

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
**(Official Minutes)**  
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Tuesday, September 7, 2021**

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

**Trustees Present:** Roll call vote: President Kenny, Trustee Livingston, Trustee Pappas, Trustee O’Neill, Trustee Prudden, Trustee Petersen, Trustee McGreevy

**Also Present:** Steve Beers, Kevin Day, Mary Green Theresa Loomer, Ed Snyder, Dale Thorpe, Mike Trainor, Scott Vilona

**Visitors Heard**

None

**Approval of Minutes (Open and Closed)**

The minutes for the meeting held on August 2, 2021 (open and closed) were distributed.

Trustee O’Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the minutes from August 2, 2021, meeting (open & closed), as submitted, and the MOTION carried without negative vote.

**Village Treasurer’s Report, Vendor Report, & Payroll Overtime Report**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for July, 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 O’Neill 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list, as presented, and the MOTION carried without negative vote.

**General Business**

**Three Year 4<sup>th</sup> of July Fireworks Contract with J&M Displays**

There was discussion about whether to continue having fireworks on July 4<sup>th</sup> since Fontana is already at capacity with or without fireworks. Pappas pointed out there is less room for parking now that S. Lakeshore Drive has curbs, and the small staff is already stretched thin. Kenny stated the 4<sup>th</sup> of July fireworks are a tradition in the Village, but alternate dates could be discussed in the future.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the three-year contract with J&M Displays for 2022 – 2024, as presented, and the MOTION carried without negative vote.

**2022 4<sup>th</sup> of July Fireworks Finale Proposal – J&M Displays**

Due to the heavy rainfall on Saturday, August 28, 2021, some of the firework equipment became wet and did not completely dry out before the rescheduled show on Sunday. The dampness caused some of the fireworks to misfire or not fire at all during the grand finale. J&M has offered to provide a free grand finale next year which the village could elect to have in addition to the regular show or keep the same budget and take the cost of the finale off the total cost. Loomer recommended the board consider that if they opt for the additional fireworks that may set a precedent for future shows.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to accept J&M Displays offer to provide the 2022 fireworks display grand finale at no charge and reduce the invoice by that amount, and the MOTION carried without negative vote.

**2021-22 Deer Bow Hunting Resolution**

Loomer reported there were eleven deer harvested during last years bow hunting season. Livingston requested to remove the provision of harvesting a doe before harvesting a buck as hunters can only take one buck during the season. There was discussion about whether to eliminate the provision, and that the goal of requiring a doe before a buck was to help control the deer population in Fontana.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Deer Bow Hunting Resolution 090721-01, with the requirement that hunters must harvest a doe prior to harvesting a buck, and the MOTION carried without negative vote.

### **Potawatomi Creek Study and Future Stormwater Management Projects**

The Potawatomi Creek study was presented at last month's meeting. Kenny, Loomer and Day met with Village Engineer Terry Tavera to discuss the retention areas and how to proceed. Kenny stated the Village would like to proceed with the first two high-priority projects, starting with restoration of the Shabbona Drive outfall. The next step is to discuss funding for the project. Pappas stated that since only 7% of the watershed is the Village's responsibility, that it should not be up to the Village to fund all of the projects listed in the report. Loomer noted that three of the areas are wholly or partially within the TID and asked for direction from the Board to investigate whether the TID could fund the projects.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to direct staff to investigate whether the projects within the TID boundary could be funded by the TID and whether the projects must be started or completed by 2023, and the MOTION carried without negative vote.

### **Update on Food Truck Ordinance**

Based on the feedback from the last village board meeting, Slavney provided an update on the proposed ordinance. The update was received over the weekend and Loomer requested additional time for staff to meet to review.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to table the updated Food Truck ordinance, as presented, and the MOTION carried without negative vote.

### **Ordinance Creating Section 18-65(j), Temporary Storage Racks for Non-Motorized Watercraft**

Attorney Thorpe stated he made several changes based on staff's recommendations. The draft includes a temporary use of one rack of up to 12 kayaks and a 25-foot shoreyard setback. There was discussion about the Country Club Estates kayak racks which are outside of the shoreyard setback as they are set back more than 75-feet from the ordinary high-water mark, and they have four racks. Pappas stated the issue is on the lakefront and not the structures off the lake. Thorpe was directed to make amendments to the ordinance to allow for the temporary use outside of the shoreyard setback if all provisions have been complied with.

### **Establish Procedures for Setting Public Hearings**

Loomer stated she is seeking guidance on the process for setting public hearings. Fontana is the only community in the area that has their plan commission set public hearings. Thorpe stated that since ordinances are amended at the Board's direction, the Board should be the one setting the public hearings.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to establish the procedure that the Village Board sets the public hearings before the Plan Commission, and the MOTION carried without negative vote.

### **Benefit Time for Employees with Covid/Quarantine**

In December 2020, the Board approved leave for employees that had Covid or had to quarantine due to close contact without requiring the use of benefit time. Loomer asked if the Village should continue with this practice. The Board discussed allowing employees to have this benefit one time, or for a limited amount of time such as a two-week period or covering the time off altogether. Prudden stated if an employee has a limited amount of time off, they may come to work before they should and spread the virus to others. Loomer stated she has not seen any abuse of this policy and stated that if she suspects any abuse in the future it could be brought back to the Board at that point.

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to continue paying employees for time-off due to Covid or on quarantine without requiring the use of benefit time, and the MOTION carried without negative vote.

#### **Future Meeting Format – Virtual and/or In-Person**

The Board discussed whether to return to an in-person meeting format or continue with virtual meetings and opted to return to in-person meetings for all Board, Committee and Commission meetings, unless for the health and safety of the members, staff and/or community requires returning to virtual meetings.

#### **Operator License Application for Lisa A. Chupich (Abbey Resort)**

There were no concerns with the background check and the \$60 fee has been paid.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the operators license application filed by Lisa A. Chupich, and the MOTION carried without negative vote.

#### **Plan Commission – Trustee Petersen**

##### **Ordinance Amending Zoning Code Section 18-177, Regarding Tree Preservation Requirements – Tabled 08/02/21**

The ordinance amendment was tabled at the last village board meeting for further revision and review by the park commission and in response to comments received at the last Board meeting and Plan Commission public hearing. The Park Commission made a recommendation to adopt the revised ordinance with the addition that tree farm becomes plural and that a definition of a tree farm is added. A number of changes were made since the version distributed to the Board last month including clarification that protected trees cannot be removed on the land of another, including public land, addition of a ten foot area around a principle structure as an area that protected trees can be removed with a permit, addressed tree topping and clear cutting expressly, removed references to a clear cutting CUP process, removed old clear cutting definitions, and updated the land use chart in Section 18-54.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to set the ordinance, as presented, for public hearing at the next available Plan Commission meeting, and the MOTION carried without negative vote.

#### **Lakefront & Harbor Committee – Trustee Pappas**

##### **Slip & Ramp Lease Rates, F Sticker & Metered Parking Rates – Fee Schedule Resolution**

Pappas stated the Lakefront Committee recommended increasing the slip and ramp rates by 5% to keep up with the increased costs due to the labor shortage and increased cost of lumber. The committee also recommended increasing the parking rates for Friday through Sunday from \$3 per hour to \$3.50 per hour and the F Sticker rates from \$20 to \$25 each, and the boat trailer parking lot from \$4 per hour to \$10 per hour. The Board discussed limiting the number of stickers issued, making them non-transferable or requiring a registered Fontana vehicle. There was additional discussion about the desire to eliminate allowing RV's and busses to park in the boat trailer parking lot at an hourly rate which is currently permitted by ordinance. The Board directed the Lakefront Committee to review the ordinance and modify to prohibit RV and bus parking. Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adopt Resolution 090721-02 adopting the Fee Schedule Resolution to increase the parking rates to \$3.50 per hour Friday through Sunday, increase the Boat Trailer parking lot rates to \$10 per hour, and increase the resident F sticker passes to \$25 each for the 2022 season, and the MOTION carried without negative vote.

#### **Public Works Committee – Trustee O'Neill**

##### **S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Change Order No. 1**

There was retainage being held for driveway repair which has since been completed. Village Engineer Terry Tavera has signed off and recommends approval of the change order and closeout documents.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Change Order No. 1 and Final Payment Recommendation No. 3, and the MOTION carried without negative vote.

**S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Final Payment Recommendation No. 3**  
See S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Change Order No. 1.

**Park Commission – Trustee Livingston**

**Park and Open Space Plan Contract with Vandewalle & Associates**

The Village budgeted \$13,755 for the Park and Open Space plan which was last updated in 2016.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the contract with Vandewalle & Associates for the revised five-year park and open space plan, and the MOTION carried without negative vote.

**Application filed by Kimkasi Pub for Porter Court Plaza with Beer/Wine Permit on Sunday, September 26, 2021 from 1:00 pm to 9:00 pm**

Mike Trainor filed a park permit application for Porter Court Plaza with beer/wine permit on behalf of Kimkasi Pub on Sunday, September 26, 2021 from 1:00 pm to 9:00 pm. Trainor stated he is concerned that customers may step off the property and onto park property. He will put up a rope barrier and signage. The Park Commission voted to approve the application but did note concerns that a park permit is typically not issued to a business that would be gaining a profit by using the park. Chief Cates had no concerns so long as the area was roped off and temporary signage was installed.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Mike Trainor on behalf of Kimkasi Pub for Porter Court Plaza with beer/wine permit on Sunday, September 26, 2021 from 1:00 pm to 9:00 pm. The MOTION carried without negative vote.

**Closed Session**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 5:50 pm to go into closed session pursuant to 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 Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen – Aye

Trustee Livingston – Aye

Trustee McGreevy - Aye

President Kenny – Aye

The MOTION carried on a 7-0 vote.

**Adjournment**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION at 6:02 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 10/4/2021