

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, July 6, 2020

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:01 pm.

Trustees Present by Phone: Roll call vote: Trustee Pappas (joined at 5:03), Trustee O'Neill, President Kenny, Trustee Livingston, Trustee Petersen, Trustee Prudden (joined at 5:28), Trustee McGreevy

Also Present by Phone: Jeff Cates, Kevin Day, Theresa Loomer, Mike Misch, Bonnie Schaeffer, Tom Smith, Terry Tavera, Dale Thorpe, Scott Vilona, Doug Wheaton

Visitors Heard

Doug Wheaton from Lakes Area Realtors Association (LARA) read a letter citing concerns over the proposed sign ordinance and asked the Board to hold off on voting until LARA's proposed amendments can be considered. The entire letter is on file at Village Hall.

Approval of Minutes

The minutes for the meetings held on June 1, June 4, June 12, June 18, and June 23, 2020 were distributed to board members via email.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the minutes from June 1, June 4, June 12, June 18, and June 23, 2020, meetings, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Additional payables were sent out via email by Julie Olson earlier in the afternoon. Payables from the Police Dept. had not yet been turned in due to Chief Cates's recent absence but were requested to also be approved.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, including the additional payables emailed earlier in the afternoon and Police Dept. payables, and the MOTION carried without negative vote.

General Business – President Kenny

Fireworks Permit Application Filed by Bryan Olson, J & M Displays, for Display at the Abbey Resort on Tuesday, August 4, 2020

The fireworks permit was submitted by J&M Displays for applicant One Nation Under God Foundation. The display is proposed to take place on Tuesday, August 4, from a barge off Fontana Beach, it will begin at 8:50 pm and be five minutes in length. O'Neill stated there were no issues with the July 2nd private show and recommends approval.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve the fireworks display as applied for by J&M Displays for One Nation Under God Foundation for Tuesday, August 4, 2020 at 8:50 pm. The MOTION carried without negative vote.

Operator License Applications for Mary C. Rill, Kayla L. Kerns, Makayla C. Graham, Barrett C. Naegele and Christine M. Millins (Abbey Springs), Cassidy C. Winkler (Little Bar), Ryan A. Martin, Maria G. Gutierrez-Lopez and Toni V. Koutnik (Abbey Resort)

All background checks were clear, and the \$60 fees have been paid.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the operators license applications, as submitted, and the MOTION carried without negative vote.

Plan Commission

Consider Ordinance for a Planned Development General Development Plan Amendment for Wally and Kathleen Perkins for a Ground Sign for the Property Located at 160 Fontana Blvd

The PD GDP Amendment Application is for approval of a ground sign on the property line. Due to hesitation by some of the Plan Commission members, the applicants agreed reduce the total size and number of signs on the property as permitted by ordinance. Staff's conditions were also included as part of the recommendation. Trustee Pappas asked that staff enforce the sign ordinance, specifically ensuring sandwich board signs are only out during business hours, not overnight, and are on the business's property and not in the road right-of-way.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve Ordinance 070620-01 Amending the Planned Development GDP to allow a Ground Sign located at 160 Fontana Boulevard subject to the following conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all approved construction normally requiring a permit. This approval shall not alleviate the applicant from securing all required permits.
2. No other monument signs shall be permitted.
3. The base of the sign shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.
4. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
5. The sign ordinance allowance for this Property for number and size of available signs shall be reduced by the approved ground sign.

The MOTION carried without negative vote.

Consider Resolution for a Planned Development Precise Implementation Plan Amendment for Wally and Kathleen Perkins for a Ground Sign at the Property Located at 160 Fontana Blvd

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve Resolution 070620-01 amending the Planned Development PIP to allow a Ground Sign located at 160 Fontana Boulevard, and the MOTION carried without negative vote.

Amendments to Chapter 18-246 Regarding Conditional Use Permits

Zoning Administrator Bonnie Schaeffer was contracted to rewrite the code section on conditional use permits (CUP). The amendments reflect the changes required by Act 67. The ordinance amendment disallows the plan commission or village board to arbitrarily deny a conditional use permit and includes a list of recommended considerations for CUP applications.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve Ordinance 070620-02, amending Chapter 18-246 regarding Conditional Use Permits, and the MOTION carried without negative vote.

Repeal and Recreate Chapter 18 Article XII Signage Standards and Amendments to Chapter 18-13 Definitions

Zoning Administrator Bonnie Schaeffer was contracted to rewrite the code section on signage in order to comply with the U.S. Supreme Court ruling in Reed vs. Town of Gilbert which essentially limits the Village's ability to regulate signs based on content. The Lakes Area Realtors Association had requested the ordinance amendments be denied or tabled until their points had been considered. At the public hearing, the plan commission recommended Board approval of the ordinance and directed staff to look into the changes proposed by LARA.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Ordinance 070620-03, Repealing and Recreating Chapter 18 Article XII Signage Standards and Amendments to Chapter 18-13, as presented and recommended by the plan commission, and the MOTION carried without negative vote.

Amendments to Ordinance 050119-01 Preservation of Grade (due to numbering error)

There is no change to the text of this previously approved ordinance and only modifies the code section numbers.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 070620-04 to amend the numbering of previously adopted ordinance 050119-01 Preservation of Grade, as presented, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

COVID-19 Test Kit Proposal

Loomer explained the proposed test kits were solicited by Trustee McGreevy and are an FDA approved finger prick test and reportedly provides a positive or negative result for COVID-19 within five minutes. McGreevy stated he thought the test kits would be beneficial to staff, especially police, fire, and public works employees that are in contact with people daily and work with garbage, cleaning bathrooms, etc. He stated he already donated 50 kits to the Fire Department, and they cost \$29.50 per kit. Trustee Livingston stated the kits are beneficial and can be administered by one of the paramedics already on staff. There was discussion about a potential conflict of interest and whether someone else involved with the sale of the product could be the contact for Village staff.

Public Works Committee – Trustee O’Neill

S Lake Shore Drive Reconstruction Project Payment Recommendation No. 3

The payment recommendation is for the amount of \$1,297,953.13 and has been reviewed by the village engineer and is recommended for approval.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to approve the payment recommendation for the S. Lakeshore Drive Project as submitted by Wanasek for the amount not to exceed \$1,297,953.13, and the MOTION carried without negative vote.

Remove Culvert at Club Unique from S. Lakeshore Drive Project

The S. Lakeshore Drive project was approved without a drainage pipe through Club Unique after staff was not able to reach an agreement with Club Unique or the necessary property owners to obtain the proper easements. The project does include a culvert under S. Lakeshore Drive which would be capped off in case a future drainage pipe is installed; however, the association residents have advised they do not want a pipe through their property therefore any installation of a pipe is not anticipated for the near future. By taking the culvert out of the project the Village will save roughly \$9,000.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to remove the culvert at Club Unique from the S. Lakeshore Drive project, and the MOTION carried without negative vote.

Proposed Temporary Berm at Club Unique

Public Works previously provided sandbags to some Club Unique property owners. The proposal is to install a temporary berm to help with flooding and alleviate the need for sandbags, so long as easements from the property owners are obtained and property owners sign off on any damage and liability that may be caused by the berm. Wanasek provided a quote earlier in the day for the amount of \$11,400 which staff stated was higher than anticipated. Time is a factor in approval because the crews are currently working in that location. Day asked if the Board would allow up to a certain dollar amount for the berm and stated he would seek additional quotes.

Trustee O’Neill/Trustee Livingston 2nd made a MOTION to approve up to \$11,000 for installation of a berm at Club Unique, and the MOTION carried without negative vote.

Reconsider request from Wanasek for Additional Working Hours Between Memorial Day & Labor Day

Loomer stated at last month's meeting the Board had approved additional working hours through the month of June. Everything went well and an extension of Friday and Saturday hours is requested through the end of the summer. Pappas state he lives in the midst of the work and the consensus he has heard is that it is less intrusive to have work on Fridays and Saturdays than for the project to be stretched out for a longer period of time.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to allow the contractor to work on S. Lakeshore Drive on Fridays and Saturdays through the remainder of the summer, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Resolution for Metered Parking Rate Increase

The recommendation from the Lakefront Committee was to raise parking rates from \$2.00 per hour to \$3.00 per hour Monday through Thursday, and from \$3.00 an hour to \$4.00 an hour Friday, Saturday, Sunday and holidays. Since the beach has been limited to residents and season passholders only, available parking stalls have been more abundant, and parking has been less of an issue for residents. Kenny stated the rates were just raised last year and would prefer to hold off on raising rates until next year. Pappas asked to leave the item open and revisit next month, if necessary. He stated by raising rates it may keep more spots open for residents as the lakefront is already at capacity with the present infrastructure.

Geneva Lake Law Enforcement Agency – Trustee Petersen

Proposed Lake Noise Ordinance

Trustee Petersen stated excessive noise on the lake from jet skis and boat stereos has been discussed by GLLEA and a consensus is required by all communities to enact a noise ordinance. Tom Hausner has a device to measure sound but since no ordinance exists there is no way to enforce excessive noise. The Board agreed that GLLEA should explore a noise ordinance.

Human Resources Committee – President Kenny

Creation of Assistant DPW Street Foreman Position

The DPW Street Foreman intends to retire within the next few years. The proposed position would allow for a candidate to train with the current DPW Street Foreman and assist with supervising the Street Crew staff.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to create an Assistant DPW Street Foreman Position, and the MOTION carried without negative vote.

Assistant DPW Street Foreman Promotion Recommendation

Drew Perepell has been recommended for the position of Assistant DPW Street Foreman position.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to promote Drew Perepell to the DPW Street Foreman position and the MOTION carried without negative vote.

Salary Resolution Amendment

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve Resolution 070620-02 amending Resolution 020320-02, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee Prudden 2nd made a MOTION at 5:42 pm to adjourn the meeting, 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: 08-03-2020