

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, December 7, 2020

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 Pappas, Trustee Prudden, Trustee O'Neill, Trustee Livingston, Trustee McGreevy, Trustee Petersen

Trustees Absent:

Also Present by Phone: Greg Blizard, Jeff Cates, Kevin Day, Theresa Loomer, John Matustik, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Nona Sorren, John Strong, Terry Tavera, Dale Thorpe, Scott Vilona, Randi Wille

Visitors Heard

Randi Wille, 237 Jensen Drive, stated his home is located outside of the Country Club on the South side and he has an objection to the patio expansion being requested. Wille explained the size of the patio expansion requested is extraordinary and appears to be encroaching past the 300-foot distance required between outdoor entertainment and residential property. Wille wondered if there was a way to reconfigure the patio or create a buffer and look at moving events indoors after nine pm. Nona Sorren, 209 Jensen Drive, stated she would like to second the comments made by Randi Wille. Sorren has lived here for twenty-one years and never had a noise issue till this past summer. The noise that was heard this past summer was chalked up to COVID and the need for outdoor space. Sorren explained the patio being proposed is 2,147 square feet which is nearly three times the size of the current patio and the distance between the Country Club and homes is much less than the required 300 feet. Sorren stated she had a couple questions that she wanted addressed. First off why wasn't the required distance between outdoor entertainment and residential property considered. Secondly the original application stated outdoor dining and now the application states outdoor entertainment, Sorren would like to know when and how the use was changed on the application. Lastly was the temporary expansion of the patio onto the grass that took place this summer approved by the Village Board. Sorren stated there are already materials on site and trees that were taken down and she is concerned this is not being taking care of exactly as the Village Ordinance states. If there is a way to alter the patio design or size residents would greatly appreciate it.

Approval of Minutes

The minutes for the meetings held on October 26, 2020, November 2, 2020, November 11, 2020, November 13, 2020 and November 23, 2020 were distributed to board members via email.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the minutes from October 26, 2020, November 2, 2020, November 11, 2020, November 13, 2020 and November 23, 2020 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the Treasurer's Report, Vendor Report and Payroll Overtime Report as distributed for November, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Prudden/Trustee Petersen 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

Authorize Payment of Year-End Budgeted Invoices

Treasurer Scott Vilona stated this is a standard process done every year. Between now and the end of the year there will still be bills outstanding that need to be processed.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to authorize staff to prepay any 2020 payables that come in prior to the end of the year for budgeted expense invoices, and the MOTION carried without negative vote.

Approve Contract for New Village Hall Copy Machine

The current contract has expired, and the Village has received three different quotes. Staff would recommend going with Gordon Flesch who will also be our provider for Laserfiche. By accepting the proposal from Gordon Flesch the Village would be saving approximately \$122.65 a month. Trustee Pappas questioned if it would be better for the Village to purchase versus lease and maybe something to look into next time.

Trustee McGreevy/Trustee Prudden made a MOTION to approve the bid submitted by Gordon Flesch for a Canon C5540i in the amount of \$111.72 per month for five years and service contract, and the MOTION carried without negative vote.

Approve Village COVID Response Policy

Loomer explained this policy was put together with resources from the league. The public health system is currently overwhelmed and only doing contact tracing for the elderly and young children. This policy was put together, so staff has resources to provide information for positive COVID cases as well as close contact. Loomer would ask if approved allow the policy to be amended based on CDC guideline so it does not have to continuously be brought back to the Village Board. Loomer also asked if staff is out due to COVID or quarantine should they be required to use benefit time or continued to be paid. President Kenny stated the Wisconsin League recommends not requiring the employee to use benefit time and he would agree that is the proper way.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Village COVID Response Policy, and the MOTION carried without negative vote.

Authorize Transfer of \$1,750,000 from Utility Fund to General Fund

Vilona stated this is part of the ongoing plan to pay back the General Fund the money the Utility Fund owes and also repay funds that were fronted for the S. Lakeshore Drive project and FW/WPCC project.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the transfer of \$1,750,000 from utility checking account to the general fund's checking account, as presented. The MOTION carried without negative vote.

Annual Holiday Gift Card Approval

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the issuance of \$50 gift cards to Village employees for holiday bonuses in the same manner as previous years, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Conditional Use Permit Application filed by Rick Ackman on behalf of Big Foot Country Club for an expansion of an existing patio for outdoor entertainment at 770 Shabbona Drive

Village planner Mike Slavney stated he appreciated the email that was sent today identifying the 300-foot separation between outdoor entertainment and residential property and that does apply to this site. Slavney explained he hesitates to assume the measurement based on a google image. The distance would be measured from the edge of the outdoor entertainment to the residential property and does not include the streets if they are public. The survey that could be provided by the Village Engineer would be helpful in identifying exactly where that line is. This is important because the Village Board can choose to approve the application, deny the application, or require modifications to the submittal. An example of modifications would be the configuration, time limits or range of activity. Slavney stated the separation issue is something that was just brought forward today, and he would recommend tabling to allow staff adequate time to investigate the separation issue. Trustee Pappas stated the applicant's application shows 236 feet so even with the roadway

they are going to be within that 300-foot setback. The letter sent to the Village Board questions the current patio and if there was an approval for it. Loomer stated there was a building permit issued in 2013. Trustee Pappas questioned the building permit was issued for the patio, but there is no record of a Conditional Use Permit being issued for outdoor entertainment. Attorney Dale Thorpe recommended this be tabled to allow time to investigate the concerns presented. Trustee McGreevy questioned how many loud noise complaints have been issued to the Big Foot Country Club. Trustee Prudden stated he had talked with Chief Cates earlier in the day and there are no noise or lighting complaints on file. President Kenny recommended tabling this application since the separation concern was just brought to our attention today and allow staff time to look into. John Matustik was representing Big Foot Country Club and asked if he could have a few minutes to address some concerns that were raised. The Country Club had verified with Chief Cates they have had zero complaints regarding noise or light in the past five years. In 2013 when the current patio was constructed all required permits were obtained and as far as having chairs on the grass the Country Club was not aware of any permit that was needed. The residents on Jensen purchased their homes knowing the Country Club has been around for ninety-eight years and nothing has changed with business it is being conducted as usual. Matustik stated on behalf of the Big Foot Country Club they are rather surprised by some of the comments made from neighbors and they are willing to be good neighbors and do what they can. To address the tree being taken down it was diseased and then some landscaping work or prep work was done. Attorney Thorpe explained any property owner can do staging and this is done at their own risk with the assumption that it is not approved materials are removed.

President Kenny/Trustee Pappas made a MOTION to table the conditional use permit application filed by Rick Ackman on behalf of Big Foot Country Club for an expansion of an existing patio for outdoor entertainment at 770 Shabbona Drive, and allow staff time to look into concerns raised, and the MOTION carried without negative vote.

Resolution Amending a Precise Implementation Plan Approved as Part of Resolution No. 12-09-19-08 for Planned Development Amendment Application filed by CALC Holdings LLC for a purchaser option of a second garage space or additional living space for the property located at 120-128 W. Main Street

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Resolution 120720-01 amending the Planned Development PIP to allow purchaser option of a second garage space or additional living space for the property located at 120-128 W. Main Street, and the MOTION carried without negative vote.

Ordinance Amending a General Development Plan Approved as Part of Ordinance No. 12-09-19-08 for Planned Development Amendment Application filed by CALC Holdings LLC for a purchaser option of a second garage space or additional living space for the property located at 120-128 W. Main Street

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve Ordinance 120720-01 Amending the Planned Development GDP to allow purchaser option of a second garage space or additional living space for the property located at 120-128 W. Main Street, and the MOTION carried without negative vote.

Certified Survey Map Application filed by John Bria for the property located at N2058 Hwy 67, Town of Walworth ETZ

Trustee Pappas stated he referenced the zoning code, and it appears the minimum lot area is one point five acres and the proposed parcel is only point nine two acres and also it appears that a hundred feet of frontage is required. Trustee Pappas expressed concern over approving something that does not meet code. Attorney Thorpe explained he can not answer to the lot size, but the minimum frontage required for a public road access is fifty feet, so the access is adequate. Village Planner Mike Slavney said he would refer the lot size question to the Zoning Administrator as he was only asked to comment on the easement issue. Zoning Administrator Bonnie Schaeffer was having connection problems and unable to comment.

Trustee Pappas/Trustee O'Neill made a MOTION to table the certified survey map application filed by John Bria for the property located at N2058 Hwy 67, Town of Walworth ETZ, and allow staff to address concerns raised, and the MOTION carried without negative vote.

Consider Utility Easement Amendment for the property located at 510 S. Lakeshore Drive

Loomer explained when the public works department moved the manhole there were electric lines in the way and they were not able to place it inside the previously approved easement. The new easement reflects the adjustments made to the area by two and a half feet to encompass the placement of the manhole.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Utility Easement Amendment for the property located at 510 S. Lakeshore Drive, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

S. Lakeshore Drive Reconstruction Payment Recommendation No. 8

Village Engineer Terry Tavera explained this is the final payment recommendation for work done this year. The payment recommendation was reviewed by the Village engineer and is recommended for approval.

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to approve the S. Lakeshore Drive Reconstruction Project Payment Recommendation No. 8 for an amount not to exceed \$394,286.29, and the MOTION carried without negative vote.

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

Tavera stated this is for the sewer lining that was done in 2019 and there were a couple items that still needed to be changed. A manhole needed to be moved and the contractor was unavailable so the Village took care of moving and this change reflects the credit for that.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Closeout Change Order No. 1 for the decreased price of \$46,807.10, and the MOTION carried without negative vote.

S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Payment Recommendation No. 3

Tavera stated this will release the retainage and closes out the project.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation Payment Recommendation No. 3 for an amount not to exceed \$3,036.99, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Memorial Bench Application filed by Linda Cada for Small Beach

Loomer stated this will be the last bench at the Small Beach.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the memorial bench application filed by Ed Snyder for the lakefront as recommended by the park commission, and the MOTION carried without negative vote.

Memorial Tree Application filed by Linda Cada for Autumn Blaze Maple at Fontana Fen

Public Works Director Kevin Day stated the tree will be placed near the parking area.

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to approve the memorial tree application filed by Linda Cada for an autumn blaze maple at Fontana Fen, and the MOTION carried without negative vote.

Human Resource Committee – President Kenny

2021 Salary Resolution

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Resolution 120720-02, amending Salary Resolution 080520-01, and the MOTION carried without negative vote.

Adjournment

Trustee McGreevy/Trustee Prudden 2nd made a MOTION at 5:39 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: 01/04/2021