

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

(Official Minutes)

RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Wednesday, May 1, 2019

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 Livingston, Trustee Petersen, President Kenny, Trustee O'Neill (6:07 pm), Trustee Pappas

Trustees Absent: Trustee Prudden, Trustee McGreevy

Also Present: Jeff Cates, Kevin Day, Bob Klockars, Theresa Loomer, Mike McKay, Joe Mesler, Pete Novak, Wally Perkins, Bonnie Schaeffer, Harry Soling, Mickey Springer, Dale Thorpe, Scott Vilona, Karen Yancey

Visitors Heard

Karen Yancey from the Geneva Lake Conservancy read a portion of an editorial published earlier in the day in the Lake Geneva Regional News regarding the conservancy's request for the Village to commit to conservation easements for the Fontana Fen and Oak Savanna.

Approval of Minutes

The minutes for the meetings held on April 4 and 16, 2019 were distributed.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the minutes from the April 4 and 16, 2019 meetings, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Four additional payables were added to the approval list.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve payment of the Village and Utility payable list, including the four additional payables: Allan Kaminski for HR Consulting Services - \$3,125, Dominion Voting for Voting Machine Software License - \$463, PBI, Inc. for Building Inspection/Zoning Services - \$6,327.49 and Thorpe & Christina for Legal/Prosecution Services - \$10,045.68, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Approve GLLEA 2019 Officer Appointments

Reappointed officers: Brian Clarke, Lloyd S. Cole, Katie Daniels, Mark Douglas, Tom Dunkin, Steven Fraser, Thomas Hausner, Nicole Heckel, Garret Jeters, Timothy Mackesey, Vincent Piacentine, Craig Rasmussen, Ron Schneider, William Tyler and Dale Vavra. New officers: Ryan C. Cottini, Mark Drews, Timothy Otterbacher and Joseph Vyhnanek.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the 2019 GLLEA Officer Appointments, as presented, and the MOTION carried without negative vote.

Approve CSO Hiring – John Reborn

John Reborn has been selected to return as the 2019 CSO.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve hiring John Reborn as the Community Service Officer for the 2019 season, and the MOTION carried without negative vote.

Approve Unrecorded License Agreement for Village Alleyway at 105 W. Main Street

The owner at 105 W. Main Street has proposed to install a fence along the property at the edge of

the retaining wall next to the gas station parking lot. After review by the zoning dept., it was discovered there is an abandoned portion of Village owned alleyway on the property. The property owner and Village staff agreed that an unrecorded license agreement would benefit both parties and would allow the property owner to put up a fence for the safety of its customers. The agreement is for five years and extends for another five years and does not transfer to a new owner if the property is sold. There was discussion about additional requests from the property owners to be included in the agreement and the Board decided the owners could appear at a later meeting if they wished to further discuss the terms of the license.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the unrecorded license agreement for the Village Alleyway at 105 W. Main Street for installation of a safety fence, as presented, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Direction on Permeable Paver Ordinance Amendment

A proposed ordinance regarding permeable pavers was distributed to the Board members and has been discussed for several months by staff. The ordinance amends the definition of impervious surface and allows for an additional 2,500 square feet or 15% (whichever is less) of the lot area to be covered by pervious pavers. A zoning permit would be required in addition to a cost recovery form and potential review by the Village engineer. An approved maintenance plan must be followed and inspected once every five years. Trustee Pappas stated he was not in favor of the ordinance and reminded the board the landscape surface ratio was recently adjusted from 50% to 40% last fall. He stated this ordinance basically allows for 75% hard surfaces as opposed to greenspace. He asked what the repercussions would be if the permeable pavers are not maintained, whether the Village could force removal, and also asked who would be responsible for monitoring. Thorpe stated that according to Village Engineer Terry Tavera, if installed and maintained correctly, the pavers are more permeable than natural vegetation. Thorpe stated that if improperly maintained that tickets could be written. Trustee O'Neill spoke in favor of the ordinance amendment and stated it would require a cost recovery form and engineered system. All costs would be the applicants' responsibility. He stated the pavers would help put water back into the natural aquifer and expects to only see one or two permits per year. Trustee Petersen spoke in opposition to the ordinance amendment.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to stop any further action on the ordinance amendment. The MOTION failed on a 3-2 vote with President Kenny, Trustee O'Neill and Trustee Livingston opposed.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to move forward with the ordinance amendment and provide more information, and the MOTION carried without negative vote.

Adopt Ordinance Recreating Sections 18-13, 18-210 and 18-229 and Creating Sections 18-229

The ordinance requires property owners to apply for a permit if they are disturbing the grade of the property within 30-feet of a lot line. Thorpe stated there is nothing in the code currently that addresses preservation of grade. Pappas asked if as part of the permit the applicant would be required to submit a topographical map as a benchmark and Thorpe stated they would.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve ordinance 050119-01 Recreating Sections 18-13, 18-210 and 18-229 and Creating Sections 18-229, as recommended by the plan commission, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Harry Soling for Parcels SA359200002 & SA359200003 for Construction of a Single Family Dwelling

The plan commission recommended in favor of the CUP with the condition the driveway access comes off of Indian Hills Road rather than Kathy Court. The applicant submitted a revised site plan earlier in the day that shows the amended access through Outlot 1. Thorpe stated that additional approvals will be needed to access water and sewer.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the conditional use permit application as amended on May 1, 2019 showing access to the property through Outlot 1, parcel SA359200001, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Rex and Diane Lewis for 650 S. Main Street for Bed & Breakfast

Staff received a letter from Attorney Les Johnson who represents the Lewis's and indicated the applicants were withdrawing their conditional use permit application for a bed and breakfast application. The letter arrived the day after the plan commission held a public hearing and recommend against approving the CUP. Since the application had been withdrawn, no action was necessary.

Park Commission – Trustee Livingston

Park Permit Application Filed by Mark Chalchoff for Duck Pond Pavilion with Beer/Wine Permit on Sunday, June 9, 2019 from 10:00 am to 5:00 pm

The fees have been paid and there is no conflict with the date.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the park permit application filed by Mark Chalchoff for the Duck Pond Pavilion with Beer/Wine permit for Sunday, June 9, 2019 from 10:00 am to 5:00 pm. The MOTION carried without negative vote.

Application Filed by GTS for Duck Pond Ball Field for Wednesdays April 17, May 8, May 29, June 5, June 12 and June 19, 2019 from 4:00 pm to 8:00 pm

GTS has agreed to pay the Village \$75 per use.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the application filed by GTS for the Duck Pond Ball Fields on Wednesdays April 17, May 8, May 29, June 5, June 12 and June 19, 2019 from 4:00 pm to 8:00 pm. The MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Chapter 78 Ordinance Amendment – Water Leak Policy

There is still work needed to complete the ordinance amendment. The item was tabled until the next meeting.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to table the Chapter 78 Ordinance Amendment regarding the Water Leak Policy, and the MOTION carried without negative vote.

285 Waubun Drive – Water Runoff Concerns

The public works committee made a recommendation to install a storm sewer from the property at 285 Waubun Drive toward the north and along Waubun Drive and discharge into the Shabbona Drive storm sewer. The cost was quoted at \$7,200.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the addition of the storm sewer from 285 Waubun Drive to the Shabbona Drive storm sewer, for a cost not to exceed \$7,200, and the MOTION carried without negative vote.

Water Tower Winter Icing Concerns and Proposal

Day explained the icing issue with the Duck Pond water tower that occurred on February 4, 2019. Day explained the public works committee recommended hiring Water Tower Clean & Coat, Inc., to install an air compressor system at both Village water towers which will aerate the water, will not allow ice to form, and will also help to alleviate stagnant water in the summer months. The cost for installation at both water towers is \$19,000.00. The cost for the services provided on February 4th by Water Tower Clean & Coat, Inc., was \$5,800.00, which included the five year DNR inspection of the water tower. The company agreed to waive the \$5,800 invoice if the Village approves the installation of the air compressor system. Also, since this work was not budgeted in 2019, the company agreed to payment in 2020.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the proposal from Water Tower Clean & Coat, Inc. for \$19,000.00 to install the air compressor systems in both water towers, and the MOTION carried without negative vote.

Approve Replacing Motor for Well No. 3

Day proposed replacing the aging motor at Well No. 3. In response to questions, he stated it would be a high efficiency motor and the current motor could be used as a back-up.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve the purchase of a new motor for Well No. 3, for an amount not to exceed \$3,500, including installation, as recommended, and the MOTION carried without negative vote.

Payment recommendation No. 1 for the Lake Street & Beach Parking Lot Reconstruction Project

Contractor's Application No. 1 for the Lake Street and Beach Parking Lot projects were submitted in the amount of \$258,580.07. The application was reviewed and signed off on the by the Village engineer.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve Payment Recommendation No. 1 for the Lake Street and Beach Parking Lot Reconstruction Projects, in an amount not to exceed \$258,850.07, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas Consider Amending Ordinance Chapter 54-86(b)

The Lakefront committee discussed eliminating the requirement of DNR approval or denial prior to applying for a Village permit. The local and DNR processes parallel each other and by requiring an applicant to receive DNR approval prior to submitting a Village permit application, it holds up the process by several months.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve Ordinance 050119-02, amending Chapter 54-86(b)(5), as presented, and submit to DNR for review, and the MOTION carried without negative vote.

Pier Permit Application Filed by Hawk's Woods Condo Association for the property at 454 N. Lakeshore Drive

An application was submitted for the property at 454/457 N. Lakeshore Drive to widen the pier to 8-feet to make it wheelchair accessible. The pier is less than 100-feet in length and meets the minimum 12.5-foot setback. All information has been received and complies with code requirements, with the exception of DNR approval.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the pier permit application filed by Hawk's Woods Condo Association (Steve Beers) for the property at 454 N. Lakeshore Drive, with the condition an as-built survey is submitted upon completion, and the MOTION carried without negative vote.

Closed Session

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 6:39 pm to go into closed session pursuant to Wis. Stats. Chapter 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 "Professional Building Inspections, Inc., Contract Renegotiation for Building and Zoning Services."

The roll call vote was as follows:

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

The MOTION carried on a 5-0 vote with Trustees Prudden and McGreevy absent.

Adjournment

Trustee Petersen/Trustee Livingston 2nd made a MOTION to adjourn at 6:52 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: 06-10-2019