

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, August 2, 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 Pappas, Trustee O'Neill (Joined 5:06pm), Trustee Prudden, Trustee Petersen

Trustees Absent: Trustee McGreevy

Also Present by Phone: Greg Blizard, Ed Breen, Jon Cameron, Jeff Cates, Charles Coleman, Kevin Day, Anthony Garcia, Phil Greening, Sarah Lobdell, Theresa Loomer, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Ed Snyder, Terry Tavera, Dale Thorpe, Scott Vilonia, Tom Whowell, Cindy Wilson

Visitors Heard

Tom Whowell expressed concern regarding the proposed tree preservation ordinance. The proposed ordinance does not allow for any exceptions and Whowell hopes the Village Board will take more time and carefully review the ordinance being proposed. Ed Breen stated he owns a slip at Abbey Harbor and owns a villa at the Abbey and he hopes the Village Board will continue in the right direction of addressing concerns raised by Abbey Harbor Watershed Analysis. Ed Snyder stated he is in favor of all ten concerns raised by the Potawatomi Creek and Abbey Harbor Watershed Analysis being addressed. Charles Coleman stated he is a member of the Water Alliance Board, and he would like to see more initiatives in place to help protect the lake.

General Business

Approval of Minutes

The minutes for the meetings held on July 12, 2021 (open and closed), and July 20, 2021 (open and closed) were distributed to board members via email.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the minutes from July 12, 2021, meeting (open & closed), as submitted, and the MOTION carried without negative vote.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the minutes from July 20, 2021, meeting (open & closed), as submitted, and the MOTION carried without negative vote.

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

Trustee Prudden/Trustee Livingston 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

Trustee Petersen/Trustee Livingston 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

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 Village had a fantastic refunding sale with five bids. The sale results were better than expected and resulted in a savings of \$274,000 for the Village.

Trustee Petersen/Trustee Livingston 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 Roll Call vote was as follows:

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

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

2020 Audit Presentation

Phil Greening from Sitzberger CPA’s presented the 2020 audit report. The full audit is on file for review at the Village Hall.

Trustee O’Neill/ Trustee Petersen 2nd made a MOTION to accept the 2020 audit report, as presented and recommended, and the MOTION carried without negative vote.

Potawatomi Creek and Abbey Harbor Watershed Analysis Presentation

Village Engineer Terry Tavera presented the Potawatomi Creek and Abbey Harbor Watershed Analysis. The three main goals of the study are to improve water quality, reduce erosion and reduce the amount of sediment being transported to the Lake. Tavera stated there are ten areas of concern and each have been prioritized.

Tavera explained each of the ten areas of concern and possible recommendations for improvement.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to accept the study and move forward and directed the committee to come back to the board with the step-by-step process and costs, and the MOTION carried without negative vote.

Update on Proposed Ordinance for Allowing Paddle Board Racks in AH-35 Zoning District

Attorney Dale Thorpe stated he was asked to draft an ordinance following a series of discussions at a recent Board meeting. Thorpe explained the ordinance before the Board tonight is a simple approach to allow paddle board racks in common areas of subdivisions. Trustee Pappas stated there is some conflict in the language of the ordinance and the Lake Shore Overlay District. Trustee Pappas had a concern with the paddle board racks sitting out for everyone along the lake path to see. Attorney Thorpe stated it is at the Boards discretion on how many and where they would like to allow. Trustee Pappas stated he would be happy to help rework and provide input on the ordinance and believes there needs to be more discussion. Thorpe explained that a lot of these uses exist already, and the intentions are to accommodate uses and not limit them. Attorney Thorpe stated this will be brought back to the staff level for more discussion.

Update on Proposed Ordinance for Food Trucks

Village Planner Mike Slavney stated based on the discussion heard at the Village Board meeting he has drafted some suggested provisions. Food trucks are allowed on private property for private events. Loomer asked the Board for direction on allowing food trucks at events and if the Village permits a farmers’ market is the intention to allow food trucks at this type of event. Slavney stated that every community takes their own path on food trucks and a key question is whether this undermines brick and mortar businesses that pay property taxes. Slavney pointed out that dealing with licensed vendors and following health requirements is an important issue. Attorney Thorpe explained the focus should really be on safety issues and having a permit process in place. The Board members agreed they would like to have applicants submit a plan, Plan Commission review and Village Board review.

Update on Proposed Ordinance to Allow Caretakers Quarters in Research Park (RP) Zoning District

Attorney Dale Thorpe stated he was directed to draft an ordinance to allow caretakers quarters in Research Park Zoning District. Thorpe explained the proposed ordinance is a well-used and well-traveled approach. Chief Cates had no concerns.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to set the proposed ordinance regarding allowing caretakers quarters in Research Park (RP) Zoning District for public hearing, and the MOTION carried with Trustee O’Neill abstain.

Original Class “A” BEER and “CLASS A” LIQUOR license for the premises located at 286 Valley View Drive, Fontana Gas, Inc., d/b/a Fontana Shell

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to require the surrender of the current license and approve the new Class “A” Beer and “Class A” Liquor License, with the condition that any concerns noted in the inspections are addressed and that the Seller’s Permit is active and in good standing, and the MOTION carried without negative vote.

Operator License Applications for Lily A. Kallestad (Kimkasi Pub)

All fees have been paid and there are no concerns with the background check.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve operator license application for Lily A. Kallestad (Kimkasi Pub), and the MOTION carried without negative vote.

Temporary Operator’s License Application Filed by Chad R. Beth for Rockin’ 2 the Rescue Event on September 4, 2021

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to approve the temporary operator’s license application filed by Chad R. Beth for Rockin’ 2 the Rescue Event on September 4, 2021, and the MOTION carried without negative vote.

Reschedule September Meeting due to Labor Day

The September monthly meeting is rescheduled for September 7, 2021 at 5:00 pm.

Plan Commission – Trustee Petersen

Adopt Ordinance Amending Zoning Code Section 18-177, Regarding Tree Preservation Requirements

Attorney Dale Thorpe stated the ordinance amendment was drafted to help alleviate some of the burden on staff. The changes made do not present any new obligations or requirements just a new process for handling the tree preservation requirements. Thorpe responded to the concerns raised regarding Cobalt Farms and stated the current ordinance does not provide protection and an amendment can be made to the proposed ordinance to provide protection if the Board wishes to do so. President Kenny stated he has received many calls and emails expressing concern about the proposed ordinance. Kenny would like to not rush and start over with taking the proposed ordinance to the Park Commission and then to Plan Commission and carve out the areas that need work. President Kenny explained he would like to see it done right and not upset people. Trustee Livingston stated he thinks an amendment should be made to exempt Cobalt Farms and all tree farms going forward. Attorney Thorpe stated a simple amendment can be made to protect tree farms.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to table the ordinance amending zoning code section 18-177, Regarding Tree Preservation Requirements, and the MOTION carried without negative vote.

Adopt Ordinance Amending Zoning Code Section 18-84(7)b, Regarding Accessory Structures

Attorney Thorpe stated the proposed ordinance is a simple approach for allowing accessible ramps to intrude in the setbacks when the need is present.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve Ordinance 080221-01, Regarding Accessory Structures, and the MOTION carried without negative vote.

Public Works – Trustee O’Neill

Quote for Asphalt on Upper Portion of Driveway on Little Beach

Public Works Director Kevin Day stated the quote is to add asphalt to the upper portion of the driveway at the Little Beach which is currently gravel. The asphalt would start at the curb line and continue down the

driveway approximately 35-feet. The asphalt would prevent the gravel from washing into the catch basin and into the neighbor's driveway.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the quote from Merit Asphalt for asphalt on Upper Portion of Driveway on Little Beach in the amount of \$4,839, and the MOTION carried without negative vote.

Quote for Asphalt Repairs on Stearns Road and Dewey Avenue

Day stated the areas of repair on Stearns Road and Dewey Avenue are too large for the Public Works crew to handle. The funds would come out of the Public Works Department budget.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the quote from Merit for asphalt repairs on Stearns Road and Dewey Avenue in the amount of \$20,495.00, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Recommendation on RFP for Engineering Services

Loomer stated Finance Committee recommended putting an RFP for Engineering out as it has not been done in over ten years.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the distribution of RFP for Engineering, and the MOTION carried without negative vote.

Assessor Contract Proposal – Accurate Appraisal

Loomer stated the Village is currently in the last year of contract with Accurate Appraisal and they have provided a few different contract options moving forward. Loomer would recommend moving forward with option one which is a six-year blend with market revaluations every third year.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the six-year blend with market revaluations every third-year contract option, and the MOTION carried without negative vote.

Update on Short Term Rental Monitoring and Room Tax Collections through Granicus

Loomer stated the Tourism Commission approved contracting with Granicus to help monitor short term rentals and collection of room tax. Granicus utilizes over sixty different sites to track short term rentals. Granicus estimates the Village has approximately ninety short term rentals and currently only twenty-four registered.

Parks Committee – Trustee Livingston

Recommendation on Park Permit Cancellation Policy

Loomer stated the Park Permit Application has never had a cancellation policy included and occasionally applicants will cancel before the rental date. The Park Commission recommended allowing applicants to reschedule within one year of the date of cancellation or if the reservation is cancelled and not rescheduled the Village will retain the park permit fee and only the security deposit will be refunded.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the park permit cancellation policy as follows; allowing applicants to reschedule within one year of cancellation date or if the reservation is cancelled and not rescheduled the Village will retain the park permit fee and only refund the security deposit, and the MOTION carried without negative vote.

Memorial Tree Application Filed by Tom Lisiecki for Ornamental Pear

Trustee Livingston stated this is the last tree spot available at this time.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve the memorial tree application filed by Tom Lisiecki for Ornamental Pear to be placed at Duck Pond, and the MOTION carried without negative vote.

FW/WPCC – Trustee O'Neill

Approve Phosphorus Removal Payment Recommendations in the amount of \$5,671.87

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$5,671.87, and the MOTION carried without negative vote.

Approve Phosphorus Removal Payment Recommendations in the amount of \$81,045.35

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$81,045.35, and the MOTION carried without negative vote.

Closed Session

Trustee Livingston/Trustee Petersen 2nd made a MOTION at 6:21 pm to go into closed session pursuant to 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 Update on Case Filed against Zoning Board of Appeals for 637 Mohr Road and 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.

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

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

Adjournment

Trustee Petersen/Trustee O’Neill 2nd made a MOTION at 6:48 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: 09/07/21