

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, July 12, 2021

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:00 pm.

Trustees Present by Phone: Roll call vote: President Kenny, Trustee Livingston, Trustee McGreevy, Trustee O'Neill, Trustee Prudden, Trustee Petersen

Trustees Absent: Trustee Pappa

Also Present by Phone: Jon Cameron, Jeff Cates, Dianna Colman, Kevin Day, Christina Green, Kim Howarth, Sarah Lobdell, Theresa Loomer, Bill Ring, Jennifer Robson, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Terry Tavera, Dale Thorpe, Scott Vilona, Cindy Wilson

Visitors Heard

None

General Business

Approval of Minutes

The minutes for the meetings held on June 3, 2021, and July 7, 2021 (open and closed) were distributed to board members via email.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the minutes from June 3, 2021, meeting, as submitted, and the MOTION carried without negative vote.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from July 7, 2021, meeting (open & closed), 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 Treasurer's Report, 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

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

A Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$3,425,000 General Obligation Refunding Bonds; and Other Related Details

Jon Cameron from Ehlers stated the 2012 A and B bonds are currently callable for an interest rate savings. The approximate savings over the life of the issuance is \$183,000. Cameron stated this will not extend the debt offering. If the Village Board authorizes this resolution the official statement will be out by July 26th, the sale would be awarded at the August 2nd Village Board meeting and the redemption would take place on September 8th.

Trustee Petersen/Trustee O' Neill 2nd made a MOTION to approve resolution 071221-01 authorizing and providing for the sale and issuance of not to exceed \$3,425,000 General Obligation Refunding Bonds; and other related details, and the MOTION carried without negative vote.

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

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

Yerkes Observatory Update – Dianna Colman

Dianna Colman provided an update on the construction projects around Yerkes Observatory that are taking place.

2020 Audit Presentation

This item was postponed to the August meeting.

Revised Fireworks Contract for August 28, 2021

Loomer stated the only change was the amended date and everything else stayed the same.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the revised fireworks contract for August 28, 2021, in the amount of \$27,500, and the MOTION carried without negative vote.

Request from Indian Hills Association to Add Kayak Racks in AH-35 Zoning District

Mark Francis from Indian Hills Association stated the association is seeking to erect a portable paddle board rack. Francis stated paddle boarding has become extremely popular over the last ten years. This rack would hold ten to twenty boards in a vertical position and allow the boards to be stored in an organized manor and not create any safety concerns. Attorney Dale Thorpe stated the approval would require a minor zoning change to allow for this.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to authorize a minimal code change to allow for the approval of a kayak rack in AH-35 zoning district, and the MOTION carried without negative vote.

Direction on Food Trucks

Village Planner Mike Slavney stated food trucks have become very popular over the last ten years. The Village of Fontana currently has no identified approach to food trucks. Slavney drafted a memo with several options regarding food trucks ranging from outright prohibition to allowing all food trucks. Staff has had several discussions and has concerns with traffic and public health. Slavney stated based on feedback he has received his recommendation is to allow food trucks for private events on private property.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to direct Slavney to draft an ordinance modification to allow food trucks as a temporary one-time use on private property for private events, and the MOTION carried without negative vote.

Request to Allow Caretakers Quarters in Research Park (RP) Zoning District

Trustee O’Neill stated a couple years ago there was a flurry of police calls and the concern now is with people using the Fontana Storage property as a dump site. Trustee O’Neill explained he would like to clean up the property and always have a caretaker on site to help eliminate problems. Loomer stated staff is looking for direction from the Village Board whether to pursue a change to the code. Loomer explained from her understanding an office building was approved a couple years ago, however living quarters is not allowed. Attorney Thorpe explained this would require a code change which could be brought back to the Board next month. Thorpe stated requesting to have fencing and cameras installed would not be an unreasonable request.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to direct staff to begin working on a code change to bring back to the Village Board, and the MOTION carried without negative vote. Trustee O’Neill abstained.

Operator License Applications for Daniel A. Fontana, Emily P. Dominguez, Shannon J. Jones, Grace G. Jones, Emily E. Liptak and Frank W. Blum (Gordy’s), Madison T. Nourigate and Elizabeth G. Ripkey (Little Bar), Austin S. Korba (Abbey Springs) and Bharatbhai J. Patel (Fontana Shell)

All fees have been paid and no concerns.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve operator license applications file for Daniel A. Fontana, Emily P. Dominguez, Shannon J. Jones, Grace G. Jones, Emily E. Liptak and Frank W. Blum (Gordy's), Madison T. Nourigate and Elizabeth G. Ripkey (Little Bar), Austin S. Korba (Abbey Springs) and Bharatbhai J. Patel (Fontana Shell), and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Conditional Use Permit Application Filed by Peter and Jennifer Robson to Build a Guest House on the Property Located at 221 Dade Road (Lot 1 Deer Valley Road)

Trustee Petersen stated the Plan Commission recommended approval of the Conditional Use Permit Application filed by Peter and Jennifer Robson.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Conditional Use Permit Application filed by Peter and Jennifer Robson to build a guest house on the property located at 221 Dade Road (Lot 1 Deer Valley Road), subject to the following staff recommendations:

- a. The principal building must be owner-occupied.
- b. The accessory dwelling unit shall not be sold separately from the principal dwelling or the remainder of the property.
- c. Approval is based on the building plans dated 05-19-2021 and the site grading plan dated 06-14-2021.
- d. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
- e. An as-built survey shall be required depicting the location, size and height of the completed structure.

The MOTION carried without negative vote.

Conditional Use Permit Application Filed by William Ring on Behalf of Big Foot Country Club for Major Outdoor Food and Beverage Seating at 770 Shabbona Drive

Trustee Petersen stated the Plan Commission recommended to approve the Conditional Use Permit Application filed by William Ring on behalf of the Big Foot Country Club. Attorney Kim Howarth was present on behalf of Big Foot Country Club and stated they would like to ask to have the condition of evaluating the conditional use permit after one year removed. Howarth stated this is just asking for complaints that have nothing to do with the patio expansion and they believe they a good relationship with the neighbors and will handle complaints as they come up.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Conditional Use Permit Application filed by William Ring on behalf of Big Foot Country Club for Major Outdoor Food and Beverage Seating at 770 Shabbona Drive, subject to the following staff recommendations:

- a. Any other conditions identified by the Village Staff, Plan Commission or Village Board.

The MOTION carried without negative vote.

Public Works – Trustee O’Neill

S. Lakeshore Drive Reconstruction Payment Recommendation No. 12

Trustee O’Neill/Trustee Livingston 2nd made a MOTION to approve S. Lakeshore Drive Reconstruction Payment Recommendation No. 12 in the amount of \$163,608.42, and the MOTION carried without negative vote.

Lakefront & Harbor – Trustee Pappas

Pier No. 1 Modification for GLLEA Watercraft

Loomer stated currently GLLEA has one boat on the North side of Pier 1 and one boat on the South side of Pier 1 and the Fire and Rescue boat has a designated spot on the South side of Pier No. 1. The Village would like to have all moorings moved to the South side and have it designated as no parking with public parking on the north side only. Darrell Fredrick from Austin Pier Service provided two different layout options to the

Lakefront and Harbor Committee, and they recommended in favor of Option No. 1. Fredrick has agreed to provide the non-permanent dock and installation at no cost to the Village. The dock is non-permanent and does not require cribs, so no DNR permit is required.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve Option No. 1 from Austin Pier Service and relocate both of the GLEA moorings to the South side of Pier No. 1, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Police Department Squad/Body Camera Purchase

Loomer stated \$20,000 was budgeted and Chief Cates has been in negotiations for awhile and was able to get the price down to \$45,000. Finance recommended paying the \$20,000 that was budgeted and financing the remaining portion at zero percent for the next four years.

President Kenny/Trustee O'Neill 2nd made a MOTION to approve the purchase of the squad/body cameras in the amount of \$45,000 and paying \$20,000 upfront and financing the remaining \$25,000 at zero percent for four years, and the MOTION carried without negative vote.

ARPA Funding Update

Loomer stated this is the latest stimulus package and the Village will be receiving \$182,000 over two years. The treasury is still coming out with guidance on how the funds can be spent. The Village has until 2024 to spend the funds so there is no rush.

Protection Committee – Trustee Prudden

Fontana Municipal Court Pre-Trial Agreements – Tabled 4/5/21

Trustee Prudden stated he has been working with Attorney Thorpe since April on an acceptable method of keeping the costs down and still having the same great service. Prudden stated the savings has been substantial.

FW/WPCC – Trustee O'Neill

Approve Phosphorus Removal Payment Recommendations in the amount of \$102,320.37

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$102,320.37, and the MOTION carried without negative vote.

Approve Phosphorus Removal Payment Recommendations in the amount of \$3,893.66

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$3,893.66, and the MOTION carried without negative vote.

HR Committee – President Kenny

Updates on Chris Schwenn Memorial Donor Program

Loomer stated this update is to align the handbook with IRS requirements. Loomer explained when she was working on updating the WPPA contract it was brought to her attention the Chris Schwenn Memorial Donor Program was not in compliance with IRS guidelines.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the handbook updates regarding the Chris Schwenn Memorial Donor Program, as presented, and the MOTION carried without negative vote.

Village Hall Position Descriptions

Loomer stated she is working to update all the position descriptions, and this is the first batch that has been completed. More job descriptions will be forthcoming so all Village job descriptions are up to date.

Trustee Prudden/President Kenny 2nd made a MOTION to approve the Village Hall position descriptions as presented, and the MOTION carried without negative vote.

Closed Session

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 5:41 pm to go into closed session 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 Professional Building Inspections, Inc., Contract Amendment and Abbey Springs Ponds Stormwater Management Easement Agreement.

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

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

Adjournment

Trustee Petersen/Trustee McGreevy 2nd made a MOTION at 5:54 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

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: 08/02/2021