- The structure shall not exceed 12'-6" in height as measured from the lowest existing grade to the highest peak of the roof, excluding the cupula.
- The structure shall be located a minimum of 30' from the water's edge.
- The exterior of the structure shall be of materials made to match the principal building (Harbor House).
- All Building, electric & zoning permits shall be completed, submitted, and paid for in full within ten (10) days of the date of this approval.
- Construction plans shall be reviewed and stamped (signed off by) a Wisconsin certified architect or engineer.
- All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
- An as-built survey shall be required depicting the location, size and height of the completed structure.
- No outdoor speakers or live music shall be permitted at this structure.

The MOTION carried without negative vote. Trustee Prudden abstained.

**Amend Ordinance Section 18-40. I. (i)(1), and Creating Appendices A, B, C and D to Section 18-40 of the Municipal Code Regarding Resort Business (RB) District**

A date was included for the sign inventory and appendices were added. An updated inventory list for the Abbey Ridges was also added.

Trustee O'Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Ordinance 030518-02 Amending Ordinance Section 18-40. I. (i)(1), and Creating Appendices A, B, C and D to Section 18-40 of the Municipal Code Regarding Resort Business (RB) District, and the MOTION carried without negative vote.

**Amend Zoning Ordinance Section 18-153(a)(4) of the Municipal Code Regarding Shoreland-Wetland Zoning District**

The ordinance amendment removes the zoning map date. Each time the zoning map is updated and adopted, it requires an ordinance amendment and codification in multiple sections of the code book to reflect the most recent zoning map change.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Ordinance 030518-03 amending Zoning Ordinance Section 18-153(a)(4) of the Municipal Code Regarding Shoreland-Wetland Zoning District, and the MOTION carried without negative vote.

**Amend Zoning Ordinance Sections 18-38 regarding Village Center (VC) District and 18-110 regarding Lakeshore (LS) Overlay Zoning District to Reflect Impervious Surface Ratios in the Commercial Lakefront Area**

Several years ago, the Village Board voted to "abate enforcement" of the required impervious surface ratios in the commercial lakefront area. The lakefront area in the Village Center district is treated uniquely as there are no other similar areas in the Village. The code amendment recognizes the existing patterns of use in front of Chucks and Gordy's and codifies it. The proposed amendment states there may be up to 100% impervious surface ratio in the Commercial Lakefront area. The amendment also states that patios and/or decks may be combined with walkways to cover up 100% of the area within the Lakeshore Overlay Zoning District for the Commercial Lakefront area.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Ordinance 030518-04 amending Zoning Ordinance Sections 18-38 regarding Village Center (VC) District and 18-110 regarding Lakeshore (LS) Overlay Zoning District to Reflect Impervious Surface Ratios in the Commercial Lakefront Area, and the MOTION carried without negative vote.

### **Repeal and Recreate Zoning Ordinance Section 17-7(c)9 Regarding Dedication and Improvement of Public Parks and Other Public Sites**

The dedication of improvements and fees in lieu were recognized in the 2016 – 2021 Park and Open Space Plan which was adopted in 2016 but never codified. The proposed ordinance requires that new development must dedicate park land to the Village or fee in lieu of park land dedication and imposes a recreation facilities improvement fee.

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve Ordinance 030518-05 to repeal and recreate Zoning Ordinance Section 17-7(c)9 Regarding Dedication and Improvement of Public Parks and Other Public Sites, and the MOTION carried without negative vote.

### **Resolution to Adopt Revised Provisions for Park Land Dedication, Fees in Lieu of Dedication and Playground Facility Improvements**

The resolution lists the imposed park land fees and was recommended by the Plan Commission last month. Park Land Dedication Requirements: 993 square feet per dwelling and 248 square feet per institutional residential dwelling unit. Fee in Lieu of Park Land Dedication Requirements: \$863 per dwelling unit or \$216 per institutional residential dwelling unit. Recreation Facilities Improvement Fee: \$505 per dwelling unit or \$127 per institutional residential dwelling unit. In response to a question, McCarthy stated that an example of an institutional residential dwelling unit would be a nursing home.

Trustee Peterson/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Resolution 030518-02 authorizing the adoption of Revised Provisions for Park Land Dedication, Fees in Lieu of Dedication and Playground Facility Improvements, as recommended, and the MOTION carried without negative vote.

### **Human Resources Committee – President Kenny**

#### **Accept Retirement of Building Inspector Ron Nyman**

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to accept the retirement of Building Inspector Ron Nyman effective May 1, 2018, and the MOTION carried without negative vote.

#### **Consulting Contract for Ron Nyman**

This item was discussed in closed session.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve a one-year consulting contract beginning May 1, 2018 and ending April 30, 2019, between the Village and Ron Nyman for an hourly consulting wage of \$32 per hour and \$40 per inspection, and the Village to provide Worker’s Compensation and Liability Insurance to the extent allowed, and the MOTION carried without negative vote.

#### **DPW Employees’ Wages Review**

This item was discussed in closed session.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve a 5% wage increase for Public Works Street Crew Members Joe Special and Kevin Kohley, and the MOTION carried without negative vote.

#### **Consideration of Promoting Part-Time DPW Street Crew Employee to Full Time**

This item was discussed in closed session.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to promote Part-Time Street Crew employee Tyler Kahlke to Full-Time with a starting wage of \$16.73, and the MOTION carried without negative vote.

#### **Closed Session**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION at 6:25 pm to go into Closed Session pursuant to Wis. Stats. 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 Consulting Contract for Building Inspector Ron Nyman, DPW Employees Wages Review, Consideration of Promoting Part-Time DPW Street Crew Employee to Full Time, WPPA Union Proposal for Contract Renewal Terms and Consider Filling

Vacant DPW Director Position; and 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically Consulting Contract for Building Inspector Ron Nyman and WPPA Union Proposal for Contract Renewal Terms.”

The Roll Call vote was as follows:

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee O’Neill – Aye

Trustee Pappas – Aye

The MOTION carried on a 6-0 vote with Trustee McGreevy absent.

### **Adjourn Closed Session**

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to adjourn Closed Session and go into Open Session at 6:41 pm and the MOTION carried without negative vote.

### **Adjournment**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn at 6:42 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Administrator/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: 04/09/18