

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, August 7, 2017**

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 Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen

**Also Present:** Greg Blizard, Jeff Cates, Attorney Tony Coletti, Lee Eakright, Lawrence and Katherine Galinski, Greg Kunes, Rex Lewis, Dennis Martin, Bridget McCarthy, Brett McCollum, Wolf Nitsch, Wes Samuels, Chris Schultz, George Spadoni, Dale Thorpe, Scott Vilona

**Visitors Heard**

**Fire and Rescue Dept. Presentation to Greg Kunes**

Chief Nitsch presented a plaque to Greg Kunes in recognition of the Kunes family donating a 2017 Ford F350 Super Duty pickup truck to the Fire and Rescue Dept. The truck will be used to transport the rescue boat. In exchange for the new truck, the Village traded in the 2015 Chevrolet Silverado pickup. The new truck is worth \$36,414; however, the village received it for just the trade-in vehicle.

**George Spadoni Proposals for Generating Fourth of July Revenue**

Former Trustee George Spadoni presented Fourth of July revenue generating ideas. Some of the ideas include charging \$20 for all-day parking in the Village parking lots; using the parking lot at the Duck Pond Recreation Area for additional parking, with a shuttle to transport visitors to the lakefront and back; doubling the rates at the beach for non-residents; and charging admission to get on the beach to watch the fireworks up until 9:00 pm instead of opening the gate at 7:00 pm. Martin stated that last year the Village did offer parking and shuttle rides from Duck Pond to the lakefront for free, and there were no riders. Spadoni stated that there has to be more advertising for the Duck Pond shuttle idea to work. Martin stated that there are several reasons that have been discussed in previous years as to why the beach gates are opened at 7:00 pm instead of charging admission until the regular closing time of 9:00 pm. Spadoni also congratulated Chief Cates and stated he has changed the atmosphere at the lakefront in regards to the business communities' relationship with the police department. President Kenny referred the revenue generating proposals to the Finance Committee for an initial recommendation. The proposals also fall under the review of the Lakefront and Harbor and Protection Committees and the Park Commission.

Greg Blizard, 468 Sylvan Drive, asked about the utility road construction project in the Country Club Estates subdivision and stated that the project is at least two weeks behind the publicized schedule. Martin stated they started the sewer portion of the project that day and the first project update meeting was held the past Friday. An updated timeline will be distributed to the association and posted on the Village website. Martin stated the Country Club Estates road construction contract actually allows until sometime in 2018 for project completion and what has been distributed so far is just a projected timeline which got thrown off after the heavy rain last month. Trustee Petersen stated the policy of the board in past years has been not to allow road construction between Memorial Day and Labor Day.

**Approval of Village Board Minutes**

The minutes for the July 10, 2017 meeting were distributed.

Trustee O'Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the village board minutes for the July 10, 2017 meeting, as submitted, and the MOTION carried without negative vote.

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

Martin stated the profit/loss statement report for Fourth of July was also distributed and will be presented to the Finance Committee at its next meeting along with Spadoni's Fourth of July ideas.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll

Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

### **Approval of Village and Utility Payables**

The March and April Village and Utility Payable list was distributed.

Trustee Prudden/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**

#### **Operator License Applications Filed by Morgan P. Volbrecht (Abbey Harbor Yacht Club), Kevin A. Taylor (Gordy's)**

There were no concerns with any of the background checks and the \$60 fees have been paid.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's Licenses for Morgan P Volbrecht and Kevin A. Taylor, and the MOTION carried without negative vote.

#### **Walworth County Letter of Support for FTA Grant Application**

Martin stated the county is applying for a grant to buy new vehicles for their Dial-a-Ride program.

The county would like approval from all communities in the form of a letter of support.

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve staff to write a letter of support for the Walworth County FTA Grant Application for the Dial-a-Ride Program, and the MOTION carried without negative vote.

### **Lakefront Committee – Trustee Pappas**

#### **Indian Hills Pier Permit Application**

Indian Hills Association submitted a Pier Permit application to extend their pier headline by 85-feet to 160-feet, and exchange six buoys for six slips. The Lakefront & Harbor Committee recommended denial.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to deny the Pier Permit application submitted by the Indian Hills Association due to the determination that there is an inadequate benefit to the public right to navigable waters, as recommended, and the MOTION carried without negative vote.

### **Plan Commission – Trustee Prudden**

#### **Conditional Use Permit Application Filed by Rex & Diane Lewis for the Property Located at 650 S. Main Street for Proposed Bed & Breakfast**

The Plan Commission recommended approval of the CUP application filed by Rex and Diane Lewis for the property located at 650 S. Main Street for a proposed Bed & Breakfast following a public hearing at the monthly meeting. The Plan Commission recommended approval of the application with the conditions recommended by staff and the addition of conditions requiring fencing to be installed on the property line at the easement location adjacent to the Geneva Pointe parcel to prohibit guest access, and smoke and fire detectors and alarms to be interconnected and monitored by a registered alarm company. Attorney Coletti who is representing the Lewis's agreed to have a surveyor mark the lot line prior to the item going to the Village Board for approval; however, Coletti stated the surveyor is running behind and was not able to mark the lot prior to the Village Board meeting; it was also agreed upon to remove pavers as they were possibly encroaching.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit application filed by Rex and Diane Lewis for the property located at 650 S. Main Street for a proposed Bed & Breakfast, as recommended, and with one additional condition added to the initial 17 as follows:

- 1) Exception to the minimum side yard setback of 20' to the existing nonconforming 3.86';
- 2) Exception to the minimum 50' street frontage to the existing nonconforming 36';
- 3) Exception to the blanket eighteen-foot driveway [Sec. 18-211(k)] with the following condition:
  - a. a passing lane to facilitate two-way traffic, as depicted on the site plan, shall be installed prior to the start of operations;
- 4) Exception to the paving of the driveway and parking area to the existing gravel with the following four conditions:

- a. pavers throughout the existing gravel drive shall be removed and a new layer of gravel shall be installed prior to the start of operations and shall continue to be maintained.
  - b. three-feet of the apron (as measured from the edge of road toward the front property line) will be installed by the Village as part of the scheduled road work and will be asphalt; the applicant is responsible for any remaining apron or connection to the existing driveway.
  - c. additional code compliant lighting along the drive shall be installed prior to the start of operations leading to the proposed Bed & Breakfast parking area; a lighting plan requires further review and consultation with the applicant.
  - d. the gravel drive and parking area shall be reviewed regularly by the village and, if found not to be properly maintained, may be ordered to be asphalted.
- 5) The east "circle drive" shall remain free of parking at all times and shall be dedicated as a fire lane. A minimum of two signs shall be erected prior to the start of operations to alert guests and visitors of this dedicated fire lane. (Signs may be decorative in nature but must be visible and font legible.)
  - 6) A covered entryway at the east side of the building is required and shall be established prior to the start of operations.
  - 7) An existing shed, which adjoins the farm building to the south and currently encroaches over the property line, shall be removed and relocated to a conforming location, prior to the start of operations.
  - 8) Alcoholic beverages shall not be sold as part of the bed & Breakfast operations.
  - 9) ADA access in and out of the building may be required.
  - 10) State of Wisconsin license approval for a Bed & Breakfast use is required.
  - 11) Approval shall only be for a maximum of up to 16 guests, occupying guest rooms #1 through #6. Future guest rooms #7 and #8, which will increase the maximum occupancy by 4 for a total of 20 guests, as noted on the submitted plans, shall require separate occupancy by the building department and amendment to the conditional use permit approval.
  - 12) The road drainage culvert shall be maintained as required; the village reserves the right, but not the obligation, to make necessary repairs at the expense of the property owner.
  - 13) Due to the age and unique character of the existing structure, a professional opinion of the existing electrical and other mechanicals, as required by the Village Building Inspector, shall be conducted by a Village approved contractor at the expense of the property owners.
  - 14) This approval shall continue to conform to the requirements of 18-56(i), bed and breakfast establishment, and all requirements of Article II of Chapter 70, with regard to room tax reporting.
  - 15) This conditional use permit shall conform to requirements of Section 18-246, specific attention shall be given to subsection (m) and subsection (r), as quoted below:
    - a. 18-246(m) Time limits on the development of conditional use. The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the village board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this section, "operational" shall be defined as the granting of an occupancy permit for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the village board and shall be based upon a showing of acceptable justification (as determined by the village board).
    - b. 18-246(r) Change in ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use without approval by the village board shall be considered in violation of this chapter and shall be grounds for revocation of said conditional use approval. For bed and breakfast land uses, the granting of a conditional use permit shall be valid while said property is owned by the owner at time of conditional use approval.
  - 16) Fencing shall be installed on the property line at the easement location (approximately 10' in length) to prohibit guest access.

- 17) Smoke and fire detectors and alarms shall be interconnected and monitored by a registered alarm company.
- 18) The boundary line must be marked by a certified surveyor in the easement area between the Lewis parcel and the Geneva Pointe parcel, and a fence must be installed along that boundary line.

The MOTION carried without negative vote.

### **Ordinance Amendment to Sections 18-246(n) and 18-246(o) Regarding Conditional Use Permit Requirements**

Provision 18-246(n) in the municipal code requires staff to file an approved conditional use permit with the county register of deeds, which is the applicant's responsibility, and 18-246(o) requires Plan Commission notice to the DNR. The two provisions were inadvertently added during the 2012 zoning code rewrite and have not and will not be used. Staff is requesting to removing the provisions as recommended after a public hearing at the July Plan Commission meeting.

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve Ordinance 080717-01 amending ordinance Sections 18-246(n) and 18-246(o) Regarding Conditional Use Permit Requirements, and the MOTION carried without negative vote.

### **Public Works – Trustee McGreevy**

#### **Reconsideration for Utility Invoice Reduction for Lawrence Galinski Residence, 353 Hillcrest Drive**

The Public Works Committee recommended giving Lawrence and Katherine Galinski, 353 Hillcrest Drive, a \$2,000 sewer credit on the total outstanding utility account balance of \$2,600 for the last two quarterly invoices. In a letter submitted by Larry Galinski, he states their typical quarterly bill for the past 20 years has been around \$200. Public Service Commission rules state the utility is not responsible for determining how the water was used if it runs through a meter. In addition, the Public Works Department inspected the house with no findings and tested the meter which yielded no issues. Martin suggested approving the recommendation for a credit, but on the condition some sort of proof is provided by a licensed plumber that the water was not used nor sent down the sanitary sewer. Since requests for water and sewer credit are frequently requested, there needs to be some sort of documentation on file to justify a credit. Petersen disagreed with giving credit for the sewer charges if water went through the meter and to the treatment facility, which the Village must pay for. Galinski stated the Village was called the day the first extremely high bill was received, and then a plumber was contacted once the Village found no issues. He said the plumber also found no issues within the house and there is no way 100,000 gallons of water was used inside their house. McGreevy also recommended getting a statement from the plumber.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to table the item until the next monthly Village Board meeting and directed Larry Galinski to obtain verification from a licensed plumber with the date and time he inspected the residence located at 353 Hillcrest Drive and confirmation he found no evidence that the water was used and went down the sanitary sewer. The MOTION carried on a 6-1 vote with Trustee Petersen opposed.

### **Park Commission – Trustee Livingston**

#### **Park Permit Application Filed by Mary Vanslyck for Reid Park Gazebo August 26, 2017**

Trustee O'Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by Mary Vanslyck for the Reid Park Gazebo on August 26, 2017, and the MOTION carried without negative vote.

### **Adjournment**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 6:22 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 09/05/2017