

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, May 3, 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, Trustee Prudden, Trustee O'Neill, Trustee Livingston, Trustee Petersen

**Trustees Absent:** Trustee McGreevy

**Also Present by Phone:** Greg Blizard, Kevin Day, Craig Henninger, Kim Howarth, Theresa Loomer, Mike Puttrich, Mike Slavney, Stephanie Smith, Nona Sorren, Terry Tavera, Dale Thorpe, Cindy Wilson

**Visitors Heard**

Nona Sorren stated she would like to speak on the weakening of the zoning code. Sorren stated last week the regional news had an article regarding outdoor entertainment at the Maxwell Mansion in Lake Geneva which borders a residential area. Sorren explained the article discussed possible ways of regulating outdoor entertainment as ending music at 9:00 pm, using a sound meter to measure sound, no large-scale events, no amplified sound in the front of the building – only in the back, and reviewing in one year to make sure neighbors are not being disturbed or conditions are not violated. Sorren stated Fontana's proposed amendment is stronger in columns one and two as it does not allow amplification, however it does not state how it will be enforced and could possibly benefit from ending music at 9:00 pm and reviewing annually. Craig Henninger stated he would like to speak about Plan Commission item number two on the agenda. Henninger asked for clarity on why the comprehensive plan amendment process followed in 2019 is different than the current process and asked why they are not allowed a public hearing in front of the Village Board. Attorney Dale Thorpe stated the question has been addressed numerous times via email, zoom and phone calls. Thorpe explained state statutes have been followed and the Plan Commission voted to not recommend in favor of the comprehensive plan amendment, as a result there is nothing for the Village Board to vote on and no basis to hold a public hearing per the requirements of the State Statues.

**General Business**

**Approval of Minutes**

The minutes for the meeting held on April 5, 2021 (open and closed) were distributed to board members via email.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the minutes from April 5, 2021, meeting, as submitted, and the MOTION carried without negative vote.

The minutes for the meeting held on April 20, 2021 were distributed to board members via email.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the minutes from April 20, 2021, meeting, as submitted, and the MOTION carried without negative vote.

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

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

**Approval of Village and Utility Payables**

Trustee Livingston/Trustee O'Neill 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**

### **Accurate Appraisal Presentation on Revaluation**

Chris Plamann from Accurate Appraisal gave a brief presentation on the 2021 revaluation. The last revaluation was performed in 2014 with maintenance years in between. He explained maintenance is performed for things such as permits, new construction, demolitions, splits, and sales. When a revaluation is performed it takes care of everything that is done during a maintenance year and make sure that every property in the Village is reassessed to market value. Accurate is working to educate all property owners about the assessment process.

### **2021 4<sup>th</sup> of July Fireworks Contract Proposal – Tabled 4/5/21**

President Kenny stated the fireworks, along with the beach, were tabled last month in hopes that more things would be opening back up and getting back to normal. Loomer stated some area events have been cancelled for the summer while some are still scheduled, and she recently learned that Williams Bay will be opening their beach to the public this summer. President Kenny suggested the idea of delaying the fireworks until later in the year. Trustee Livingston suggested cancelling for the year. Trustee Pappas agreed with cancelling for the year and did not think there would be any feasible way to social distance with that many people. President Kenny directed staff to investigate the availability of having fireworks possibly later in the year.

Trustee Livingston/Trustee Pappas 2<sup>nd</sup> made a MOTION to cancel the 4<sup>th</sup> of July Fireworks for 2021, and the MOTION carried without negative vote.

### **Discuss Lobster Boil and Steak Fry Scheduled for July 31, 2021**

President Kenny stated the Lions Club wants to move forward with the event and would like to make sure the Village is in support of it. Trustee Livingston stated he sees no problem with hosting the event as it is mainly the Fontana community.

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve moving forward with the Lobster Boil and Steak Fry scheduled for July 31, 2021, and the MOTION carried without negative vote. President Kenny and Trustee O'Neill abstained from the vote.

### **Annual Memorial Day Parade**

Loomer stated the email is included in the packet and this is the annual Memorial Day Parade.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Annual Memorial Day Parade, and the MOTION carried without negative vote.

### **2021 Triathlon Agreement with Peak Performance Professionals, LLC**

Loomer stated the proposed contract is similar to 2019. The run course has not been finalized yet as they are not able to use Yerkes. Trustee Pappas questioned if the Village is partnering with them P3 for the event and questioned if the money from the parking spots they will be selling goes to the Village. Loomer stated that those details still need to be worked out. Chief Cates stated he had no concerns with the last one everything went smoothly.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the agreement with Peak Performance Professionals, LLC subject to parking lot agreement, and the MOTION carried without negative vote.

### **Temporary Liquor License Applications Filed by Anders W. Pearce, Kevin M. Racky and Patrick J. Kenny for Big Foot Lions Club Lobster Boil and Steak Fry on July 31, 2021 and Triathlon on September 18, 2021**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the temporary liquor license applications filed by Anders W. Pearce, Kevin M. Racky and Patrick J. Kenny for Big Foot Lions Club Lobster Boil and Steak Fry on July 31, 2021 and Triathlon on September 18, 2021, and the MOTION carried without negative vote. President Kenny and Trustee O'Neill abstain from the vote.

### **Modified Access Agreement with Glenwood Springs for Fence on Small Beach**

President Kenny stated the agreement has been modified to move the fence two feet.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the modified access agreement with Glenwood Springs for Fence on Small Beach, and the MOTION carried without negative vote.

**Peddlers Permit Application Filed by Suzy Brady and Todd Reschke for Blue Haven Ice Cream**

Loomer stated a peddlers permit application was filed to sell individually wrapped ice cream sandwiches in the park at private events or near the beach. Brady stated they have no plans to walk the beach daily she just thought it would bring excitement to the lakefront. President Kenny had concerns with selling at the beach because the Village does have a concession stand at the beach. Trustee Prudden thought it was a good idea depending on dates. Trustee Pappas stated it would need to be for limited dates and locations. Trustee Petersen stated this is a dangerous precedence to set. Chief Cates stated he recalls all applications in the past being denied, however not sure that any of those were local businesses and believes that should offer more credibility. Attorney Thorpe stated he would do a quick scan to gather more information on what the ordinance states and whether an applicant can be limited to specific dates and whether the board can require they have a local presence.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to table the peddlers permit application filed by Suzy Brady and Todd Reschke to allow staff more time to investigate, and the MOTION carried without negative vote.

**Temporary Stop Sign at the Intersection of S. Lakeshore Drive and Indian Hills Road**

Trustee Pappas stated he has had many people ask him if the stop sign at S. Lakeshore Drive and Indian Hills Road is going to be permanent and feels that it is a good idea. Chief Cates stated the stop sign was put in temporary during construction. Cates explained from a DOT standpoint stop signs are placed where frequent accidents happen but not as a method to control speed. Cates stated there is some obstruction from the west. Cates stated he is neutral and has concerns both ways. President Kenny stated with the increase in the number of people walking it makes the intersection safer. Chief Cates stated his only concern if the stop sign is staying then he would like to see stop lines painted and flags placed on the signs to draw attention.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to make the stop sign at the intersection of S. Lakeshore and Indian Hills Road permanent with stop lines and flags placed on the signs immediately, and the MOTION carried with Trustee Livingston and Trustee Petersen oppose.

**Consider Revisions to Chapter 18-177, Natural Resource Conservation Ordinance**

Attorney Dale Thorpe stated he was asked by the Board to look at the current Ordinance and based on concerns from staff and the Village Board he feels the revisions will greatly reduce the burden on staff. The new ordinance will preserve the trees and still require a permit, however instead of placing the burden on staff the Village would maintain a list of arborists who would perform spot checks. Staff has not had time to comment on the ordinance yet. Trustee O'Neill stated he has seen this work well in other communities and will do a better job of preserving the trees. Trustee Prudden questioned if the penalty was enough. Attorney Thorpe stated this will be brought back next month after staff has had time to comment.

**Approval of Operator's License Application for Katrina S. Venema (Abbey Springs)**

No concerns with background check and fees have been paid.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Katrina S. Venema, the MOTION carried without negative vote.

**Accept Resignation of Joe McHugh from Library Board**

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to accept the resignation of Joe McHugh from Library Board, and the MOTION carried without negative vote.

**Appoint Steve Torrez to Library Board**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to appoint Steve Torrez to Library Board, and the MOTION carried without negative vote.

**Reschedule July Monthly Meeting due to 4<sup>th</sup> of July Holiday**

The July monthly meeting was rescheduled for July 12, 2021 at 5:00 pm.

**Plan Commission – Trustee Petersen**

**Adopt Ordinance Amending Zoning Code Section 18-56(g) Regarding Outdoor Entertainment and related additional amendments to Sections 18-27 Agricultural Holding (AH) District, 18-36 Institutional (IN) District, 18-37 Neighborhood Business (NB) District, 18-38 Village Center (VC) District, 18-39 Community Business (CB) District, 18-41 Office Park (OP) District and 18-42 Research Park (RP) District**

Attorney Dale Thorpe stated the ordinance is staff's response to a number of concerns and comments in regard to Big Foot Country Club and the current ordinance which is ten years old. He stated the Village President asked staff to scan other communities to see how they deal with the same subject. Mike Slavney presented the proposed ordinance and stated the primary finding was the rules for the very light intensity uses are very harsh compared to other communities. The very light intensity uses would be things like an ice cream shop, snack bar or coffee shop. These uses were required to have a three-hundred-foot setback. Slavney explained the recommendation is to create two new land use categories to manage these light uses and only require a one-hundred and two-hundred-foot setback. Uses in the three more intensive categories will have to come back before the Plan Commission and Village Board and there will always be an opportunity to add more requirements. Slavney stated this ordinance takes many rules from a historical ad hoc basis and puts them into ordinance form. President Kenny stated he wanted to thank Mike Slavney, Dale Thorpe and staff for all their hard work, and he does stand behind this. Kenny explained the ordinance did need a little tweaking and appreciates all the comments. Kenny stated the Village is doing what it can to help businesses and neighbors and it is hard to make everyone happy. Trustee Pappas stated if it was not for Big Foot Country Club wanting to expand their patio the Village would not have spent the money researching and rewriting our zoning code and there are no other businesses in the Village that have compliance problems under the current code.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve ordinance 050321-01 Regarding Outdoor Entertainment and related additional amendments to Sections 18-27 Agricultural Holding (AH) District, 18-36 Institutional (IN) District, 18-37 Neighborhood Business (NB) District, 18-38 Village Center (VC) District, 18-39 Community Business (CB) District, 18-41 Office Park (OP) District and 18-42 Research Park (RP) District, and the roll call vote was as follows:

Trustee O'Neill – Aye

Trustee Petersen – Nay

Trustee Livingston – Aye

President Kenny – Aye

Trustee Prudden – Aye

Trustee Pappas - Nay

The MOTION passed on a 4-2 vote.

**Status update on Comprehensive Plan Amendment for the properties located at 132 & 144 W. Main Street from Single Family Residential (Sewered) to Mixed Residential**

Attorney Dale Thorpe stated the Plan Commission had to give a favorable recommendation for the process to go back to the Village Board and have a public hearing scheduled. Attorney Thorpe stated he has received a legal opinion from the league of municipalities as well as other attorneys. The process ended with a Plan Commission veto on a five to two vote.

**GLEA – President Kenny**

**2021 Modified Budget Request**

Loomer stated the GLEA has historically requested \$20,000 on an annual basis from all municipalities, but for 2021 the amount was increased to \$25,000, however that request did not make it to staff during the budget process.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the GLEA modified budget request in

the amount of \$25,000, and the MOTION carried without negative vote.

**Lakefront & Harbor Committee – Trustee Pappas**

**Pier Permit Application Filed by Kenneth Wegner for 1090A S. Lakeshore Drive**

Trustee Pappas stated an application was filed for an additional pier slip on an existing pier. The pier will expand a total of 18-feet to the west and will be 35-feet from the west property line. The existing pier is 85-feet in length and that will remain the same. Trustee Pappas stated all DNR requirements have been met. Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the pier permit application filed by Kenneth Wegner for the property at 1090A S. Lakeshore Drive, with the condition an as-built survey is submitted upon completion, and the MOTION carried without negative vote.

**Public Works Committee – Trustee O’Neill**

**S. Lakeshore Drive Reconstruction Payment Recommendation No. 10**

Trustee Livingston/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve S. Lakeshore Drive Reconstruction Payment Recommendation No. 10 in the amount of \$481,141.35, and the MOTION carried without negative vote.

**Update on S. Lakeshore Drive Project**

Village Engineer Terry Tavera stated concrete crews are finishing curb and gutter work today. Crews will begin fine grading followed by asphalt work later this week into next week. Wanasek will be working on manhole cover adjustments.

**Park Commission – Trustee Livingston**

**Discuss Beach Restrictions for 2021 Season – Tabled 3/1/21 & 4/5/21**

Trustee Livingston stated he would recommend opening the beach with no restrictions. Trustee Livingston/Trustee O’Neill 2<sup>nd</sup> made a MOTION to open the beach with no restrictions for the summer of 2021, and the MOTION carried without negative vote.

**Park Permit Application Filed by Dan Green’s Touch A Life, Heal A Heart Inc., for Porter Court Plaza on Saturday, July 10, 2021 from Noon – 6 pm for Drive-Thru Meal Pick Up**

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the application filed by Dan Green’s Touch A Life, Heal A Heart Inc., for Porter Court Plaza on Saturday, July 10, 2021 from Noon to 6 pm for drive-thru meal pick up, and the MOTION carried without negative vote.

**Park Permit Application Filed by the Farm Way & Dan Green’s Touch A Life Heal A Heart, Inc., for Reid Park on Saturday, September 4, 2021 from 4:00 pm – 11:00 pm for Concert, Food Trucks and Possible Farmer’s Market and/or Artist Fair**

Trustee Petersen questioned how many people and what kind of event. Trustee Livingston stated this is that same event they have held in the past. Trustee O’Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the application filed by Dan Green’s Touch A Life, Heal A Heart Inc., for Reid Park on Saturday, September 4, 2021 from 4:00 pm to 11:00 pm for Concert, Food Trucks and possible Farmers Market/Artist Fair, and the MOTION carried with Trustee Petersen opposed.

**Park Permit Application Filed by Angela Rayburn and Skylar Rinaldo for Reid Park Gazebo on Friday, July 9, 2021 from 3 pm – 7 pm for a Wedding Ceremony**

Trustee Prudden/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Angela Rayburn and Skylar Rinaldo for Reid Park Gazebo on Friday, July 9, 2021 from 3pm – 7 pm for a wedding ceremony, and the MOTION carried without negative vote.

**Park Permit Application Filed by Quoss Family Reunion for Reid Park Pavilion on Saturday, August 7, 2021 from 9 am – Dusk for Family Reunion**

Trustee Livingston/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Quoss Family Reunion for Reid Park Pavilion on Saturday, August 7, 2021 from 9 am – Dusk for Family Reunion, and the MOTION carried without negative vote.

**Park Permit Application Filed by Calvary Community Church for Duck Pond Pavilion for the dates of July 19<sup>th</sup> – 23<sup>rd</sup> from 10:30 – Noon each day for Vacation Bible School**

Trustee Petersen/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Calvary Community Church for Duck Pond Pavilion for the dates of July 19<sup>th</sup> – 23<sup>rd</sup> from 10:30 am – Noon each day for Vacation Bible School, and the MOTION carried without negative vote.

**Memorial Tree Application Filed by Phyllis Heinrich for Autumn Blaze and No Location Specified**

Trustee Livingston stated there are only two spots left at Duck Pond.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the memorial tree application filed by Phyllis Heinrich for Autumn Blaze with the requirements it has to be placed in one of the two available spots at Duck Pond, and the MOTION carried without negative vote.

**Park Permit Application Filed by Pheasant Ridge Association for Reid Park Pavilion on Saturday, June 26, 2021 from 9 am – 1 pm for Annual Association Meeting**

Trustee Prudden/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Pheasant Ridge Association for Reid Park Pavilion on Saturday, June 26, 2021 from 9 am – 1 pm for Annual Association Meeting, and the MOTION carried without negative vote and Trustee Livingston abstain.

**FW/WPCC – Trustee O’Neill**

**Approve Phosphorus Removal Payment Recommendations in the amount of \$117,144.00**

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$117,144.00, and the MOTION carried without negative vote.

**Human Resource – President Kenny**

**Approve Salary Resolution for Metro Salary Change Order**

Loomer stated this is to match the Metro salaries which increase this month.

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve Resolution 050321-01, amending resolution 120720-02, and the MOTION carried without negative vote and Trustee Livingston abstain.

**Closed Session**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION at 6:16 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 Amendment

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

The MOTION carried on a 6-0 vote.

**Adjournment**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION at 6:18 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: 06/07/2021