

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

(Official Minutes)

RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Wednesday, June 10, 2019

Village President Pat Kenny called the monthly meeting of the Village Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote: Trustee Prudden (arrived at 5:48 pm), Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill (arrived at 5:48 pm), Trustee Pappas

Also Present: Maryanne Bruss, Jeff Cates, Kevin Day, Rick Dousman, Janet Happ, Joanne Kristofferson, Theresa Loomer, Mike McKay, Pete Novak, Wally Perkins, Chad Pollard, Bonnie Schaeffer, Terry Tavera, Dale Thorpe, Mike Trainor, Greg Trapani, Karen Yancey

Closed Session

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 5:46 pm to go into closed session pursuant to Wis. Stats. Chapter 19.85(1)(g), "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved," specifically Novak's Liquor License; 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 "Negotiating Conservancy Easements with Geneva Lake Conservancy", and 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 Salary Resolution Amendments related to Performance Reviews and Compensation Recommendations for Police Chief Jeff Cates, Administrative Assistant Stephanie Klug, Deputy Clerk/Treasurer Julie Olson, DPW Street Foreman Ron Adams, and DPW Mechanic Jim Hoover".

The roll call vote was as follows:

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Pappas – Aye

The MOTION carried on a 5-0 vote with Trustees Prudden and O'Neill not yet in attendance.

Open Session

Trustee Petersen/Trustee Pappas 2nd made a MOTION to go into Open Session at 6:14 pm, and the MOTION carried without negative vote.

Visitors Heard

None

Approval of Minutes

The minutes for the meetings held on May 1, 3, and 17, 2019 were distributed.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the minutes from the May 1, 3, and 17, 2019 meetings, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

There was one additional payable in the amount of \$101,018 for the Lake Street construction lighting.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve payment of the Village and Utility payable list including the additional payable in the amount of \$101,018, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Annual Liquor Licenses Renewals

No major violations were found by the police chief, the fire inspector or the building inspector. Any violations found were minor and should not hold up the issuance of the license.

Abbey Harbor Yacht Club, Inc., located at 271 Fontana Boulevard, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Pappas/Trustee McGreevy 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. Trustee Prudden abstained.

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.

Trustee McGreevy/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.

Trustee Livingston/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.

Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee McGreevy/Trustee O’Neill 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.

Chucks Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Pappas/Trustee McGreevy 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.

Country Club Estates Golf Association, located at 365 Pottawatomie Drive, RENEWAL CLASS “B” BEER and “CLASS C” WINE license.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class C” Wine 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. Trustee McGreevy abstained.

Fontana Petro, Inc., for the premises located at 286 Valley View Drive, d/b/a/ Fontana Mart RENEWAL CLASS “A” BEER and “CLASS A” LIQUOR license.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class

“A” Beer and “Class A” 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.

Gordy’s Boat House, Inc., located at 320, 336 & 342 Lake Street, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee McGreevy/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.

Gordy’s Boat House, Inc., located at 341 Lake Street, RENEWAL CLASS “B” BEER and “CLASS C” WINE license.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class C” Wine 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.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS “B” BEER license.

Trustee McGreevy/Trustee O’Neill 2nd made a MOTION to approve the renewal of the Class “B” Beer 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.

Novaks’ of Fontana, LLC, transfer and renewal for the premises located at 138 Fontana Boulevard, d/b/a Novaks’, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the transfer application submitted by Peter Novak from the premise at 158 Fontana Boulevard to 138 Fontana Boulevard. The Roll Call vote was as follows:

Trustee Prudden – Aye

Trustee Livingston - Nay

Trustee Petersen – Nay

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Pappas – Nay

The MOTION carried on a 4-3 vote.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that within 90 days after the beginning of the license year (July 1st), the applicant shall comply with all of the requirements of the village ordinances and state statues with regard to the qualifications of the premises or the person, and that the Seller’s Permit is active and in good standing.

The Roll Call vote was as follows:

Trustee Prudden – Aye

Trustee Livingston - Nay

Trustee Petersen – Nay

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Pappas – Nay

The MOTION carried on a 4-3 vote.

Original Liquor License Applications

There were two original applications submitted for an Original “Class B” liquor license, however, the Village is currently at its max quota and has no additional licenses available.

Fontana Corner, LLC, for the premises located at 138 Fontana Boulevard, d/b/a Wally's Matchbox, ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to deny the original application for a Class "B" Beer and "Class B" Liquor License because none are available, and the MOTION carried without negative vote.

Mill Street Retail Center, LLC, for the premises located at 441 Mill Street, ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to deny the original application for a Class "B" Beer and "Class B" Liquor License because none are available, and the MOTION carried without negative vote.

Approval of Operator's Licenses for 2019-2020

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the new and renewal operator license applications filed for the 2019-20 license year by the Abbey Harbor Yacht Club employees Isabelle Carter, Samara Enz, Lauren Higgins, Jessica Holzer, Lindsay Worland; Abbey Provident Resort employees Jack Beals, Elizabeth Behrens, Madeline Butters, David Casillas, Joseph Davidson, Kristing Granahan, Irena Kazaniwskyj, Adnan Khan, Toni Koutnik, Darryl Lonzoza, Morgan McCarthy, Laura Montemayor, Isaac Ortiz, Maria Rios, Michael Seaver, Richard Selvey, John Schlabach, Matthew Sokol, Taylor Webster, Melonie Wright; Abbey Springs employees Brian Braun, Becky Brunner, Sally Cotter, Daniel Dlabal, Natalie Gaiser, Jessica Gregg, Jared Hocker, Rebecca Hoogland, Ashley Kanak, Sherry Maki, Carlo Obligato, Mackenzie Sax, Alexis Sohlberg; Big Foot Country Club employees Lonni Gellerman, Pamerla Keeler, Eric Stauffacher, Nicole Vivirito, Rodney Wright; Chuck's employees Jack Brown, Michael Brown, Kyle Cairns, Keith Edwards, Julie Friestad, John Friestad, Roy Hanson, Julie Ieronimo, Kathryn Kanelos, Rebecca Millar, Bonnie Millar, Elizabeth Vosburgh; Country Club Estates employees Joanne Johnson, Erich Lange; Fontana Shell employees Poteet Ozmun, Laura Reed, Nav Kiran Thind; Gordy's employees Lindsay Becker, Justin Bender, Frank Blum, Heather Bucaro, Brett Chapman, Gabriela Diamond, Nathan Halverson, Adam Hart, Kelley Leibsle, Tasha Loma, Andrea Martinez, Haley Menning, Renee Pihl, Greg Spende, Emmett Swarat, Veith McKinley, Amber Wellhausen and Thomas Whowell with the condition all fees have been paid and servers permits have been submitted. The MOTION carried without negative vote.

Fireworks Permit Application Submitted by Hollywood Pyrotechnics, Inc. for July 2, 2019 beginning at 9:30 pm at 1090 B South Lakeshore Drive

An application was filed by Bennie Netzley from Hollywood Pyrotechnics, Inc., for a fireworks display on Tuesday, July 2, 2019 beginning at 9:30 pm to be completed prior to 10:00 pm. There was discussion about a similar display that occurred on the Sunday after the Fourth of July last year and there were complaints from a neighbor. After discussion, the board agreed that as long as the immediate neighbors are notified prior to the show the permit can be approved.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the fireworks application submitted by Hollywood Pyrotechnics for July 2, 2019, and to direct Hollywood Pyrotechnics, Inc. to notify the neighbors in the immediate area, and the MOTION carried without negative vote.

Accept Resignation of Sandra Hibbard from Park Commission

Trustee Petersen/Trustee Livingston 2nd made a MOTION to accept the resignation of Sandra Hibbard from Park Commission, and the MOTION carried without negative vote.

Appoint Zina O'Callaghan to Park Commission

Trustee Livingston/Trustee Petersen 2nd made a MOTION to appoint Zina O'Callaghan to the Park Commission, and the MOTION carried without negative vote.

Negotiating Conservancy Easements with Geneva Lake Conservancy

This item was discussed in closed session. Thorpe explained that the Board considered negotiations in closed session with regards to possible conservancy grants with the Geneva Lake Conservancy and the goals of the Village. The Board previously voted to turn over the triangle piece of land to the

conservancy; however, the Board reached a new consensus in closed session that they are not interested with regards to the property or pursuing conservancy easements at this time. Karen Yancey introduced Joanne Kristofferson who is a resident and spoke in favor of the conservation easements. President Kenny explained there was new information presented in the closed session that the Board did not previously know about and they wish to hold off on granting any easements or transfers of land. He explained the Village has no intention of building on the triangle or the fen and takes good care of the property, but offered to discuss the possibility sometime in the future. Several Board members reiterated the point that the Village has done a wonderful job taking care of and seeding the properties at the Fen, Oak Savanna and the triangle piece of land and that the Board is committed to the protection of these areas and there is no future plans for development. Yancey stated she did not feel the conservancy has had an adequate chance to address the Boards concerns and also stated that Bill Turner, one of the former owners of the Fen, suggested the Conservancy approach the Village for an easement because there is no guarantee that future Boards' will protect the land.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to deny the request to give the Geneva Lake Conservancy any land or conservancy easements at this time, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Amend Zoning Code Sect. 18-246(g) regarding Conditional Use Permit

The amendment is a housekeeping item to change the required public hearing timeline after the submission of an application from 45 days to 60 days.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve Ordinance 061019-01 amending Section 18-246(g) regarding conditional use permit, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Southbound Development, LLC, for Parcel SOP 00052, 138 Fontana Boulevard for Outdoor Boat Display

The application is to separate the boat display lot on the corner of Highway 67 and Fontana Boulevard from the sales office which intends to move down the street to 158 Fontana Boulevard. In addition, the Board just approved a liquor license for the building at 138 Fontana Boulevard. The staff conditions are the same as the previous site plan extension approval. Trustee Pappas asked about the flutter flag and sandwich board sign which are still displayed although are not allowed per the most recent site plan approval. Zoning Administrator Bonnie Schaeffer explained the flutter flag is not allowed and the sandwich board sign could be allowed if it related to on premise activity and a proper permit was issued. Mr. Perkins agreed to the condition.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Conditional Use Permit Application filed by Southbound Development, LLC, for the Parcel SOP 00052, 138 Fontana Boulevard for Outdoor Boat Display with the following conditions:

1. Granted to a specific operator.
2. Granted up to a maximum of five years.
3. The number of boats displayed shall be a maximum of ten (10). The display of “boats” shall be limited to watercraft as defined by Wisconsin DNR Boat Certificate Title requirements.
4. The following watercraft and equipment may not be displayed outside:
 - a. Personal watercraft (i.e. jet skis)
 - b. Manually propelled (i.e. canoe, kayak, raft, inflatable paddle boats, paddle boats, surf boards).
 - c. Empty trailers and/or other boats accessory equipment.
5. During Phase 1, except as set forth below, exterior lighting shall remain and be utilized as-is. Exterior lighting shall be allowed to be maintained but shall not be moved, relocated, or added to, including increasing lumens. Exterior lighting on the west wall of the building is allowed with the conditions it is shielded or down-lit and will be turned off after business hours.
6. Signage is limited to the existing monument sign, wall sign, and canopy sign. The existing sandwich board sign shall be removed. The existing sandwich board sign shall be applied for through the building and zoning department. No fluttering or other prohibited types of signs are permitted.

7. Throughout both phases, the use of the outdoor display on this property as proposed shall be year round. In the event boats are removed from the display area, all support fixtures used to display the boats shall be removed within ten (10) calendar days of the boats removal. No boats shall be shrink wrapped while on display.
8. Throughout both phases, sales are restricted to boats and pro shop equipment only; sales of vehicles is expressly prohibited. No boat on outdoor display shall exceed 30-feet in length. Boats shall be displayed horizontal in nature; no stacking or vertically angled display is allowed.
9. Throughout both phases, service and storage shall not be permitted at the property. (The applicant may promote these as available off site and at other locations.)
10. Throughout both phases, there shall not be storage of empty boat trailers or other storage of items or materials allowed;
11. In accordance with Sec. 18-56(e)(4), display areas shall be separated from any circulation area by a minimum of ten (10) feet. This separation shall be clearly delineated by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area. The site plan submitted for Phase 1 depicts two boats for outdoor display resting on parking areas; this is not permitted. The location of all outdoor display throughout both phases shall meet the requirements of Section 18-56(e)(4). In addition, outdoor display shall not extend outside the area marked on the site plan as dedicated for outdoor display. This includes any and all portions of boats, trailers, stands, blocks and steps. The size of the boat display area, size of the green space area on property, the layout of the landscaping including planters and existing trees, and all outdoor lighting shall be as depicted on the Ferris Hansen Survey dated February 19, 2019 and in accordance to the Final Revised Narrative submitted on February 22, 2019.

The MOTION carried without negative vote.

Permeable Paver Ordinance Amendment

Village engineer Terry Tavera provided additional information on pervious pavers. He recommended the ordinance be amended to require the property owner record the use and maintenance agreement on the property. Trustee Pappas recommended the ordinance be sent to the Plan Commission for follow-up and would like to see the landscape surface ratio rolled back from 50% to 40% if the ordinance allowing permeable pavers is approved.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to send the ordinance amendment to the plan commission for further review, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

Approve Ordinance and Resolution Regarding Chapter 78 Water Leak Policy – Tabled 05/01/19

The policy was presented at last month’s meeting and has been put into ordinance form with a policy following in resolution form.

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve ordinance 061019-02 creating Section 78-3 regarding a water and sewer credit policy, and the MOTION carried without negative vote.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to adopt Resolution 061019-02 Establishing a water and sewer credit policy per section 78-3 of the municipal code, and the MOTION carried without negative vote.

Annual CMAR Resolution Approval

The annual CMAR report was presented.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve Resolution 061019-03, approving the 2018 CMAR report, as presented, and the MOTION carried without negative vote.

2020 South Lakeshore Drive Construction Proposal and Discussion

Tavera presented information on the previously approved CIP plan as discussed last year which had utility, water main, storm water, and road construction work on South Lakeshore Drive to be completed over the course of three years. Due to the work involved and cost of bonding, staff has discussed bonding for a larger amount and completing either a larger section of the project in one

year or over the course of two years, but bonding for the full amount next year and then not bonding in 2021. Trustee Pappas stated he would like to see South Lakeshore Drive widened by five-feet on both sides to create bike lanes. Tavera explained part of the work involves working with the associations to obtain easements and collaboration to address storm water issues. There was discussion on whether it would be possible to all of the work in the fall after Labor Day to avoid having to lay temporary asphalt between Memorial Day and Labor Day if the project is broken up by doing some of the work in the spring and some in the fall. There was discussion on including incentives and penalties in the bid documents to encourage the contractors to finish the work in a timely manner. Tavera will prepare additional documents to be reviewed by the Public Works and Finance Committees.

Payment Recommendation No. 2 for Lake Street and Beach Parking Lot Reconstruction

The pay order was reviewed by the Village engineer and is recommended for approval. Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Contractor's Application for Payment No. 2 in the amount not to exceed \$455,122.15, and the MOTION carried without negative vote.

Closeout Change Order and Final Payment Recommendation on Mohr Road

The decrease in the change order is for \$22,934.13 due to the sealcoat not being complete. The project must be closed out prior to the fall in order to receive LRIP funding. The final pay order is in the amount of \$1,593.40.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve Change Order No. 2 for the decrease of \$22,934.14 and approve the Final Pay Order No. 5 in the amount of \$1,593.40 for the Mohr Road project, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Salary Resolution Amendments

This item was discussed in closed session.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve Resolution 061019-03, and increase the DPW Street Foreman's salary to \$69,525 after a satisfactory six month performance review, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to adjourn at 7:02 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: 07/01/19