

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, November 6, 2017**

Village President Pat Kenny called the monthly meeting of the Village Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Also Present:** Greg Blizard, Derek D’Auria, Jim Feeney, Jay DiPrizio, Noelle DiPrizio, Clerk Theresa Loomer, Bridget McCarthy, Brett McCollum, Andy Pearce, Chris Schultz, Terry Tavera, Dale Thorpe, Scott Vilona

**CLOSED SESSION**

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 5:45 to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85(1)(g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” specifically Personnel and Open Records Issues.

The Roll Call vote was as follows:

Trustee O’Neill – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

The MOTION carried without negative vote.

**Adjournment Closed Session**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to adjourn Closed Session and reconvene in Open Session at 6:16 pm, and the MOTION carried without negative vote.

**Approval of Minutes**

The minutes for the meetings held on September 23, October 2, October 9 and October 12, 2017 were distributed.

Trustee O’Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the village board minutes for September 23, October 2, October 9, and October 12, 2017, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Petersen 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**

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list along with the three additional payables, as presented, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Consider Future RFP to Purchase Lots off Wild Duck Road – Offer to Purchase Lots off Wild Duck Road for Distillery/Brewery**

Jay and Noelle DiPrizio introduced themselves and explained their desire to possibly develop a brewery, distillery, tasting room and restaurant on Tax Parcel SUP00006C located off of Wild Duck Road. Jay stated him and his wife own Chicago Distilling in Chicago and have been in operation for four years and are looking to expand to Walworth County. An email string about the proposal was distributed in the meeting packets but no formal plan was presented. In answer to a question, Jay stated the restaurant and tasting room would be roughly 2,500 to 3,000 square feet, and the total operation would be approximately 8,000 square feet. McGreevy stated he previously looked into purchasing and developing the site and of the three areas, he stated the grass pad closest to Wild Duck Road is developable, the second pad has older garbage which would require an environmental barrier, and the third area furthest west cannot be touched. He said there are also brownfield issues. There are no concerns with obtaining a liquor license since it would be issued through the state to the distillery.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION that Tax Parcel SUP00006C located off Wild Duck Road is not for sale and the roll call vote was as follows:

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Nay

Trustee Petersen – Aye

President Kenny – Nay

Trustee McGreevy – Nay

Trustee O’Neill – Nay

The MOTION failed on a 4-3 vote.

Since the proposed use is currently not in the zoning code or in the Master Plan, McCarthy said both would need to be amended through a formal approval process. Trustee Petersen said there has been discussion about the area being a potential site for a safety building and believes the Village should retain ownership of the land until that is settled. After further discussion a second motion was made.

Trustee Livingston/Trustee O’Neill 2<sup>nd</sup> made a MOTION to direct staff to explore the details of the proposed brewery/distillery on the Lot off Wild Duck Road and bring back the findings at next month’s meeting, and the MOTION carried on a 6-1 vote with Trustee Petersen opposed.

### **Fee Schedule Amendment Resolution – Fee For Delinquent Returns & Temporary Use Permit Fee**

A Temporary Use Permit Fee is listed in Chapter 18 as an amount to be included in the fee schedule, however, the amount has never been set. To be consistent with the other Building and Zoning fees, McCarthy recommended setting the filing fee at \$125.

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Resolution 110617-01 Setting the Fee for Temporary Use Permits at \$125, and the MOTION carried without negative vote.

McCarthy explained there are 51 state licenses issued to property owners that operate short term rentals, and only nine of those property owners filed and paid their room taxes to the Village last year, which means the Village is losing out on revenue. The proposed fee for delinquent returns was \$50. Thorpe recommended either increasing the fee or using the state’s formula to calculate the penalty, however, McCarthy thought that would typically end up being less than \$50. Thorpe recommended increasing the fee to a flat \$250.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Setting the Delinquent Returns Fee at \$250, as part of Resolution 110617-01, and the MOTION carried without negative vote.

### **Proposed Parking Rate Increase**

Last month, the board discussed raising parking rates, but no formal motion was made. Kenny recommended increasing the parking rates from \$1 per hour to \$2 per hour. The Lakefront Committee recommended increasing the hourly rate to park in the boat trailer parking lot from \$3 per hour to \$4 per hour and eliminating the daily parking fee.

Trustee Livingston/Trustee Pappas 2<sup>nd</sup> made a MOTION to increase the parking rates in the parking lots and metered stalls to \$2.00 per hour, and increase the parking rates for the boat trailer parking lot

to \$4.00 per hour and eliminate the daily fees, as part of Resolution 110617-01, and the MOTION carried without negative vote.

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

##### **Pier Permit Application Filed by Dana Mecum for the Property Located at 1028 S. Lakeshore Drive**

A pier permit application was submitted for the property at 1028 S. Lakeshore Drive to add an additional slip space onto the current pier. The proposal meets all setbacks and code requirements, is less than 100-feet from the shoreline, and the application has been approved by the DNR.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION approve the Pier Permit Application filed by Dana Mecum for the Property Located at 1028 S. Lakeshore Drive, with the condition an as-built survey is filed upon completion, and the MOTION carried without negative vote.

##### **Buoy Permit Application Filed by David Weinberg for the Property at 988 S. Lakeshore Drive**

A permit was filed by David Weinberg for the installation of a buoy at 988 S. Lakeshore Drive. The buoy is proposed to be located 140-feet from the shoreline and 60-feet from the end of the existing pier and will be used to moor a sailboat.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Buoy Permit Application Filed by David Weinberg for the Property at 988 S. Lakeshore Drive, and the MOTION carried without negative vote.

#### **2018 Mooring Leases and Deposits Recommendation**

There are two mooring leaseholders that have not paid the \$500 boat slip deposit which was due by October 15<sup>th</sup> for the 2018 season. Village hall staff have sent numerous email reminders and follow up phone calls regarding the outstanding payment.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to withdraw the offer for the 2018 Village boat slip rental to the two boat slip lessee’s who have not paid the \$500 deposit for 2018, as recommended, and the MOTION carried without negative vote.

#### **2017 Unpaid Slip Rental Fee Recommendation**

There was one person who did not pay for their boat slip rental in 2017. This is also one of the two people that have not paid the \$500 mooring lease deposit for 2018.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to direct staff and Attorney Thorpe to pursue payment for the 2017 unpaid slip rental, and the MOTION carried without negative vote.

#### **Reconsideration of 2018 Mooring Lease Full Payment Due Date**

The Lakefront Committee was asked to reconsider the mooring lease full payment due date which had been set for January 31<sup>st</sup>. The committee recommended splitting the fee into three payments and requiring a \$500 deposit on October 15<sup>th</sup>, a \$1000 deposit on January 15<sup>th</sup> and the balance due on March 15<sup>th</sup>.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 110617-02, modifying the Boat Slip Waiting List and Policy Schedule and Lease Agreement to require a \$500 deposit by October 15<sup>th</sup>, a \$1,000 deposit by January 15<sup>th</sup> and the full payment due by March 15<sup>th</sup>, and the MOTION carried without negative vote.

#### **Ordinance Amendment to Section 54-161 Regarding Parking Lot Fees**

Section 54-161 of the municipal code addresses fees and regulations for the boat trailer parking lot. The ordinance states vehicles with trailers, recreational vehicles and buses shall be charged a fee that is determined by the village board and is included in the fee schedule. In addition to recommending raising the hourly fee from \$3 to \$4 per hour, the committee recommended amending the ordinance to reflect that it is an hourly rate and not daily rate and removing the sentence that states, “There shall be no overnight parking without a valid launch receipt displayed for the date in which the vehicle and empty trailer are parked in the designated lot.”

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 110617-01, Amending Section 54-161(d) Regarding Parking lot fees, as recommended, and the MOTION carried without negative vote.

### **Human Resources Committee – President Kenny**

#### **Consider Action: Amending Personnel Policy Manual to Establish Grievance Procedure**

Thorpe indicated Act 10 mandated a grievance procedure and a draft was distributed in the packets. He recommended adopting the resolution which would add the updated grievance procedure to the personnel policy manual.

Trustee Prudden/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Resolution 110617-03, adopting employee grievance procedure and adding it to the Employee Personnel Policy Manual, and the MOTION carried without negative vote.

#### **Consider Action: Vested Comp Time Payment for Mr. Martin**

In response to questions, Vilona stated Martin had accrued comp time likely by working on a holiday and vacation time is accrued on an employee’s anniversary date.

Trustee O’Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the vested comp time payout for Mr. Martin in the amount of \$35,816.11, as presented, and the MOTION carried without negative vote.

#### **Payroll Resolution Amendment for PT Building Inspector Recommendation**

The building and zoning department has recommended that part-time building inspector, Terrance Welch, receive a \$.50 wage increase for each licensure he obtains. He has received four to date, and in order to compensate him with a \$2.00 per hour increase, the salary resolution must be updated with an increased pay range for the position.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 110617-04, amending 090517-03 setting exempt salaried and hourly nonunion personnel rates for the 2017 calendar year, and the MOTION carried without negative vote.

### **Protection Committee – Trustee Prudden**

#### **Mohr Road No Parking Ordinance Amendment**

The protection committee recommended changing the ordinance that addresses parking on Mohr Road. The updated ordinance matches how the road was previously posted and does not allow parking on the east side of the road, but does allow parking on the west side of the road.

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve Ordinance 110617-02, amending section 74-281 regarding parking on Mohr Road, and the MOTION carried without negative vote.

### **FW/WPCC – Trustee Petersen**

#### **FW/WPCC 2018 O&M Budget**

The incorrect agenda item was listed and should have been the Lease of Commission Agricultural Land 2018. This will be added to the agenda for the next monthly meeting.

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

#### **Lake Street Water Main Relay-REBID Recommendation of Award**

The Lake Street water main portion of the contract was put out for bid on November 2<sup>nd</sup> and Woleske Construction Co., Inc. was the low bidder at \$184,570. In response to a question about whether the Village could opt to go with a known contractor that has done work in the Village before instead, Thorpe stated the Village is legally obligated to go with the lowest bidder unless there is evidence of wrongdoing or misconduct.

Trustee McGreevy/Trustee O’Neill 2<sup>nd</sup> made a MOTION to award the Lake Street Water Main Relay-REBID contract to Woleske Construction Co., Inc. for an amount not to exceed \$184,570, and the MOTION carried without negative vote.

#### **Abbey Springs Water System Close-out Change Order No. 3**

The Wanasek Corp. submitted change order no. 3 is for a decrease in the contract amount of \$35,513.50; the closeout change order amount is a total decrease of \$135,513.50 and total contract price is \$1,497,198.37.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Abbey Springs Water System Close-out Change Order No. 3, submitted by The Wanasek Corp., for the decreased contract amount of \$35,513.50, and the MOTION carried without negative vote.

**Abbey Springs Water System Close-out Payment Recommendation No. 5- FINAL**

The Wanasek Corp. submitted the final application for payment in the amount of \$37,070.30, which has been reviewed by the Village engineers and is recommended for approval.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$37,070.30 final pay request for the Abbey Springs Water System submitted by The Wanasek Corporation, and the MOTION carried without negative vote.

**2017 Road Reconstruction & Drainage Improvements Project – Change Order No. 2**

Change order no. 2 was submitted by Super Excavators, Inc. for an increased amount of \$7,900, for the addition of cobblestone dry-stack retaining walls on Waubun Drive and Juneau Drive, bringing the total contract price to \$2,357,493.59.

Trustee McGreevy/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Change Order No. 2, submitted by Super Excavators, Inc., in the increased amount of \$7,900, and the MOTION carried without negative vote.

**2017 Road Reconstruction & Drainage Improvements Project – Payment Recommendation No. 3**

The \$453,615.64 pay request was submitted by Super Excavators, Inc. for the road reconstruction and drainage improvements project. The pay request has been reviewed by the Village engineers and is recommended for approval.

Trustee McGreevy/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the \$453,615.64 pay request submitted by Super Excavators, Inc., for the 2017 Road Reconstruction & Drainage Improvements Project, and the MOTION carried without negative vote.

**2017 Road Reconstruction & Drainage Improvements Project – Discussion and Possible Action on Progress Schedule and Final Completion Date**

Tavera explained the project is behind due to a number of reasons including late approvals from the DNR, delayed projects by WE Energies, a utility pole in the middle of the road on Waubun Drive, and a water main add-on for Brickley Drive. He stated the contractor is not going to be able to get the road surface complete because the weather is turning too cold which will lead to poor compaction of asphalt. The contractors will be putting down a binder coat and asphalt wedge to help control the water, and then the final surface coat will be laid in the spring.

**Payment Request No. 3 for Tarrant Drive Lift Station**

The \$31,231.25 pay request was submitted by Super Excavators, Inc. for work on the Tarrant Drive lift station replacement. The pay request has been reviewed by the Village engineers and is recommended for approval.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the \$31,231.25 pay request submitted by Super Excavators, Inc., for the Tarrant Drive Lift Station, and the MOTION carried without negative vote.

**Plan Commission – Trustee Prudden**

**Conditional Use Permit Application Filed by Cliff Woodbury for Property at 916 Sauganash Drive for Proposed Second Access Point**

A CUP application was filed by Cliff Woodbury to add a second access point on the same street frontage as the existing access point. There are no issues with any of the setbacks and the Plan Commission had a favorable recommendation after holding a public hearing at the last monthly meeting.

Trustee Prudden/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application Filed by Cliff Woodbury for the Property at 916 Sauganash Drive for Proposed Second Access Point, with the following conditions as recommended by staff:

- The proposed access shall be located a minimum twenty-five feet (25’) from the existing access drive.
- The proposed drive (pavement) shall be located a minimum of three feet (3’) from the adjacent property line.
- The proposed access drive shall be a minimum ten feet (10’) wide.

- The proposed access drive curb opening shall not exceed a maximum twenty-four feet (24') wide as measured at the right-of-way line.
- The proposed access approach shall be paved to the satisfaction of the Village of Fontana.
- An asphalt curb shall be installed, per the Public Works Manager, to assist in controlling water run-off from Sauganash.
- 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.
- An as-built survey shall be required depicting the proposed second access drive and all required distances. If found to be noncompliant to this approval, it is the responsibility of the applicant to bring it into compliance.

The MOTION carried without negative vote.

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

#### **Alternative Memorial Park Bench Proposal for Micki O'Connell**

The Park Commission recommended a new park bench with a seatback that would contain multiple name plates or brick pavers that could be engraved, in lieu of a second park bench for Micki O'Connell at Mohr Road Park. A bench was already been installed at Pioneer Park for O'Connell and since there is no one else in the Village with two benches, the Park Commission looked at other options for a second memorial. Thorpe indicated there may be deed restrictions with the placement of pavers and he stated he will look into it.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to table the alternative memorial park bench proposal for Micki O'Connell for further information, and the MOTION carried without negative vote.

#### **Bird City Wisconsin IMBD Resolution Approval**

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve Resolution 110617-05 designating Friday, April 27, 2018 as International Migratory Bird Day, and the MOTION carried without negative vote.

#### **Tree City/Bird City Renewal Applications**

The 2018 Tree City and Bird City renewal applications are due by December 31, 2017 for certification in 2018.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the 2018 Tree City and Bird City renewal applications, and the MOTION carried without negative vote.

#### **Adjournment**

Trustee Prudden/Trustee O'Neill 2<sup>nd</sup> made a MOTION at 7:03 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: 12/04/17