

(official minutes)
VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN

JOINT PLAN COMMISSION +VILLAGE BOARD MEETING
with
PUBLIC HEARING FOR AMENDMENT TO
PHEASANT RIDGE PD
and Closed Session
Monday, June 23, 2003

Date: June 23, 2003

Place: Village Hall Meeting Room, 175 Valley View Drive, Fontana, Wisconsin

Time: 5:30 p.m. Closed Session

6:00 p.m. Joint Open Meeting with Public Hearing

Roll Call Village Board

Present: Geye, Cole, O'Connell, Petersen, Turner, President Howell

Absent: Bromfield

Roll Call Plan Commission

Present: Geye, Poivey, Rauland, Ripkey (arrived @ 6:25), Treptow, President Howell

Absent: Spadoni

Also Present: Joe McHugh, Craig Workman, Village Clerk Smith, Robin Wettstein,
Village Attorney Thorpe

Absent: Administrator Hayden (vacation)

Visitors: 0

Announcements: 0

Note: The 5:30 Closed Session was cancelled by President Howell due to lack of quorum. The Closed Session was scheduled to begin in the Village Hall Conference Room because the CDA Meeting was held in the Village Hall Meeting Room with PDI giving a power point presentation.

-6:00 P.M.- Open Public Hearing- President Howell

Proposed Amendment to Ordinance 5-4-98-3, A Planned Development district for the Pheasant Ridge Subdivision

Application and plat of survey maps were submitted by Bob Rauland and Dennis Condon on behalf of Condon Construction and Realty, Inc. Rauland and Condon were present and asked for the Plan Commission and Village Board to alter lot configuration and adjust lot lines for lots 15/16, and lots 18/19 in the Pheasant Ridge Subdivision. Rauland is the owner of lot 15 and Condon is the owner of lots 16, 18 and 19. It was noted that the Board of Directors of Pheasant Ridge reviewed and approved the request for lot line adjustment and a signed letter was received from Bill Henry, President of Pheasant Ridge Subdivision.

Attorney Thorpe prepared and submitted the proposed Ordinance w/Exhibits "A" and "B" (exhibits prepared by Peter S. Gordon, Farris, Hansen & Associates.

Speaking For: 0

Speaking Against: 0

- (3) maintain status quo for in and out service with the same one year look back to review the daily use of daily launches on the property
- (4) no outdoor storage of boats or boat related items beyond 30 days
- (5) that parking take place on the property pursuant to a parking plan
- (6) one year review to consider such issues from last year's permit

MOTION carried without negative vote.

Treptow/2nd Rauland. MOTION was made to set a public hearing at the earliest possible date with the fee waived. MOTION carried without negative vote.

Extraterritorial CSM Plat Review – Scott Ripkey and Kurt Ripkey, Town of Linn

Commissioner Ripkey stepped away from the podium. The proposed re-division of Lot 1 of CSM No. 1472 located just south of N1462 Academy Road creates Lot 2 with about 5.3 acres and Lot 1 with 2.54 acres. Attorney Thorpe stated if the parcels created and the remnants left comply with the zoning, then lot lines can be adjusted and plat review within the ETZ area is a courtesy. Zoning Administrator Henke reviewed and confirmed that no new lots have been created and the lots involved comply with zoning.

Plan Commission – Favorable Recommendation

Geye/2nd Rauland. MOTION was made to recommend approval of this lot line division. MOTION carried without negative vote.

Village Board Vote

Trustee Geye/2nd Trustee Cole. MOTION was made to accept this lot line division. MOTION carried without negative vote.

Proposed CSM for Lot Line Adjustment - Ripkey, Scout, Gilstrap and Raynor

Lots 6, 8, 10, 11, & 12 Addition “K”, Country Club Estates located on Fontaine Court
Commissioner Ripkey stepped away from the podium. Ripkey submitted a letter to the Plan Commission and Village Board for consideration of the proposed split of the Raynor property located on Fontaine Court. The purpose is to preserve green space and lower the development density. A deed restriction will be placed on the divided portions of the property so that no construction may take place. The lot line adjustment map for lots 6, 8, 10, 11, & 12 Addition “K”, Country Club Estates was prepared by Peter S. Gordon, Farris, Hansen & Assoc. and reviewed by Zoning Administrator Henke.

Plan Commission – Favorable Recommendation

Geye/2nd Poivey. MOTION was made to recommend approval of Ripkey’s second CSM. MOTION carried without negative vote.

Village Board Vote

Trustee Cole/2nd Trustee O’Connell. MOTION was made to approve this CSM on Fontaine Court on behalf of the Village Board. MOTION carried without negative vote.

- 7:00 pm

Adjournment of the Village Board

Trustee Petersen/2nd Trustee Geye. MOTION was made to adjourn the Village Board. MOTION carried without negative vote.

Short Recess

- 7:05 p.m. Reconvene Plan Commission

Approval of Plan Commission Minutes from 4/28/03, 4/30/03, 5/19/03

Rauland/2nd Poivey. MOTION was made to approve Plan Commission minutes from 4/28/02, 4/30/03, 5/19/03. MOTION carried without negative vote.

317 Bayview and 323 Bayview/Conforming Use Issue

Attorney Thorpe and Joe McHugh reported:

- zoning violations were reported
- Zoning Administrator investigated
- burden of proof to approve a violation was not there
- before 1983 both properties were zoned multi family
- rezoned to VCP in 1983 when the entire Village adopted a new zoning code and map
- VCP was created to save the Village Center
- when zoned VCP all existing uses became legal non-conforming uses
- rezoned from VCP to RS-3 in 1987 (that is where it remains today)
- in 1990 the duplex use existed

Speaking from the audience against the duplex:

Stu Bagni, 170 Big Foot (corner of Big Foot and Bay View)
Pierce Tyrrell, 113 Fontana Lane

317 Bayview

Joe McHugh will continue researching the building permit records and the assessor's property card records for use by right. President Whowell stated the 317 issue has pretty much been established as the right of use over a long period of time and probably is not going to change.

323 Bayview

Joe McHugh and Attorney Thorpe will review and report next month.
Tabled to July Board Meeting.

Natural Resource Conservation Ordinance – Chapter 14

Attorney Thorpe reported that after the Ad Hoc Committee has been studying several versions of an ordinance to regulate cutting trees. At this time the Ad Hoc Committee recommends to the Plan Commission an ordinance (option/tab #3 from Attorney Thorpe's 6/16/03 letter) focused entirely on the non-zoning building regulations set forth at Sec. 14-96 of the Municipal Code.

Speaking from the audience with concerns:

Mac Niven, Abbey Springs Executive Director.

Zoning Administrator Henke will contact builders and associations to help educate them on the Natural Resource Conservation (Tree) Ordinance.

Geye/2nd Treptow. MOTION was made to recommend approval and recommend to the Board the Natural Resource Conservation Ordinance. MOTION carried without negative vote.

Chapter 18 - Sign Ordinance

Village Planner, Robin Wettstein (present) prepared the Proposed Ordinance Amending Article X of the Municipal Code Regarding Signage.

Joe McHugh (present) submitted a memorandum with proposed text amendments to Article X. Wettstein will prepare further draft that is consistent with our municipal code, amending 18-255 General Signage Regulations so existing neon signs shall not be replaced or no new neon signs shall be permitted.

An inventory of all neon signs, similar to the sign inventory, will be prepared by the zoning office.

Attorney Thorpe will work with Wettstein regarding non-conforming uses per Wis. Stats. and Article 7 of the Municipal Zoning Code.

Ripkey/2nd Rauland. MOTION was made to table to next month. MOTION carried without negative vote.

BZA Report

Rex Henke distributed an 'activity and status' report dated June 23rd for the month of June.

Craig Workman suggested language to be included in our building code that would mandate new construction to install a conduit from where a proposed water meter is to be installed to the exterior of the building. President Whowell sent this Public Works Committee to recommend to the Village Board for the July 14th meeting.

Request to Place Equipment on Brookwood Tower

Bill Shimer, Vice President of Lakes Area Amateur Radio Club submitted a written request for tower space for amateur radio equipment to be located on the Brookwood water tower (roughly 25 pounds of hardware). This would greatly enhance our ability to communicate in the Geneva Lake area.

Attorney Thorpe stated we should ask for a contract, proof of insurance, that the Village be named as an additional insured on their insurance and then Wausau should be contacted to make sure that we have a second level of coverage for work done on the tower in this regard.

Geye/2nd Poivey. MOTION was made to approve this request for tower space for Amateur Radio operations subject to the items stated by Attorney Thorpe. MOTION carried without negative vote.
President Whowell asked Craig Workman to call Bill Shimer.
Once ready this will be placed on the Village Board agenda.

Adjournment

Poivey/2nd Rauland. MOTION was made to adjourn. MOTION carried without negative vote.
Meeting adjourned @ 8:15 p.m.

Minutes prepared by:
Phyllis Sallye Smith
clerk@villageoffontana.com

Note: These minutes are subject to further editing. Once approved by the Village Board and Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 7-14-03