

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
And PUBLIC HEARING on the 2020 MUNICIPAL BUDGET
Monday, December 9, 2019

Village President Pat Kenny called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Trustee Absent: Trustee Pappas

Also Present: George Beukema, Skip Bliss, Jon Cameron, Kim Daberton, Kevin Day, Christina Green, Bob Klockars, Theresa Loomer, Bonnie Schaeffer, Stephanie Smith, Terry Tavera, Scott Vilona

Visitors Heard

Upper Gardens resident George Beukema stated he had two concerns he wanted to address. Beukema stated his first concern is with leaf pickup over the past three years. He asked why the Village does not have a contingency plan in place if equipment breaks down. Public Works Director Kevin Day stated the public works committee would be making a recommendation on a second leaf pickup vehicle at this Friday's meeting. Beukema stated his second concern is the water pressure at his residence. He stated he has been in contact with the public works dept. but has received no response in several weeks. Day stated he would come out the following morning to meet with Beukema.

Approval of Minutes

The minutes for the meeting held on November 4, 2019 were distributed.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the minutes from November 4, 2019, meeting, 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 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 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

Public Hearing – 2020 Village of Fontana Municipal Budget

The public hearing was opened at 6:10 pm. No one spoke for or against the 2020 proposed budget. The public hearing was closed at 6:11 pm. A copy of the entire 2020 municipal budget is on file at the village hall and available on the village's website.

Resolution No. 12-09-19-01 Adopting the Tax Rate for 2019 and Collected in 2020

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve Resolution 12-09-19-01, adopting the tax rate for 2019 and collected in 2020, as presented. The MOTION carried without negative vote.

Resolution No. 12-09-18-02 Recognizing the 2019 Tax Levies

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve revised Resolution 12-09-19-02 Recognizing the 2019 Tax Levies as presented, and the MOTION carried without negative

vote.

Ordinance No. 12-09-19-01 Adopting the 2019 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 2020 Fiscal Year

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Ordinance 12-09-19-01 adopting the 2019 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 2020 Fiscal Year, and the MOTION carried without negative vote.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$3,355,000 General Obligation Bonds for Sewerage Improvements

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Initial Resolution 120919-03 Authorizing the Issuance of Not to Exceed \$3,355,000 General Obligation Bonds for Sewerage Improvements, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Livingston – Aye

Trustee Prudden – Aye

Trustee Petersen - Aye

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

Initial Resolution Authorizing the Issuance of Not to Exceed \$5,265,000 General Obligation Bonds for Street Improvements

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Initial Resolution 120919-04 Authorizing the Issuance of Not to Exceed \$5,265,000 General Obligation Bonds for Street Improvements, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Livingston – Aye

Trustee Prudden – Aye

Trustee Petersen - Aye

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

Initial Resolution Authorizing the Issuance of Not to Exceed \$1,645,000 General Obligation Bonds for Water System Improvements

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve Initial Resolution 120919-05 Authorizing the Issuance of Not to Exceed \$1,645,000 General Obligation Bonds for Water System Improvements, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Livingston – Aye

Trustee Prudden – Aye

Trustee Petersen - Aye

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

Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$10,265,000 General Obligation Corporate Purpose Bonds; and Other Related Details

Jon Cameron from Ehlers went over the pre-sale report for bonding which is on file at Village Hall. The date scheduled for the award of sale of the bonds is January 9, 2020 at a Special Village Board meeting scheduled for 5:15 pm.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Initial Resolution 120919-06 Authorizing and Providing for the Sale and Issuance of Not to Exceed \$10,265,000 General Obligation Corporate Purpose Bonds; and Other Related Details, and the Roll Call vote was

as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O’Neill – Aye

Trustee Livingston – Aye

Trustee Prudden – Aye

Trustee Petersen - Aye

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

Authorize Payment of Year-End Budgeted Invoices

Trustee Petersen/Trustee Livingston 2nd made a MOTION to authorize staff to prepay any 2019 payables that come in prior to the end of the year for budgeted expense invoices, and the MOTION carried without negative vote.

Approval of 2020 Audit Contract with Sitzberger CPA’s

Sitzberger CPA’s conducted the Village’s audit last year and have submitted a quote for 2020 in the amount of \$23,900.

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve the 2020 Audit Contract with Sitzberger CPA’s, for an amount not to exceed \$23,900, and the MOTION carried without negative vote.

Consider Adoption of Amended Resolution Designating and Official to Sign for DNR Recycling Grant

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve Adoption of Amended Resolution 120919-07, designating and official to sign for DNR recycling grant, and the MOTION carried without negative vote.

Accept Resignation of Jeff Fisk from CDA

Trustee Livingston/Trustee Petersen 2nd made a MOTION to accept resignation of Jeff Fisk from CDA, and the MOTION carried without negative vote.

Appoint Election Inspectors for 2020/2021

Trustee Petersen/Trustee Livingston 2nd made a MOTION to appoint Kathy Walsh as Chief Election Inspector, Ann Barth as Alternate Chief Election Inspector, Susan Rowland as an Election Inspector; and reappoint Mary Kay Frazier, Cindy Heindl, Jane Klockars, Robin Nuzzo, Susan Olson, Mickey Springer, Joan Tierney and Karen Varhula as Election Inspectors for the 2020/2021 calendar years.

Annual Holiday Gift Card Approval

Trustee Petersen/Trustee McGreevy 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 Prudden

Adoption of Rezone Ordinance from Village Center to Planned Development and General Development Plan for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, filed by CALC Holdings LLC, 222 E. Roosevelt Road, Wheaton, IL 60187

At the plan commission public hearing on the rezone, several homeowners from the Cliffs of Fontana association expressed concern over the proposed building including building height, stormwater runoff and additional groundwater. The applicant agreed to a deed restriction on the back portion of the parcel. The deed restriction will protect against any changes or development. All existing trees will stay, and no additional buildings will be allowed to be built and it will also give the rights to Cliffs of Fontana association to enforce.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the rezone ordinance 120919-03 from Village Center to Planned Development and General Development Plan for the

property located at 120 & 126 W. Main Street, Fontana, WI 53125 for Parcel STFV 00176, subject to final review by Village Attorney, and the MOTION carried without negative vote.

Adoption of Resolution approving the Precise Implementation Plan Application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, filed by CALC Holdings LLC, 222 E. Roosevelt Road, Wheaton, IL 60187

Thorpe stated the PIP has been negotiated based on the three applications submitted and additional staff input. The final application submitted addresses all staff concerns and meets all requirements. Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the adoption of Resolution 120919-08 approving the Precise Implementation Plan application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, subject to final review by Village Attorney, and the MOTION carried without negative vote.

Consider Certified Survey Map Application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, filed by CALC Holdings LLC, 222 E. Roosevelt Road, Wheaton, IL 60187

The underlying property is currently on more than one lot and the certified survey map application is required to combine the lots into one which is necessary before considering the proposed condominium plat.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the Certified Survey Map application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, and the MOTION carried without negative vote.

Consider Condominium Plat Application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, filed by CALC Holdings LLC, 222 E. Roosevelt Road, Wheaton, IL 60187

Approval of the condominium plat application is the final step in the process to approve a five-unit condominium. Village Engineer Terry Tavera stated that all engineering requirements have been met. Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the Condominium Plat Application filed for the property located at 120 & 126 W. Main Street, Fontana, WI 53125, for Parcel STFV 00176, and the MOTION carried without negative vote.

Amendment to the Comprehensive Plan's Future Land Use Map to depict twenty acres on the Zoe Acres property (EW 300008, N2107 HWY 67, Walworth, WI. within the Fontana ETZ) for Community Facilities land use rather than depicting only the currently developed area as now shown-Set Public Hearing

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to set a public hearing for the amendment to the Comprehensive Plan's Future Land Use Map to depict twenty acres on the Zoe Acres property at N2107 Hwy 67, Walworth, WI, at the January 6, 2020 meeting, and the MOTION carried without negative vote.

Ordinance Repealing and Recreating Section 18-13 and Creating Section 198-72(8) Regarding the Use of Permeable Surface-Tabled 08/05/19, 09/09/19, 10/02/19 and 11/04/19

Attorney Thorpe explained the proposed ordinance would allow for relief on small lots to be built on. The ordinance requires an approved maintenance plan and Thorpe stated approval will require additional staff work and time to monitor and track permits. Trustee O'Neill stated it doesn't pertain to very many lots in the Village and will help to get the water into the ground which will help the lake and the Village as a whole.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve Ordinance 120919-02, repealing and recreating section 18-13 and creating section 18-78(8) regarding the use of permeable surface, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Leaf Vac Repair Quote from Botts, Welding & Truck Service, Inc.

Day stated the leaf vac truck broke down and needed emergency repairs to get it going again. The invoice from Botts Welding & Truck Service was the cost to replace the sub-frame as all the welds on the bottom that were broken. Day stated the leaf vac truck was out of service for a week and a

half and during that time they continued to pick up leaves with the loader and trucks. He would like approval to purchase a pull behind leaf vac and will be bringing the quote to the public works committee this Friday.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the invoice from Botts Welding & Truck Service in the amount of \$9,275.50, and the MOTION carried without negative vote.

S. Lakeshore Drive Project Update

Village Engineer Terry Tavera stated things are moving along as anticipated. He met with the DNR earlier in the day and will be setting up meeting with Abbey Springs and Club Unique. Tavera stated he would like to have the project out for bid in January and award the bid at the February board meeting. The only concern he has is if all the easements and permits are not approved the bidding could be extended out by up to 60 days. The anticipated start date for construction is the end of April or beginning of May depending on the weather. Attorney Thorpe had some concerns that the title work could hold up the entire project and advised Tavera that as soon as he has the legal descriptions to forward the information to Thorpe's office so they can begin drafting easements.

Approve limiting enforcement of Sec. 74-407 – Weight Limit for Fontana Boulevard Bridge during 2020 S. Lakeshore Drive Reconstruction Project

Tavera explained that after the bridge was built the Village decided to establish a weight limit in order to protect their investment, however the bridge is a standard DOT design with no restrictions. With the construction on S. Lakeshore Drive, Tavera suggested the board consider lifting the weight restriction on S. Lakeshore Drive so trucks can get through. Enforcement of the ordinance will resume once construction is complete.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to release the weight limit restriction for Fontana Boulevard Bridge during 2020 S. Lakeshore Drive Reconstruction Project, and the MOTION carried without negative vote.

Approve \$10,000 Expenditure for Additional Soil Borings for S. Lakeshore Drive Reconstruction

Tavera stated they had previously completed soil borings for Phase One of the S. Lakeshore Drive project and those ended just past Mohr Road and never went to the east. Staff is requesting additional funds to complete the remainder of the required soil borings.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve additional soil borings for S. Lakeshore Drive not to exceed \$10,000, and the MOTION carried without negative vote.

S. Lakeshore Drive Culvert and Abbey Springs Golf Cart Bridge Inspection Report

Attorney Thorpe stated at a previous meeting with Abbey Springs there was discussion about ownership of the bridge over top of the Abbey Springs golf cart tunnel. The Village ordered a title search which produced documents that date back to the 60's and 70's and mention an easement, but there is no record of an easement ever recorded. The report provided a long list of ownerships dating back to when it was a government lot. Thorpe stated it was likely a handshake deal with a former board. Tavera stated Collins Engineering had inspected the Abbey Springs bridge as well as the S. Lakeshore Drive bridge which runs over the creek near Club Unique. Both reports came back stating that at the time of inspection the bridges were both structurally sound. Each bridge report came with three options and Option No. 1 was recommended for both bridges and would remove parapets and wingwalls and construct extensions onto the existing structure. The Abbey Springs Bridge will also have to have the fascia removed. Both bridges will have the faces taken off from each side and add an additional six to eight feet on both sides of each structure.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Option No. 1 (remove parapets, fascia and wingwalls and construct extensions onto existing structure) for widening the Abbey Springs Golf Cart Bridge and the S. Lakeshore Drive Culvert, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Memorial Bench Application Filed By Kurt Ripkey For Lakefront Bench

This is the last remaining lakefront bench in need of replacement.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the park bench application submitted by Kurt Ripkey for a memorial bench at the Lakefront, and the MOTION carried without negative vote.

Park Permit Application Filed by Big Foot High School/Tim Collins for Duck Pond Rec Area on Tuesday, September 22, 2020 from 2:00 pm to 8:00 pm

The application is for a cross country meet.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the application filed by Big Foot High School/Tim Collins for Duck Pond Rec Area on Tuesday, September 22, 2020 from 2:00pm –8:00pm, and the MOTION carried without negative vote.

Park Permit Application Filed by Eleanor Kurtz For Reid Park Pavilion on Sunday, September 13, 2020 From 9:00 am to 12:30 pm

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the application filed by Eleanor Kurtz for Reid Park Pavilion on Sunday, September 13, 2020 from 9:00am – 12:30pm, and the MOTION carried without negative vote.

Park Permit Application Filed by Big Foot Recreation Department for Doggie Egg Hunt at Duck Pond Recreation Area on Saturday, April 18, 2020 from 11:30 am to 2:30 pm

Trustee O'Neill/Trustee Prudden 2nd made a MOTION to approve the application filed by Big Foot Recreation Department for Duck Pond Recreation on Saturday, April 18, 2020 from 11:30am – 2:30pm, with the condition dogs are allowed as long as the owners clean up after them, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee Petersen 2nd made a MOTION to adjourn at 7:05 pm, 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: 01/06/2020