

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, June 11, 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 Livingston, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill, Trustee Pappas

Trustees Absent: Trustee Prudden

Also Present: Bruce Adreani, Jeff Cates, Theresa Loomer, Bridget McCarthy, Wolfgang Nitsch, Ron Nyman, Duane Ratay, Rick Treptow, Scott Vilona

Visitors Heard

Rick Treptow, resident at 904 Shabbona Drive, stated he was there to speak on the agenda item to reconsider the Mohr Road bench approval. He asked why the item was back on the agenda and provided the history of the money collection and approvals for the memorial bench for Micki O'Connell, including the progression of approvals for the Pioneer Park bench and eventually the decision to allow the Pioneer Park bench to be moved to Mohr Road Park. Treptow stated he was informed last year by the park commission that only one bench per person is allowed, but questioned the reasoning since more than one memorial tree can be donated in honor of the same person. The group that donated money for the bench responded by choosing Mohr Road Park as the desired location if only one bench is allowed because that location is near O'Connell's sister's house and where she spent a lot of time.

Bruce Adreani, resident at 594 Cherry Street, stated he and his neighbor on the east side of Mohr Road, the O'Halleran's, have put time and money into the area at Mohr Road to help with flooding and make the area what it is today. Adreani said they do not want to have a name on the bench and take away the history that's there; he stated the name belongs to the historians that founded the village. Adreani handed out two photographs, one of the current bench, and one of the memorial plaque with a date of May 1831 that recognizes "the Kinzie Party". Adreani read a letter from Mr. O'Halleran regarding the bench and the historic rock recognizing the Kinzie Party and wrote the combination of the two (the rock and the bench) should not change. Adreani said he would help with the funding of a new bench or the reinstallation of the old bench and asked that the bench remain with no name.

Approval of Minutes

The minutes for the meeting held on May 7, 2018 was distributed.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the minutes from the May 7, 2018 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee O'Neill 2nd 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 McGreevy 2nd 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

Annual Liquor Licenses Renewals

Only minor violations were found during inspections by the police department, fire department and building inspection departments. None of the violations would prevent any of the establishments

from receiving their liquor license. All sellers' permits were verified and valid and all fees are required to be paid by June 30, 2018.

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

Trustee Petersen/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.

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 Petersen/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.

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

Trustee Petersen/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.

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

Trustee Petersen/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 Petersen/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.

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

Trustee Petersen/Trustee O'Neill 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., 129 Allen Street #8, Walworth, WI, d/b/a Fontana Petro, Inc., located at 286 Valley View Drive, Fontana, WI, 53125, ORIGINAL "A" BEER and "CLASS A" LIQUOR license.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the original 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 Petersen/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.

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

Trustee Petersen/Trustee O’Neill 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 Petersen/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 for the premises located at 158 Fontana Boulevard, d/b/a Novaks’, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Petersen/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.

Approval of Operator’s Licenses for 2018-2019

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the operator’s license applications as submitted, with the exception of the applications submitted by Jean Conrad and Stephanie L. Akright, for 2018-2019, with the condition all fees are paid, and the MOTION carried without negative vote.

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to deny the operator’s license applications submitted by Jean Conrad, for violation of Section 6-13. (a)(3) and Stephanie L. Akright, for violation of Section 6-13(a)(4), and the MOTION carried without negative vote.

Request to Reconsider Mohr Road Bench Approval

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to reconsider the Mohr Road bench and the roll call vote was as follows:

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Pappas – Aye

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

Trustee McGreevy acknowledged the Adreani and O’Halloran families have donated a lot of time and money to the Mohr Road property and stated the families maintain the property and keep it looking beautiful. Trustee McGreevy stated if the two families are okay with having a bench without a name on it, then he supports that option. Livingston provided a history of the progression of the bench approval over the past year. He stated the board passed on multiple options and he agrees that the two families have donated a lot to the community and can also support not having a name on the bench. Pappas stated O’Connell donated a lot of time to the village as a trustee. He stated O’Connell’s friends collected a lot of money to put towards this monument for her and chose Mohr Road Park because it is near her sister’s house and O’Connell spent a lot of time there. Pappas said that if the board allows for these situations to become political, then they will have to put an end to all dedication monuments and donations. Petersen agreed that O’Connell put in a lot of time for the village and stated he hoped the board could reach an agreement for those that want a bench with O’Connell’s name and those that don’t want it. Petersen added he has never been in favor of

memorial benches. President Kenny acknowledged O'Connell's contribution to the village and stated having recognition somewhere is important, but the question is whether it needs to be in Mohr Road Park.

Trustee McGreevy/Trustee 2nd made a MOTION to have a bench placed at Mohr Road Park with no name on it, and the MOTION carried without negative vote.

Safety Building Air-Conditioning Unit Purchase Approval

The air conditioning unit at the safety building recently became disabled. Chief Cates received three quotes and all service providers recommended replacing the entire unit as it is approximately 38 years old. Two of the proposals also recommended replacing the heating unit as it was also installed in 1980 and the unit is likely to fail soon due to age. Staff recommends proceeding with the proposal from Peck & Weis for the base bid of \$9,396 for the air conditioning unit and \$4,900 to replace the heating unit.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to recommend purchasing a new air-conditioning unit and furnace unit for the safety building, in the amount of \$14,296, and the MOTION carried without negative vote.

New Tornado Siren Location Proposal – Village Hall

The new tornado siren was originally proposed for placement on top of the water tower, however, due to a number of liabilities, it will no longer be placed at that location. Fire Department staff have requested to place a pole on the north side of village hall with the siren above the building.

Proposal to Refurbish Old Tornado Siren and Relocate to North Shore Drive

The Fire Department received a quote to refurbish the old tornado siren for a total of \$3,350, to refurbish, relocate and run the electric for the siren to be placed along North Shore Drive. Public Works has a pole that can be used and staff is working on obtaining easement documents, if necessary, for the proposed location at the corner of Stearns Road and Northshore Drive.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve refurbishing the old tornado siren and install it on North Shore Drive, for an amount not to exceed \$3,350, and the MOTION carried without negative vote.

Sewer Connection Fee Study

At last month's board meeting, the board approved setting the sewer connection rate at \$1,500 with the condition the rationale is backed up by the treasurer. Vilona presented two quotes to conduct a sewer connection fee study. The first quote is from Wegner CPA's in the amount of \$5,000 and the second quote is from Ehlers in the amount of \$5,800. Vilona indicated the study would provide solid backing to the connection fee and would take many criteria into consideration to calculate the fee. The calculation could create a higher or lower sewer connection fee than has been set by the board. Several trustees who are also members of the Fontana Walworth Water Pollution Control Commission suggested contacting Superintendent Doug Parker for information that will be gathered to conduct the study.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to table the item pending staff's contact with Doug Parker from FWWPCC regarding the information to be gathered to conduct the study by either Wegner or Ehlers, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Amendment to Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use

The ordinance change adds a single family dwelling to the principal land uses permitted by right. It is a housekeeping issue and was inadvertently left out of the code.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the amendment to zoning code section 18-335(b) – A-5 ETZ: Single Family Residential Uses, and the MOTION carried without negative vote.

Tourist Rooming House Ordinance Amendments

The updated ordinance brings the village into compliance with recent state legislation that now allows single-family dwellings to be rented out for a period of seven to 30 days over the course of a 180-day period. These rental properties have been named tourist rooming houses by the state which

has forced the village to amend what was previously defined as tourist rooming houses to vacation rental homes. Vacation rental homes are allowed by right in the following districts: Resort Business, Abbey Springs PD and Village Center, and also by conditional use permits in Neighborhood Business and Community Business. Vacation rental homes require a minimum one night stay with no maximum imposed. Both types of rentals require an annual application, annual fire code inspection, annual occupancy inspection, Fontana room tax permit, and an annual administrative fee, plus the submission of an interior and exterior floor plan, proof of property and liability insurance, State of Wisconsin Tourist Rooming House License and Wisconsin Dept. of Revenue Seller's Permit. An operator for both rentals must reside within 25 miles of the property and be available by phone 24/7. There is also a requirement for two off-street parking spaces, plus additional on-site parking spaces for each bedroom over two. Rental property owners are required to report room tax on a monthly basis, even if there was none, and are subject to an annual audit.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the Tourist Rooming House Ordinance, as presented, and the MOTION carried without negative vote.

Fee Schedule Resolution – Set Tourist Rooming House Fees

The fees are proposed to be set as follows: General Building Code (Occupancy) Inspection Fee - \$100, Fire Inspection Fee - \$100, Transient Room Tax Permit - \$20, Administrative Fee - \$2,000. O'Neill asked where the \$2,000 administrative fee came from and stated he felt it was high and would force property owners to rent without following the regulations. McCarthy stated the workload for staff will greatly increase with the new legislation due to the tax collection, inspections, issuance of permits, creation of forms, enforcement, etc. Trustee Pappas stated he does not want to encourage people to rent and Trustee Petersen stated he does want hotels next door to his residence. Chief Cates added that renting out homes in subdivisions, especially during the week when neighbors work full-time, can create a disturbance. He stated most full-time residents are opposed to having their neighbors houses rented out.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve Resolution 061118-01, adopting the fee schedule, as presented, and the MOTION carried on a 5-1 vote with Trustee O'Neill opposed and Trustee Prudden absent.

870 Van Slyke Drive Proposal to Tie Into Village Storm Sewer

A proposal was submitted by the homeowner at 870 Van Slyke Drive to tie into the Village storm sewer system due to drainage issues on his property. The plans were reviewed by the Village engineer and many suggestions for modification and alteration were suggested. There were also several concerns noted. The plan commission and public works committee recommended denial of the proposed plans to tie in.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to deny the request submitted by the property owner at 870 Van Slyke Drive to tie into the Village storm sewer, as recommended, and the MOTION carried without negative vote.

Site Plan Filed by Willow Bend Marine, Inc. for Patio Extension at 352 Lake Street

Willow Bend Marine filed a site plan to install a patio on the east side of Lake Street on parcel SR00003. No alcoholic beverages will be served on the patio. The site plan was recommended for approval by the Plan Commission.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the site plan filed by Willow Bend Marine, Inc., for patio extension on the east side of 352 Lake Street, as recommended, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application Filed by Sherrie Krzciuk for Park House with Beer/Wine Permit for Saturday, June 16, 2018 from 8:00 am to 5:00 pm

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the park permit application filed by Sherrie Krzciuk for the Park House with a beer/wine permit for Saturday, June 16, 2018 from 8:00 am to 5:00 pm, and the MOTION carried without negative vote.

Park Permit Application Filed by JoAnn McGuinness for Park House and Reid Park Pavilion on Sunday, September 9, 2018 from 10:00 am to 6:00 pm

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the Park Permit Application filed by JoAnn McGuinness for Park House and Reid Park on Sunday, September 9, 2018 from 10:00 am to 6:00 pm, and the MOTION carried without negative vote.

Memorial Tree Program Application Submitted by Sue Jacobsen for Ornamental Pear Tree

The tree will be planted near the lakefront and placement will be coordinated with public works.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the Tree Program Application Submitted by Sue Jacobsen for an Ornamental Pear Tree, with the placement of the tree to be coordinated with DPW, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Mohr Road Utility Building Fence Request

Adams stated the adjacent homeowner has agreed to construct an enclosure around the generator building and add planter boxes along the road. The homeowner has also agreed to reroof the utility building at his expense. Staff is still waiting to receive the building plan.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Mohr Road Utility Building Fence Request, as described, and the MOTION carried without negative vote.

Completion of Electrical From Existing Underground to East Side of Lake Street for Pier Power and Lights

This project is proposed to be completed when Lake Street is redone next year.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to table the proposal to complete the electrical from the existing underground to the east side of Lake Street for pier power and lights, and the MOTION carried without negative vote.

Annual CMAR Resolution Approval

The annual CMAR report was presented.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve Resolution 061118-02, the 2017 CMAR report, as presented, and the MOTION carried without negative vote.

Geneva Lane Road Repair Due to Road Reconstruction

Due to heavy usage during the road reconstruction project, Geneva Lane requires repair. Payne and Dolan, the company that was responsible for the reconstruction project, came in at a price of \$38,850. Quotes were also received from Wolf Paving for \$18,176 and from Merit Asphalt for \$16,275.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve the quote submitted by Merit Asphalt in the amount of \$16,275, to reconstruct Geneva Lane, and the MOTION carried without negative vote.

Proposal to Rebuild Well No. 4 Pump For Use as Backup Pump

The pump at Well No. 4 has been replaced and the Water Dept. would like authorization to rebuild the pump for use as backup.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the proposal for \$5,400, as submitted by L.W. Allen, to rebuild Well No. 4 booster pump, and the MOTION carried without negative vote.

Lake Street Water Main Relay – Payment Recommendation No. 3

The work was reviewed by staff and the Village engineer and is recommended for approval.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Lake Street Water Main Relay Payment Recommendation No. 3, as submitted by Woleske Construction Co., Inc., in the amount of \$9,735.40, and the MOTION carried without negative vote.

2017 Road Reconstruction and Drainage Improvements Project – Payment Recommendation No. 6

The work was reviewed by staff and the Village engineer and is recommended for approval.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the 2017 Road Reconstruction and Drainage Improvements Project Payment Recommendation No. 3, submitted by

Super Excavators, Inc., in the amount of \$147,242.53, and the MOTION carried without negative vote.

2017 Road Reconstruction and Drainage Improvements Project – Change Order Request for Brickley Drive Pavement Work

Super Excavators submitted a change request for \$5,965 for the asphalt that was torn out and replaced on Brickley Drive. The asphalt was put down late last fall, and when it was evaluated this spring, staff noticed not all sections were holding up and certain portions needed to be replaced. Super Excavators claimed that the addition of the water main work to the original contract had pushed paving back into the colder weather, and had it been done on time, the asphalt would have had a chance to properly set and would not have needed to be torn up and replaced.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to accept splitting the \$5,965 change order with Super Excavators, Inc., for a total payment of \$2,982.50, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Pre-Employment Testing Proposal Through Mercyhealth

The Village currently uses Absolute Mobile Testing, LLC for pre-employment and random drug testing for public works employees who hold their CDL. The annual fee is \$125 and \$76.50 for each drug test. The police dept. requires a pre-employment drug screen, physical, lift test and audio test, all of which is performed through Mercy for a total of \$153. Loomer met with the occupational health specialist from Mercy and if the Village were to include a physical and lift test for new public works employees, Mercy could offer a bundled rate of \$115 and charge \$40 for any pre-employment or random drug test. Loomer contacted the insurance company and the Village's rep said although there would be no immediate impact from requiring a physical and lift test for new public works employees, it would likely help the Village control the experience mod rating when it comes to future workers compensation claims.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the pre-employment and random drug testing proposal through Mercyhealth, and the MOTION carried without negative vote.

Salary Resolution Amendments

This item was discussed in closed session.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve Resolution 061118-03 amending resolution 050718-01, setting the 2018 salary schedule, and approve a stipend of \$35 per month for Julie Olson and Stephanie Klug for the use of their cell phone for village business, and the MOTION carried without negative vote.

Closed Session

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to go into Closed Session at 6:55 pm 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 Fire & Rescue Dept. Chief Compensation Review and Salary Resolution Amendments, and Wis. Stats. Chapter 19.85(1)(e), “deliberation or negotiating the purchasing of public properties, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session,” specifically WE Energies Settlement Negotiations for Damage to Prairie.

The roll call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill - Aye

Trustee Pappas – Aye

Trustee Livingston - Aye

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

Adjourn Closed Session

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adjourn Closed Session and go into Open Session at 7:02 pm and the MOTION carried without negative vote.

Fire & Rescue Dept. Chief Compensation Review and Salary Resolution Amendments

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve increasing the Fire & Rescue Dept. Chief's salary to \$20,500 and offering him health, dental and vision insurance package at the 50% rate, and the MOTION carried without negative vote. Trustee Livingston abstained.

WE Energies Settlement Negotiations for Damage to Prairie

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the settlement agreement proposed by NPL, as presented, and approve the additional 2018 site visits, if approved by NPL, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adjourn at 7:04, 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: 07/02/18