

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Virtual Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Thursday, June 2, 2022

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:25 pm.

Trustees Present: Roll call vote: President Kenny, Trustee Petersen, Trustee Pappas (arrived late), Trustee O'Neill

Trustees Absent: Trustee McGreevy, Trustee Livingston, Trustee Prudden

Also Present: Liz Bauman, Chief Cates, Kevin Day, Laura Frey, Dave Hendrix, Al Lavezzi, Theresa Loomer, Drew Lussow, Chief Nitsch, Wally Perkins, Terry Tavera, Dale Thorpe

Visitors Heard

Al Lavezzi, 794 Indian Hills, expressed concerns regarding the revised Tree Preservation ordinance approved in November 2021. His concerns were specific to removal and replacement of dead trees. He believes that he should not be charged for cleaning up a property and removing trees that are already dead. The Village Board agreed and stated the ordinance was put in place to prevent people from removing trees that were still alive and healthy without planting a new tree or donating money to a fund to keep planting new trees in the Village. Lavezzi ultimately asked for a variance on the ordinance and the Board stated it would be discussed at a future meeting but for now would willing to abate enforcement on his property until staff is able to review the circumstances.

General Business

Approval of Minutes

The minutes for the meetings held on May 2 (Open and Closed) and May 12, 2022 and were distributed to board members via mail and email.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from May 2 (Open and Closed) and May 12, 2022, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for May, and to place the Vendor and Payroll Overtime Report on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented including any late payables, and the MOTION carried without negative vote.

General Business – President Kenny

Annual Liquor Licenses Renewals

Abbey Provident Hotel Manager, LLC for the premises located at 269 Fontana Boulevard, d/b/a The Abbey Resort & Avani Spa, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Agent: Timothy G. Somerville.

Loomer stated based on the information she has received there have been many notable fire inspection infractions at the Abbey Provident Hotel Manager, LLC property. Chief Nitsch explained based on the walkthrough that was completed by Assistant Chief Scott Peterson and the report he provided, there are 26 violations that have went unresolved for the past 1.5 years. Chief Nitsch stated that of these 26 violations, at least two of them are severe life safety issues. The first of these two is one of the kitchens removed their ancillary system and in case of a fire the system would not alert or function properly which could be

disastrous if left unresolved. The second life safety issue violation is the event tent that has a cloth barrier across the ceiling with party lights behind the cloth. If the lights were to overheat it could potentially catch the cloth on fire and trap those below. Attorney Thorpe stated that unless these are remedied it could potentially be a reason to withhold a liquor license. After discussion from the Village Board, they agreed they will require a status report once another fire inspection and the building inspection is conducted. The liquor license renewal is contingent on correcting the reported infractions, specifically the two life safety issues that have been reported.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller's Permit is active and in good standing. The MOTION carried without negative vote.

Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Lance Cotton.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: E. Paul Keith.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Chuck's Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Carol J. Whowell.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Country Club Estates Golf Association, located at 365 Pottawatomie Drive, RENEWAL CLASS "B" BEER and "CLASS C" WINE license. Agent: Erich Lange.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Fontana Gas, Inc., for the premises located at 286 Valley View Drive, d/b/a Fontana Shell, RENEWAL CLASS "A" BEER and "CLASS A" LIQUOR license. Agent: Amrit Singh.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class A" Liquor License. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 320, 336 & 342 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Thomas W. Whowell.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 341 Lake Street, d/b/a Gordy's Bait Shop, RENEWAL CLASS "B" BEER and "CLASS C" WINE license. Agent: Thomas W. Whowell.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Harbor House Club, LLC, located at 271 Fontana Boulevard, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Edwin L. Snyder.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS “B” BEER license. Agent: Michael P. Moore.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License. The MOTION carried without negative vote.

Kimkasi Pub, LLC, located at 441 Mill Street, Suite 102, RENEWAL CLASS “B” BEER and RESERVE “CLASS B” LIQUOR license. Agent: Michael Trainor.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License. The MOTION carried without negative vote.

Novaks’ of Fontana, LLC for the premises located at 138 Fontana Boulevard, d/b/a Little Bar, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license. Agent: Wallace Perkins.

Based on a report from the building inspector, the premise must become ADA compliant or reduce the occupancy. Thorpe stated that discussions have taken place between the property owner, staff and himself, to advise the necessary steps to become compliant. Wally Perkins, owner of Little Bar, stated they are happy to continue to work with the Village in order to reach the ADA compliance or determine if they may fall into one of the few exceptions to it. Thorpe agreed that this will need to be monitored and that there have only been initial discussions for now. Ultimately it would be left to the Village Board to approve the license request subject to Little Bar becoming ADA and building code compliant or meeting one of the exceptions that are provided by law.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried 3-1 with Trustee Pappas opposed.

Approval of Operator’s Licenses for 2022-2023

Chief Jeff Cates stated that there were no issues with any of the listed applicants and their background checks and the \$60 fees have been paid.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the new and renewal operator license applications filed for the 2022-23 license year by the Abbey Provident Resort employees Selena Aleman, Jack Beals, Michelle Bezares, David Casillas, Lisa Chupich, Heather Detloff, Juliette Finn, Jose Flores Camacho, Jorge Garcia, Kristine Granahan, William Grundl, Austin Jordan, Irena Kazaniwskys, Adnan Khan, Samuel Knorr, Toni Koutnik, Tennille Lee, Mark Marino, Laura Montemayor, Jonathan Puls, Michael Seaver, Cody Smith, Matthew Sokol, George Somerville, Orissa Strawn, Ridge Tenney, Emma Watters, Donald Winkler; Abbey Springs employees; Tamalee Biging, Brian Braun, Becky Brunner, Madeline Butters, Patrick Dirvin, Daniel Dlabal, Natalie Gaiser (Also working at Little Bar), Oscar Hernandez, Jared Hocker, Ashley Hoogland, Haili Hop, Austin Korba (also working at Country Club Estates), Savannah Melson (also working at Little Bar), Carlo Obligato, Jacqueline Radtke, Lucille Reed, Cierra Schinto, Leo Stanton; Big Foot Country Club employees Richard Avery, Lon Gellerman, Pamela Keeler, Eric Stauffacher, Scot Wild, Rodney Wright; Chuck’s employees Kaelyn Anderson, Jack Brown, Michael Brown, Kyle Cairns, Elizabeth Edwards, John Friestad, Julie Friestad, Anne Gump, Roy Hanson, Julie Ieronimo, Casey Kirchschrager; Country Club Estates employees Julie Biskis, Jayne Coyne, Suzanne Karsten; Fontana Shell employees Michael Becker, Brenda Connelly, Bharat (Bharatbhai) Patel; Gordy’s employees Fayth Appenzeller, Quentin Arnold, Carson Biller, Noelle Bydalek, Megan Clifford, Matthew Collins, Madelyn Gonzalez, Nathan Halverson, Presley Hodges, Emily Liptak (also working at Harbor House Club LLC), Robin Nuzzo, Scott Toledo, Kathleen White; Harbor House Club LLC employees Cole Flitcroft, Kelly Helmer, Hannah Straube, Isabel White; Lake Geneva Yacht Club employees Stephanie Akright, Christopher Brogan, Jennifer Miller, Zachary Miller, Lindsay Valasek, Sophia Winn; Kimkasi Pub employees Lily Kallestad, Rebecca Millar, and Kim Minette with the condition all fees have been paid and servers permits have been submitted. The MOTION carried without negative vote.

Application for Permit to Display Fireworks filed by Daniel Pollard, J&M Displays, for June 17, 2022

Loomer stated the application is compliant and meets the requirement of the ordinance. She added the board may want to consider charging a fee for the application, especially since more applications are being filed and they all involve staff time. There was also discussion regarding the requirement to notify nearby neighbors. Both suggestions will be discussed at next month's meeting. Trustee Pappas said he agreed with adding a fee since we've seen a rise in applications.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the application for permit to display fireworks filed by Daniel Pollard, J&M Displays, for June 17, 2022, as presented, and the MOTION carried without negative vote.

Application for Permit to Display Fireworks filed by Bennie Netzley, Hollywood Pyrotechnics, 1090B S. Lakeshore Drive, for July 2, 2022

Loomer stated that application was in compliance with what is requested and required. The fireworks company will provide notice to the neighbors.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the application for permit to display fireworks filed by Bennie Netzley, Hollywood Pyrotechnics, 1090B S. Lakeshore Drive, for July 2, 2022, as presented, and the MOTION carried without negative vote.

Application for Permit to Display Fireworks filed by Rosario Pagliari, Wolverine Fireworks Display, 636 S. Lakeshore Drive, for September 10, 2022

Loomer stated that application was in compliance with what is requested and required.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the application for permit to display fireworks filed by Rosario Pagliari, Wolverine Fireworks Display, 636 S. Lakeshore Drive, for September 10, 2022, as presented, and the MOTION carried without negative vote.

Road Right-of-Way Encroachment Policy Update

Attorney Thorpe said he was still working on drafting up this policy and hopes to be able to bring it in front of the Village Board at the next meeting.

Resolution Amending Resolution 06-03-02-2 Regarding CDA

Attorney Thorpe stated that the resolution amending resolution 06-03-02-2 is to limit what the CDA reviews and allows the Village Board to make that determination on whether review by the CDA is necessary.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve Resolution 060222-01 Amending Resolution 06-03-02-2, and the MOTION carried without negative vote.

Approval of New Employee Handbook

Administrator Loomer stated that she has emailed out the latest version of the employee handbook and that it uses the League of Wisconsin Municipalities template. The handbook includes a new FMLA policy, drug policy, and other minor tweaks. Loomer asked that the Board approve the handbook as presented and allow for non-substantive changes including formatting adjustments.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to adopt the Employee Handbook, as presented, and allow for non-substantive changes, and the MOTION carried without negative vote.

Plan Commission --Trustee Petersen

1501 Country Club Drive Utility Easement Approval

Trustee Petersen stated this was something that the Plan Commission approved and recommended the Village Board also approve. Petersen stated the easement is to cover an exposed pipe near the property.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the recommendation from the Plan Commission to approve the utility easement for the property 1501 Country Club Drive, and the MOTION carried without negative vote.

Conditional Use Permit Application filed by John O'Neill, JMO Properties, LTD, for Caretakers Residence at 201 Dewey Ave, Fontana, WI, Parcel No. STV00031A

Trustee Petersen stated that the Conditional Use Permit Application was recommended for approval by the Plan Commission. The Conditional Use Permit is to add a caretaker's residence to the property that is currently owned by John O'Neill/JMO Properties LTD. A letter was submitted and several property owners from Geneva Pointe attended the plan commission meeting to express their concerns that the new residence may potentially block some of the condominium's resident's views of the lake, but the concerns were addressed, and no further objections were made.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the recommendation from the Plan Commission to approve the Conditional Use Permit Application filed by John O'Neill, JMO Properties, LTD, for a Caretakers Residence at 201 Dewey Ave, Fontana, WI, Parcel NO. STV00031A, and the MOTION carried without negative vote. Trustee O'Neill abstained.

Public Works --Trustee O'Neill

Annual CMAR Resolution Approval

Public Works Director Day stated that the CMAR Resolution is completed annually and that it typically covers the sewer, drainage, and the maintenance involved. Day stated Village of Fontana received an A grade on their report this year.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to adopt annual CMAR Resolution 060222-02 in regards to the Village's sewer and drainage maintenance, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction Update

Senior Project Manager Tavera provided an update stating they are still waiting for Wanasek to finish their contracted work on S. Lakeshore Drive. The original contract was to be completed by Memorial Day, and some of it has been, but there is still a list of a few outstanding punch list items. Tavera also stated he will confirm once all work is completed, and remaining payment will need to be made at that time.

Fontana Boulevard Crosswalks

Public Works Director Day stated when the village reconstructs Fontana Boulevard, the crosswalks can either be redone with brick, stamped, or painted. The public works committee recommended that the crosswalks are painted to minimize ongoing maintenance.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the recommendation by the Public Works Committee and allow the Fontana Boulevard Crosswalks to be painted, and the MOTION carried without negative vote

TID Project Bid Update

Senior Project Manager Tavera provided an update on the TID Project by stating the projects are under design right now. The bid opening is June 30, 2022 and a public works committee meeting is scheduled that afternoon. The timeline should allow for the work to start this fall. The TID work will include Main Street milling, Duck Pond parking lots, and the irrigation system. Tavera also stated that the Duck Pond Parking lot could eliminate the middle island with trees and grass to allow for more parking. He estimates that this could also save them some funds and potentially allow them to pave the 2nd lot up by Duck Pond near the dog park if they choose, but it will be brought back for Village Board approval on the July meeting date. There was some discussion from the Village Board members regarding the need to pave the second lot at Duck Pond and that if it needs to be done, that it would be most advantageous to use TIF funds.

Park Commission – Trustee Livingston

Park Permit Application filed by Abby Adams for Lakeland's Little Learners at Duck Pond Recreational Area on Wednesday, June 8, 2022 from 9:00 AM to 11:00 AM

The applicant has asked for the fee to be waived since it is an event for a local learning facility, and they are a non-profit organization.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to Approve the Park Permit Application filed by Abby Adams for Lakeland's Little Learners at Duck Pond Recreational Area on Wednesday, June 8, 2022 from 9:00 AM to 11:00 AM with the application fee waived, and the MOTION carried without negative vote.

Park Permit Application filed by Carlie Blackman for Fontana Middle School Cross Country Team / Semper Running at Duck Pond Recreational Area on Monday, September 19, 2022 from 3:00 PM to 6:00 PM

The applicant has asked for the fee to be waived since it is an event for the Fontana Middle School Cross Country Team.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to Approve the Park Permit Application filed by Carlie Blackman for Fontana Middle School Cross Country Team/Semper Running at Duck Pond Recreational Area on Monday, September 19, 2022 from 3:00 PM to 6:00 PM with the application fee waived, and the MOTION carried without negative vote.

Park Permit Application filed by Big Foot Highschool for Cross Country Meet at Duck Pond Recreational Area on Friday, September 22, 2022 from 7:00 AM to 8:00 PM

The applicant has asked for the fee to be waived since it is an event for the Big Foot High School.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to Approve the Park Permit Application filed by Michael Welden for Big Foot High School Cross Country Team at Duck Pond Recreational Area on Friday, September 22, 2022 from 7:00 AM to 8:00 PM with the application fee waived, and the MOTION carried without negative vote.

Park Permit Application filed by William Urbanus for Post Wedding Brunch at Reid Park Pavilion on Monday, September 5, 2022 from 9:00 AM to 4:00 PM

Loomer stated the applicant has requested permission for Fiddlesticks Breakfast Food Truck to be present at the Reid Park Pavilion event. Village Board Members stated they would allow the food truck on the condition that the applicant pay in advance for the spots the truck would occupy, and also help coordinate with the Village and local police when the event date gets closer to have the parking spots roped off so that the public cannot participate, as well as help reserve the spots for the food truck to park. Laura Frey, the applicant, also spoke and thanked the Village for their consideration and made herself available for any additional questions. Trustee Pappas/Trustee Petersen 2nd made a MOTION to Approve the Park Permit Application filed by William Urbanus for a Post Wedding Brunch at Reid Park Pavilion on Monday, September 5, 2022 from 9:00 AM to 4:00 PM and for the use of a food truck to cater the event on the condition of paying for the parking in advance and not allowing any public citizens to participate, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden
Locker Purchase Recommendation

Chief Cates stated that the Police Department's donation account has funds available and his staff favored the idea of personal lockers. Chief Cates stated he has looked at a few different suppliers and has found that for the amount he needs and the type he is looking at it would cost approximately \$11,000 dollars. Trustee Pappas mentioned potentially checking out the company Granger and comparing their prices as well. Chief Cates said he would continue to see if he could find a cheaper price but for now is asking Village Board approval to purchase lockers at a price not to exceed \$11,000 dollars.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the purchase of personal lockers for the police department not to exceed \$11,000 dollars, and the MOTION carried without negative vote.

CSO Hiring Recommendation

Chief Cates stated that the Police Department has found two individuals who they wish to hire as part time staff for the position of CSO. Chief Cates mentioned he knows the hourly rate had recently been increased and both staff members plan to work 20 – 30 hours per week. He suggested it will be as or more efficient as one full time CSO. He also stated it would add some flexibility in case one of them would like to take vacation time or is sick the other one could pick up the hours in their absence. Administrator Loomer added that the Police Department staff is currently one employee short and having an extra CSO to pitch in will alleviate some of the work on the rest of the staff.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the CSO Hiring Recommendations for the two part time employees, and the MOTION carried without negative vote.

Fulltime Police Officer Hiring Recommendation

Chief Cates stated that he had two potential candidates for the fulltime Police Officer position. He had both candidates meet and interview with the Police and Fire Commission. The Police and Fire Commission's recommendation was to offer the job to Jacob Heinen and is looking for the Village Board to approve that recommendation.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the recommendation from the Police and Fire Commission and offer the fulltime police officer position to Jacob Heinen, and the MOTION carried without negative vote.

EMS/Fire Employment Update

Administrator Loomer stated that yesterday on June 1, 2022 the seven EMS/Fire staff members were hired full time and are being sworn in at village hall until a formal meeting can be held, likely in August. Loomer also stated that staff is looking over the budget numbers and will provide more concrete numbers for a referendum at next month's meeting. Police and Fire Commission will be continuing to review four more applications in the coming weeks. Attorney Thorpe stated that this officially marks the end of the volunteer firefighting department era and ushers in a new era of a fully employed department for the Village. Trustee O'Neill asked whether that meant we are covering Williams Bay already and Loomer stated the Village has been covering under mutual aid, but the IGA officially began on June 1 for EMS, but they are aware that some calls may require a fire dept. response as well.

Adjournment

Trustee O'Neill/Trustee Petersen 2nd made a MOTION at 6:01 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow, 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: 07/05/22