

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, July 7, 2014

Village President Arvid Petersen 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 George Spadoni, Bill Gage, President Arvid Petersen, Tom McGreevy, Pat Kenny, Rick Pappas, Dave Prudden

Also Present: Greg Blizard, Jade Bolack, Anthony Coletti, Tom Collins, Joe Eberle, Merilee Holst, Al Kaminski, Library Director Nancy Krei, Theresa Linneman, Clerk/Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Pat Romenesko, Edwin Snyder, III, Dale Thorpe, Treasurer Scott Vilona, Todd Wilkins

Visitors Heard

None

Announcements

Administrator Dennis Martin stated that due to too many scheduling conflicts, the party planned on Wednesday, July 9, after the Park Commission meeting for former Trustee and Park Commission Chairman Cindy Wilson, will be rescheduled for sometime this fall. The Park Commission meeting scheduled for this Wednesday, July 9, will also be rescheduled to a date later this month.

Approval of Village Board Minutes

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the minutes for the meetings held June 2, June 26 and June 28, 2014, as presented, and the MOTION carried without negative vote.

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

The May 2014 reports were distributed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the reports as distributed and to place them on file for the annual audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Village and Utility payables as distributed, and the MOTION carried without negative vote.

General Business – President Petersen

2013 Audit Report – Patrick Romenesko

The 2013 audit report prepared by CPA Patrick Romenesko was distributed to the Village Board members and Romenesko provided a brief overview. Several recommendations were made to the Village including review of water utility connection fees and water rate tariff, transferring the balance in the debt service fund to the general fund, periodic review of budget performance and amendments during the year as necessary, and that any transfer from the general fund to another fund, such as the CDA debt service, should be classified as a loan on the account and ought to demonstrate some property of a loan, such as an interest component. Lastly, Romenesko stated due to his office preparing the village's financial statements rather than by village staff, a deficiency in the village's control system exists; however, he stated this is very common among smaller entities but nonetheless he is required to bring it to the village's attention.

Trustee Kenny/Trustee McGreevy 2nd made a motion to transfer \$448,046 the amount in the Debt Service Fund as of as of December 31, 2013, to the General Fund, and the MOTION carried without a negative vote.

Trustee Kenny/McGreevy 2nd made a MOTION to adopt and accept the Annual Financial Report ending December 31, 2013, and the MOTION carried without a negative vote.

Collins Engineers Report on South Lakeshore Bridge Repair Project – Tom Collins

Tom Collins of Collins Engineers gave a brief overview of the bridge emergency repair status and the work that has been completed over the past week. Martin provided information on possible DOT funding for the new bridge and stated that initial informational meetings have taken place with staff and DOT representatives regarding the availability of state funds. There are currently cheap, long term loans available through the State Infrastructure Bank Program. There are also DOT aid programs which award grant funds in two-year cycle increments; however, being that it is 2014, the earliest the Village would receive funding is 2017. With that, the Village would be tied into the state planning and approval process which would strictly require the Village to use DOT planners and engineers. Collins stated emergency funding was discussed and although he was given a verbal no by the DOT State Infrastructure Bank Program representative Donna Brown-Martin, he recommends the Village still submit an application in an effort to get funding in place in case anything else were to happen, or in case something falls through. Trustee Spadoni asked Collins if he would lead it for the village and Collins stated yes.

Direction on South Lakeshore Drive Bridge Replacement Planning

Attorney Thorpe stated that the Village will need a new contract to hire Collins Engineers, Inc., for the bridge reconstruction project, and that the actual construction contract will have to be put out for bids. Martin stated that staff has proposed a contract on an hourly basis with Collins for the preliminary design services and for funding application assistance. A motion was made by Trustee Spadoni and seconded by Trustee Kenny to have Collins Engineers prepare a draft agreement for a new bridge design contract. Thorpe stated that the contract should be retroactive to the date the grant application discussions and meetings commenced, which was earlier that day. Collins suggested the Village Board members provide direction on what types of changes, if any, are desired for the new bridge. Discussion ensued on the estimated length of time to construct a new bridge. Collins stated it really depends on whether the Village plans to go through state funding channels or not, as well as if any modifications that will be made to the new bridge that would require Army Corps of Engineers and/or DNR permits. Any dredging, excavating in the waterway, changes in size, etc., will all require permits and applications which can slow down the process by several years. Martin stated staff is currently researching the funding and permit options in order to obtain the most practical and cost effective solution. Unofficial minutes from the staff meeting held earlier in the day, which detail the DOT State Infrastructure Bank Program funding options, were included in the Village Board meeting packets.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION for Collins Engineers to prepare a draft agreement for preliminary bridge design services retroactive to July 7, 2014, and the MOTION carried without a negative vote.

Trustee Spadoni read a list of names of individuals and businesses that the Village Board wanted to thank for their help during the bridge repair project, which included Dennis Martin, Julie Olson, Theresa Linneman, Ron Nyman, Ron Adams, Dennis Bar, the DPW and Utility crew members, Al Kaminski, Collins Engineers and Roy Forsyth, Scherrer Construction Company and Todd Wilkins, the Walworth State Bank Board of Directors, the Coffee Mill, Abbey Resort, Pie High Pizza Company, Gordy's, Chucks, Novak's Deli, and Representative Amy Loudonbeck. Added to that list by Trustee Prudden were the Water Safety Patrol, Fontana Police Department, Fontana Fire and Rescue Department, Tom Hausner and the Geneva Lake Law Enforcement Agency, Abbey Marina staff and Edwin Snyder, III and Edwin Snyder, IV, and Darrell Frederick and Austin Pier Company. Todd Wilkins of Scherrer Construction stated he was very proud of his team and how his employees and the community came together to get the bridge finished. Wilkins stated it was the largest team effort he has ever witnessed.

President Petersen asked Al Kaminski if he would be willing to head the bridge project and be the point of contact for the Village Board members regarding any bridge planning matters, to which Kaminski agreed. Kaminski's services will be tied into the consulting contract for the ongoing DPW administrative review project.

President Petersen/Trustee Kenny 2nd made a MOTION to direct Al Kaminski to provide communication services and head up the bridge replacement planning services as the point of contact for the Village Board members. The MOTION carried without a negative vote.

Approval of Geo Technical Work for Bridge and Other Projects

Village engineering firm, Ruckert-Mielke, Inc., recommended PSI, Inc., be awarded the contract for the geotechnical engineering as they were the lowest of four bids submitted for the projects. The contract is

not to exceed \$22,000 for the bridge replacement project as well as for boring work on the South Lakeshore Drive Water Main, Mohr Road Reconstruction and Indian Hills Drainage projects.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to recommend approval of the contract with PSI, Inc., for Geotechnical Engineering Services for an amount not to exceed \$22,000. The MOTION carried without negative vote.

Operator License applications filed by Megan V. Hartwig, Abbey Harbor Yacht Club; Kyle T. Koch, Matthew B. Marzahl, Charles D. Meyer, Emily E. Michaels, Rudolf Ondrejkoivic, and Kendal A. Sanderson, Abbey Provident Resort; Sheila T. Brassel, Brian C. Braun, and Alyssa M. Kram, Abbey Springs; Robert L. Blizard and Breana E. Smith, Lake Geneva Yacht Club; and Michael T. Burner, Gordy's Boat House

There were no concerns with any of the background checks with the exception of Breana Smith.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the Operator's License applications filed by Megan V. Hartwig, Abbey Harbor Yacht Club; Kyle T. Koch, Matthew B. Marzahl, Charles D. Meyer, Emily E. Michaels, Rudolf Ondrejkoivic and Kendal A. Sanderson, Abbey Provident Resort; Sheila T. Brassel, Brian C. Braun and Alyssa M. Kram, Abbey Springs; Robert L. Blizard, Lake Geneva Yacht Club; and Michael T. Burner, Gordy's Boat House. The MOTION carried without a negative vote.
Trustee Kenny/Trustee McGreevy 2nd made a MOTION to deny the Operator's License application filed by Breana E. Smith. The MOTION carried without a negative vote.

Sick and Vacation Time Personnel Policy Amendments – Tabled May 5, June 2, 2014 and July 7, 2014

A memo from Thorpe dated July 3, 2014 was distributed. Martin stated that staff would like time to refine the recommendation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Consultant Agreement for Al Kaminski for Public Works Department Study & Recommendation

A draft of the consultant agreement for Kaminski to complete the Public Works Department administrative study and recommendation was submitted by Attorney Thorpe shortly after the June 2, 2014 Village Board meeting. Martin pointed out Kaminski had already reviewed and signed the agreement.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the Consultant Agreement with Al Kaminski for the Public Works Department Study and Recommendation, as presented. The MOTION carried on a 6-0 vote, with Trustee Spadoni abstaining.

Proposed Amendments to Municipal Code Chapter 2 – Tabled July 7, 2014

Martin stated that staff needs to review and tweak the proposed Chapter 2 amendments outlined in the distributed memo from the village attorney's office.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Direction on Potawatomi Drive Lots

President Petersen stated that the Village Board needs to determine if the two Village owned lots on Potawatomi Drive should be combined and put on the market for sale as one developable lot. Martin stated that a distributed letter from Ruckert-Mielke states that the storm water runoff concerns have been addressed with the completion of the Shabbona Drive construction project; and a distributed emailed message from Realtor Jay Hicks at Keefe Real Estate states that the two lots could be listed for about \$155,000, based on a recent sale of two separate buildable lots on Brickley Drive. Vilona stated the village has budgeted \$135,000 for the sale of the lots. An initial motion was made to combine the lots into one lot and list it for sale at \$175,000. The motion was approved, and discussion ensued regarding the future of the lots if they were sold. Attorney Thorpe indicated that if the lots are combined into one lot, it would require a deed restriction to ensure they could not be divided in the future. Regarding who to list the lot with, Martin stated that Hicks is currently the real estate agent for the CDA owned property at 138 Fontana Boulevard, and since Hicks is a member of the CDA Board, Keefe has agreed to only charge 3 percent on the sale price for its listing fee, instead of the typical 6 percent fee. Thorpe stated that the village is not required to seek bids for the listing agent, and the contract can be approved with Hicks for the 3 percent rate if that's what the Village Board authorizes.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to direct staff to have the two lots combined into one buildable lot, to have a deed restriction recorded on the new lot, and to list the lot for sale at an asking price of \$175,000. The MOTION carried without negative vote.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to authorize staff to enter into a listing contract with Keefe Real Estate Agent Jay Hicks, with the listing fee not to exceed 3 percent. The MOTION carried without negative vote.

Board of Appeals Application Fee Waiver Request

Martin stated a Board of Appeals application was submitted by William Barrett regarding an approved permit issued to the owners of 754 South Lakeshore Drive, and Barrett has requested that the \$300 application fee be waived. Attorney Thorpe stated that as well as the required Board of Appeals filing fee, state statutes dictate that official permitting decisions can be appealed for up to 30 days following the date of approval or denial, and Barrett's appeal is with regard to a fence that was permitted and constructed more than one year ago.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to deny the request to have the Board of Appeals application filing fee waived, and the MOTION carried without a negative vote.

Park Commission – Trustee Pappas

Adopt Fontana Fen Management Plan Approved April 8, 2013

Martin stated the Fontana Fen Management Plan that was approved last year is currently awaiting final review from Attorney Thorpe. In response to a question from Trustee Pappas, Thorpe stated he will have his review completed by the next Park Commission meeting, so the plan can be executed and recorded.

Pioneer Park Landscaping Area Steps Repair Direction

Pappas stated the old wooden steps in Pioneer Park are in need of repair and Streets Director Ron Adams affirmed that the DPW crew will be able to replace them with concrete steps for about \$100 in materials.

Trustee Spadoni/President Petersen 2nd made a MOTION to approve repairing the Pioneer Park landscaping area wooden steps with concrete steps to be installed by the Public Works Department, as recommended, and the MOTION carried without a negative vote.

Request to Use Reid Park for National Convention Photograph on August 14, 2015

Pappas stated a request was submitted by Bob Streepy, who is co-chairing the 2015 Vintage Triumph Register National Convention in Fontana, to use Reid Park on Friday, August 14, 2015 to park about 150 cars for a lakefront photograph. Pappas noted that a Park Permit application has not been filed, and it was just an inquiry made to the Village staff. Due to concerns that the cars may tear up the grass and the baseball diamond area, as well as that there is probably not enough room and the lake will not be visible in a photograph from that location anyway, direction was given from the Park Commission to staff to deny use of Reid Park for the photo shoot, but to suggest the Duck Pond Recreation Area parking lot as a possible site.

Plan Commission – Trustee Spadoni

Petition to Amend Zoning Code Filed by Abbey Villas Condominium Association, Inc., to Amend Section 18-40 II. Abbey Villas Subdistrict, Section 18-40 II. (c) Principal Land Uses Permitted by Right.

Spadoni stated that the Plan Commission voted at its June 30, 2014 meeting to recommend approval of the petition to add "Tourist Rooming House" as a permitted use by right to the Abbey Villas Zoning Code section. The use, which allows for the short-term rental of the condominium units, was inadvertently not included in the rewritten Chapter 18 a few years ago. Pappas questioned whether room tax is acquired from the owners of units that are rented out. Martin stated that once the properties are inspected by Building Inspector/Zoning Administrator Ron Nyman, the owners are given the required room tax registration form and it's up to the property owners to comply with the monthly filings.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 070714-01, adopting an amendment to Zoning Code Section 18-40 II.(c) to authorize short-term rentals in the Abbey Villas Condominium Association, as recommended. The MOTION carried without a negative

vote.

Petition to Amend Zoning Code Filed by Abbey Ridge Condominium Association to Amend Section 18-40 III. Abbey Ridge Subdistrict, Section 18-40 III. (c) Principal Land Uses Permitted by Right

Spadoni stated that the proposed amendment for the Abbey Ridge Association is the same issue as the previous amendment for the Abbey Villas Condominium Association to reincorporate the permitted use by right of short-term rentals. The provision was allowed in the previous Zoning Code and is allowed in the condominium association bylaws and covenants. The Plan Commission recommended approval of the amendment following a public hearing at its June 30, 2014 meeting. Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve Ordinance 070714-02 adopting an amendment to Zoning Code Section 18-40 III.(c) to authorize short-term rentals in the Abbey Ridge Condominium Association, as recommended. The MOTION carried without a negative vote.

Petition to Amend Zoning Code Filed by Village of Fontana for Proposed Zoning Code Amendment to Chapter 18, Article VIII, Floodplain Zoning Ordinance

The floodplain ordinance had to be updated to incorporate the new model ordinance provided by the Wisconsin DNR and FEMA, and to incorporate the updated Village of Fontana map panels. Trustee Spadoni/Trustee Prudden 2nd made a MOTION to approve Ordinance 070714-03, repealing and recreating Chapter 18, Article VIII, Floodplain Zoning Ordinance of the Village of Fontana Municipal Code to adopt the new DNR Model Ordinance and updated FIRM effective dates, as recommended. The MOTION carried without a negative vote.

Finance Committee – Trustee Kenny

Salary Increase Proposal for Beach Manager

Martin stated that the Finance Committee recommended approval of the proposal to increase the salary of Beach Manager Danielle Foley from \$5,250 to \$6,400 per season. Martin stated that Foley has not been given a substantial raise in the eight years she has been employed at the beach, and her current salary averages out to about \$8 an hour. Martin stated there is money in the budget for it and Foley is a very good and reliable employee.

Trustee Kenny/Trustee Prudden 2nd made a MOTION to approve Resolution 070714-01, authorizing a salary increase to \$6,400 for the 2014 summer season for the Beach Manager position, and the MOTION carried without a negative vote.

Lakefront Committee – Trustee Prudden

Pier Permit Application filed with DNR for Former Freytag Property at 507 N. Lakeshore Drive

The Lakefront and Harbor Committee approved a motion to recommend approval of the pier permit application for 521 North Lakeshore Drive, as filed with the Wisconsin Department of Natural Resources, with the conditions that the permit is approved by the DNR, that the Village of Fontana Building Permit application is filed and approved, and that an as-built survey is filed upon installation of the pier. Pappas asked if the application was correct with regard to the method used to calculate the setback requirements, and Martin responded that a building permit application still has to be filed with the Fontana Building and Zoning Department, and that the setbacks would be checked as part of the approval process.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the pier permit application for the property at 521 North Lakeshore Drive, as filed with the Wisconsin Department of Natural Resources, with the conditions that the permit is approved by the DNR, that the Village of Fontana Building Permit application is filed and approved, and that an as-built survey is filed upon installation of the pier. The MOTION carried without a negative vote.

Pier Permit Application filed by Gage Marine with Village for Mecum Property at 1028 South Lakeshore Drive

The permit applications were filed by Gage Marine with the Wisconsin DNR and the Fontana Building and Zoning Department to authorize the installation of a 100-foot-long pier, with two slips, at 1028 S. Lakeshore Drive. In his report to the committee, Nyman states that the permit application plan shows the new pier will be 30 feet from the east property line, and it will be about 67 feet from

the west property line, as measured along the shore. Nyman states that the ordinance regulating piers requires that the pier be depicted on a certified survey using both the lot line and knitter methods of measurement; however, the committee may wish to waive this requirement and only require an “as-built” survey upon completion of the project, if so approved. In response to a question from Pappas, Trustee Gage stated that the current pier will be taken out and replaced with a new pier if approved. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the pier permit application as filed with the Wisconsin Department of Natural Resources and Village of Fontana, with the conditions that the permit is approved by the DNR, and that an as-built survey is filed upon installation of the pier, as recommended. The MOTION carried without negative vote.

2014 Mooring Leases Approvals

The committee recommended approval of the mooring lease applications filed by Ann Dury, Mary Ann Sukys Kahl and William McCarthy for buoys, and by Ann Ruff for a ramp space. Staff also recommended approval of the buoy lease application filed by Erick Lee, as the application and fee were filed after the June 18, 2014 committee meeting.

Trustee Prudden/Trustee Spadoni 2nd made a MOTION to approve the 2014 Mooring Leases as presented, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Tarrant Drive Storm Sewer Contract Change Order and Pay Request

McGreevy stated that the change order and the \$10,000 final pay request submitted by S&L Underground and Trucking, Inc., Merrimac, for the Tarrant Drive storm sewer contract has been adjusted to deduct the \$1,667 in repair expenses incurred by the Utility Department for replacing a damaged meter at 824 Tarrant Drive. The cost for the contractor and for the Village labor and supplies expenses was deducted from the pay request because of an installation error made by the contractor. Staff indicated that the rest of the final pay request has been closed out in the final change order, and approval is recommended. McGreevy stated the final payment amount due is \$8,324.64.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the change order and the final pay request totaling \$8,324.64 for the Tarrant Drive Storm Sewer Contract, and the MOTION carried without a negative vote.

Shabbona Drive Contract Change Order and Pay Order No. 4

McGreevy stated that the \$11,151 change order and \$35,223 Pay request No. 4 submitted by McGuire, Inc., for the Shabbona Drive reconstruction, storm sewer and water main relay project were reviewed by staff and approval was recommended by the Public Works Committee.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$11,151 change order and the \$35,223 Pay request No. 4 submitted by McGuire, Inc., for the Shabbona Drive reconstruction, storm sewer and water main relay project, as recommended, and the MOTION carried without negative vote.

Van Slyke/Hillcrest Drive Construction Project Bids Recommendation

McGreevy stated the low bidder on the Van Slyke/Hillcrest Drive Construction Project was Payne and Dolan, Inc., and staff recommended approval of the \$1,330,001 bid. Globe Contractors, Inc., submitted a bid of \$1,525,331. The Village has worked with Payne and Dolan, Inc. before and is comfortable working with them.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the \$1,330,001 bid submitted by Payne and Dolan, Inc., for the Van Slyke/Hillcrest Drive construction project, as recommended, and the MOTION carried without negative vote.

Barrutia, 604 Country Club Drive, Unit B, Credit Request for Frozen Water Main

McGreevy stated the water main to the residence owned by Jose Barrutia was frozen for about two months this year from February to April. Barrutia has paid his utility bill, but has requested to be credited for the time the water main was frozen during the quarter. The Public Works Committee recommended he be credited \$54.83, which is two-thirds of the quarterly service fee.

Trustee Pappas/Trustee Kenny 2nd made a MOTION to approve a \$54.83 credit to the Utility Account for Jose Barrutia, 604 County Club Drive, Unit B, as recommended, and the MOTION

carried without negative vote.

Adjournment

Trustee Spadoni/Trustee Kenny 2nd made a MOTION at 6:58 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, Deputy 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: 8/4/2014