

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN  
(Final Minutes)  
Hybrid Monthly Meeting of the  
VILLAGE OF FONTANA BOARD OF TRUSTEES  
Monday, November 13, 2023

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

**Trustees Present:** Roll call vote: Trustee Marek, Trustee Petersen, President Kenny (virtually), Trustee McGreevy, Trustee Pappas, Trustee O'Neill (arrived at 5:02)

**Trustees Absent:** Trustee Livingston

**Also Present:** Liz Baumann (virtually), Chief Cates, Kevin Day, Todd Gilding, Christina Green, Sarah Lobdell, Theresa Loomer, Drew Lussow, Rick Manthy, Mikayla Morales

**Visitors Heard**

None

**Approval of Village Board Minutes**

The Village Board minutes for the October 9 (open and closed) and October 17, 2023 meetings were distributed.

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the Village Board minutes from the October 9 (open and closed) and October 17, 2023 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for October, and to place the Vendor and Payroll Overtime Report on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list and to also include the additional payables that were handed out at the meeting, as presented, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Public Hearing – 2023 Village of Fontana Municipal Budget**

The public hearing opened at 5:10 pm. Administrator Loomer explained that this is the same budget that the Village Board saw last month when they went over it to set the public hearing. Since nobody from the public was present to ask any questions, she asked if the Board had any comments or questions on the proposed budget. With no Village Board members having anything to add the public hearing was then closed at 5:11 pm.

**Approval of Resolution No. 111323-01 Adopting the Tax Rate for 2023 and Collection in 2024**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Resolution No. 111323-01 Adopting the Tax Rate for 2023 and Collections in 2024, as presented, and the MOTION carried without negative vote.

**Approval of Resolution No. 111323-02 Recognizing the 2023 Tax Levies**

Trustee Marek/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve Resolution No. 111323-02 Recognizing the 2023 Tax Levies, as presented, and the MOTION carried without negative vote.

**Approval of Ordinance No. 111323-01 Adopting the 2024 Village of Fontana Municipal Budget and Tax Levy, and to appropriate the Necessary Funds for the Governmental and Administrative Operations of the Village of Fontana on Geneva Lake for the 2024 Fiscal Year**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Ordinance No. 111323-01 Adopting the 2024 Village of Fontana Municipal Budget and Tax Levy and appropriating the necessary funds for the Governmental and Administrative Operations of the Village of Fontana on Geneva Lake for the 2024 Fiscal Year, as presented, and the MOTION carried without negative vote.

**Recognition of Abbey Springs Lifeguard Mikayla Moralez for Lifesaving Award for Rescue at the Abbey Springs Swimming Pool**

Interim Fire Chief Rick Manthy presented lifesaving awards to Mikayla Moralez and Todd Gilding for their heroic action at the Abbey Springs Swimming Pool on August 14, 2023 in saving an individual's life.

**Recognition of Abbey Springs Supervisor Todd Gilding for Lifesaving Award for Rescue at the Abbey Springs Swimming Pool**

Interim Fire Chief Rick Manthy presented lifesaving awards to Mikayla Moralez and Todd Gilding for their heroic action at the Abbey Springs Swimming Pool on August 14, 2023 in saving an individual's life.

**Discussion or Action on Commitment to Support an EMS Services Study by Walworth County**

Administrator Loomer stated that Walworth County developed a Fire/EMS Committee some time ago to potentially conduct a study on EMS Services. However, due to the pandemic and other setbacks the committee hasn't taken any action. Administrator Loomer mentioned that because of the gap in time since the creation of the County's committee, the County has distributed a letter reaching out to municipalities to gauge if there is still interest in conducting a study for EMS Services and if there is support from the municipalities to proceed.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to support the EMS study the County has proposed via the Fire/EMS Committee, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Creating an Ordinance to Handle Payment of Monthly/Routine Bills to Prevent the Incurring of Late Fees**

Administrator Loomer stated that there are some routine monthly invoice that must be paid prior to village board approval in order to not incur late fees. Administrator Loomer suggested the creation of an ordinance that allows staff to pay specific monthly bills such as the electric bill, credit card bill, etc., Attorney Thorpe made a comment that the payment of bills is already covered in the Village's code and that Village staff should just adopt an internal policy that outlines the bills that should be covered.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve staff preparing a policy to handle the payment of monthly/routine bills to prevent incurring late fees, as presented, and the MOTION carried without negative vote.

**Accept Resignation of John Tierney from PFC**

Trustee O'Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to accept the resignation of John Tierney from PFC, as presented, and the MOTION carried without negative vote.

**Accept Resignation of Al Kaminski from Protection Committee**

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to accept the resignation of Al Kaminski from the Protection Committee, as presented, and the MOTION carried without negative vote.

**Consider Approval of Appointment of Al Kaminski to PFC**

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the appointment of Al Kaminski to the PFC, as presented, and the MOTION carried without negative vote.

**GLEA – President Kenny**

### **Discussion or Action on Letter of Support for Surface Water Planning Grant Application**

Trustee Pappas mentioned that the Village received a letter from the GLEA asking for support from the Village in pursuing a Surface Water Planning Grant Application. Trustee Pappas mentioned that if the GLEA is approved for the grant it would allow them to continue to do more great work in keeping our lakes clean. Trustee Pappas/Trustee Marek 2<sup>nd</sup> made a MOTION to support the GLEA's letter for Surface Water Planning Grant Application, as presented, and the MOTION carried without negative vote.

### **Tourism Committee – President Kenny**

#### **Discussion or Action on Village Christmas Tree and Christmas Lights Lighting Event at Porter Court Plaza – Friday, November 24, 2023 from 3PM-6PM**

Administrator Loomer stated that Maryanne Bruss and the Coffee Mill wish to hold a Christmas event in conjunction with the tree lighting on Friday, November 24 from 3:00 pm to 6:00 pm. Administrator Loomer stated the new Christmas Tree purchased by the Tourism Commission put up and lit at Porter Court where the old fountain used to be.

Trustee O'Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the Village Christmas Tree and Christmas Lights Lighting Event at Porter Court Plaza for Friday, November 24, 2023 from 3-6PM, as presented, and the MOTION carried without negative vote.

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

#### **Discussion or Action on Amendment to Water/Sewer Credit Policy**

Trustee O'Neill stated that the application amendment is to disallow credits for leaks that occur outside of buildings, including pools or irrigation systems.

Trustee O'Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the amendment to the Water/Sewer Credit Policy, as presented, and the MOTION carried without negative vote.

#### **Discussion or Action on Sale of Public Works Truck No. 1**

Public Works Director Day stated that they are looking to sell Public Works Truck No. 1 on the Wisconsin Surplus website since they are purchasing a new truck to replace it.

Trustee O'Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the sale of Public Works Truck No. 1, as presented, and the MOTION carried without negative vote.

#### **Discussion or Action on Project B6 From Potawatomi Creek Study for Dredging and Riprap at 419 and 421 S. Lakeshore Drive**

Public Works Director Day stated that he and Village Engineer Tavera are working to set up a meeting with the WI DNR to review the area at 419 and 421 S. Lakeshore Drive. Trustee O'Neill added that this project is to help remove some sediment and review the impact on the soil around that area. Public Works Director Day expects a fee of around \$1,000.00 that will need to be paid for the time of the WI DNR and any other engineering expenses.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the fee of \$1,000.00 for the work and meetings for Project B6 from Potawatomi Creek Study and for the Dredging and Riprap at 419 and 421 S. Lakeshore Drive, as presented, and the MOTION carried without negative vote.

#### **Consider Approval of LRE Invoice for Works Pertaining to Well No. 5 - \$1,355.75**

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the LRE Invoice for Works pertaining to Well No. 5 in the amount of \$1,355.75, as presented, and the MOTION carried without negative vote.

#### **Safety Building Roof Bid Recommendation – No Bids Received**

Trustee O'Neill explained that no bids were received during the bidding process. Administrator Loomer stated that she believes there were a few contractors who intended to bid but never ended up doing it or missed the deadline. Administrator Loomer then asked Attorney Thrope what the options were for the village to move forward. Attorney Thrope explained that the Village will most likely need to restart the bidding process again and stated if there were potential bidders that it might be in the Village's best interest to

“handhold” them through the process if they were unsure how to make the bids or go through the process to ensure we get bids this time.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve rebidding the Safety Building roof replacement project, as presented, and the MOTION carried without negative vote.

**Discussion or Action on 2022 Street Program and Fontana Boulevard Irrigation System Payment Application No. 4 for Wolf Paving - \$61,263.47**

Trustee O’Neill stated that Village Engineer Tavera recommended that Application No. 4 for Wolf Paving in the amount of \$61,263.47 be paid since the work has now been completed and there are no issues.

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the 2022 Street Program and Fontana Boulevard Irrigation System Payment Application No. 4 for Wolf Paving in the amount of \$61,263.47, as presented, and the MOTION carried without negative vote.

**Plan Commission – Trustee Petersen**

**Discussion or Action on Recommendation to Village Board on Ordinance Amendment Creating Section 18-211(n) and Amending Sections 18-27(m), 18-28(m), 18-29(m), 18-30(m), 18-31(m), 18-32(m), 18-33(m), 18-34(m), 18-35(m), 18-36(m), 18-37(m), 18-38(m), 18-39(m), 18-41(m), and 18-42(m) – Regarding Sidewalk Setbacks**

Attorney Thorpe explained that the ordinance addresses private sidewalks to be subject to width limitations and setbacks like driveways and other pathways. In addition, it also allows for changes in the code for sidewalks to cross property lines and meet the streetway when necessary. Attorney Thorpe then explained that the Plan Commission recommended in favor of adoption of this ordinance and that it was prepared by Village Planner Kruesel. Trustee Pappas asked a question regarding what is defined as pavement in the ordinance. Attorney Thorpe stated it is typically an asphalt or blacktop surface and also mentioned that it is consistent with what has been in the Village Code before and has not had any previous issues.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 111323-02 Ordinance Amendment Creating Section 18-211(n) and Amending Sections 18-27(m), 18-28(m), 18-29(m), 18-30(m), 18-31(m), 18-32(m), 18-33(m), 18-34(m), 18-35(m), 18-36(m), 18-37(m), 18-38(m), 18-39(m), 18-41(m), and 18-42(m), as presented, and the MOTION carried without negative vote.

**Discussion or Action on Recommendation to Village Board on Conditional Use Permit Filed by Kenneth Harkness for Accessory Dwelling Unit for the Property Located at 443 N Lakeshore Drive**

Attorney Christina Green on behalf of her client, Kenneth Harkness, presented a conditional use permit application for the property located at 443 N Lakeshore Drive. She mentioned that the current application calls for the accessory dwelling unit to be attached to the new property that is being proposed to be built and will go through the proper building and zoning permits after the CUP application is approved. Attorney Green also mentioned that there are a few letters of support for the application from neighboring property owners who believe the proposed application and changes would be a good thing for the neighborhood. Attorney Green also mentioned that she is in favor of the provision that was raised at the Plan Commission meeting regarding that the existing structure be torn down within one year to make sure the project stays on track. Attorney Thorpe stated that based on what Attorney Green has presented that the Plan Commission made a favorable recommendation that the Village Board approve the CUP application.

Trustee O’Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application Filed by Kenneth Harkness / Kenneth Harkness Trust for Property Located at 443 N Lakeshore Drive for the addition of an accessory dwelling unit pending final approval subject to the following staff recommendations:

**Approval Conditions:**

(1) Accessory dwelling units shall adhere to the accessory land use requirements in subsection 18-52(2)

(2) Only one accessory dwelling unit shall be permitted on any one site, if permitted by the zoning district of the subject site.

- (3) Accessory dwellings shall not exceed 50 percent of the principal dwelling's floor area, up to a maximum size of 1,500 square feet, whichever is smaller in size.
- (4) The principal building must be owner-occupied.
- (5) The accessory dwelling unit shall not be sold separately from the principal dwelling or the remainder of the property.
- (6) The accessory dwelling unit may be occupied by family or nonfamily members.
- (7) Additional entrances shall not be added to the front elevation of an existing building but may be added to side or rear or street-side elevations.
- (8) Entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway. On corner lots, primary entrances to accessory dwelling units shall be placed on the facade parallel to the side street.
- (9) The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling; however, a distinct address and/or distinct utility meter is permitted.
- (10) Accessory dwelling units shall not be located in a boat house or in a structure less than 75 feet from the ordinary high-water mark.

**Staff Comments:**

Per Section 18-246(f) the Zoning Administrator has reviewed the application and determined that the following conditional use standards are met:

1. Is in harmony with the recommendations of the comprehensive plan, to support economic development and to provide more diverse and affordable housing options.
2. Will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.
3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

**Staff recommends approval of the Conditional Use Permit application for Kenneth K Harkness, for an accessory dwelling unit located at 443 N Lakeshore Drive with the following conditions:**

- a. All proper zoning and building permits shall be applied for and approved prior to construction.
  - b. 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.
  - c. An as-built survey shall be required depicting the proposed ADU all required distances. If found to be noncompliant with this approval, it is the responsibility of the applicant to bring it into compliance.
  - d. The existing accessory structure must be razed, prior to the new accessory structure being started.
- The MOTION carried without negative vote.

**Park Commission – Trustee Livingston**

**Discussion or Action on Cutting Down Walnut Trees in the Fen per Recommendation Made by Midwest Prairies**

Public Works Director Day mentioned that this was recommended by Midwest Prairies due to the growing of the walnut trees shading out the other plants and wildlife below it which could cause them to die. Public Works Director Day also stated that his staff can remove the trees to save costs.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the cutting down of Walnut Trees in the Fen per the recommendation made by Midwest Prairies, as presented, and the MOTION carried without negative vote.

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

#### **Discussion or Action on Ordinance Amendment Amending Section 74-283 Regarding Resident Only Parking and F-Stickers**

Administrator Loomer stated that the proposed ordinance is to address language clean up regarding the location of F-stickers because that the Village is moving forward with placing them on the back of vehicles. Trustee McGreevy asked a question regarding what we will do for vehicles that don't have a back such as Jeeps or Convertibles. Chief Cates explained that they are still discussing how to handle those vehicles and it will most likely be addressed in the handout that is given to all residents when they purchase their annual parking stickers.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Ordinance No. 111323-03 Ordinance Amendment Amending Section 74-283 regarding resident only parking and F-stickers, as presented, and the MOTION carried without negative vote.

#### **Discussion or Action on Ordinance Amendment Amending Section 54-161(d)(5) Regarding Parking Lot Fees and F-Stickers**

Administrator Loomer explained this is another ordinance that needed cleanup to address F-sticker locations since they are moving to the back of vehicles.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance No. 111323-04 Ordinance Amendment Amending Section 54-161(d)(5) regarding parking lot fees and F-stickers, as presented, and the MOTION carried without negative vote.

### **Closed Session – President Kenny**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION pursuant to Wis. Stats. Chapter 19.85(1)(c), “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” specifically, the 2024 Village Staff Wages. The roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Aye

Trustee Pappas – Aye

Trustee Marek – Aye

Trustee McGreevy – Aye

Trustee O'Neill – Aye

The MOTION carried 6-0 without a negative vote and Trustee Livingston absent.

### **Interim Fire Chief Compensation**

This item was discussed in closed session.

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a motion to approve the increase for the Interim Fire Chief hours and Compensation as presented, and the MOTION carried without negative vote.

### **Adjourn Closed Session**

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to go into open session at 5:28 pm, and the MOTION carried without negative vote.

### **Adjournment**

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION at 5:29 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow, Village 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: 12/11/2023