

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

MONTHLY MEETING of the VILLAGE OF FONTANA BOARD OF TRUSTEES
and JOINT SESSION with PLAN COMMISSION
Monday, January 9, 2017

Chairman Dave Prudden called the Plan Commission monthly meeting to order and President Pat Kenny call the Village Board special meeting to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Trustee Prudden, Trustee Petersen, Commissioner Grant, Commissioner Ahern, Commissioner Lobdell, Commissioner Frazier

Village Board Members present: Roll Call: Trustee Prudden, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee Whowell

Village Board Members absent: Trustee Livingston, Trustee Pappas

Also present: Greg Blizzard, Attorney Nick Egert, Attorney Christina Green, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Duane Ratay, Maureen Schiel, Village Attorney Dale Thorpe

Visitors Heard

None

Joint Session Business

Public Hearing to Consider Application Filed by Kenneth Pariser, 398 Hillcrest Drive, Vacating and Discontinuing a Portion of Hillcrest Drive

Trustee Prudden opened the public hearing at 6:01 pm. Thorpe provided a history on the CSM filed for the property at 398 Hillcrest Drive. Pariser previously came to the Village with a lot line adjustment proposal to combine a platted and un-platted portion of his property. The un-platted portion of the property appears on some Village maps as a dedicated portion of Hillcrest Drive, which the Village owns. The Village requested title work and the 84-page document opines that Mr. Pariser's neighbor actually owns the triangle piece of property, but Thorpe stated the chain events that led to the conclusion is confusing, and the item as presented is strictly for the Village to approve the vacation of the triangle portion of the road. The village engineers and DPW have confirmed the Village does not have a need or use for the triangle portion of the road. By law, Thorpe said the property will have to be split amongst neighboring property owners along the centerline and the two neighbors will then have to figure out how to resolve the title, ownership and any conveyances. Thorpe confirmed that the CSM will have to come back at a later date for approval. No comments were made for or against the application. The public hearing was closed at 6:06 pm.

Plan Commission Recommendation on Public Hearing to Consider Vacating and Discontinuing a Portion of Hillcrest Drive

Trustee Petersen/Trustee Prudden 2nd made a MOTION for the Plan Commission to recommend Village Board approval to adopt the draft findings and recommendation in favor of the proposed road discontinuance pursuant to the written document. The MOTION carried without negative vote.

Village Board Consideration of Plan Commission Recommendation on Public Hearing to Consider Vacating and Discontinuing a Portion of Hillcrest Drive

An updated resolution was distributed to the Village Board members.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution 010917-01 to vacate and discontinue a portion of Hillcrest Drive, as presented, and the MOTION carried without negative vote.

Site Plan Amendment Filed by Munson Marine for Property at 138 Fontana Blvd.

A Site Plan Amendment application was filed on December 20, 2016 to modify three conditions of the previously approved site plan for 138 Fontana Boulevard. Zoning Administrator Bridget McCarthy and Christina Green, attorney for Munson Marine, went over the requested amendments. The original approval for the Phase 1 site plan was for a length of two years; however, Green stated because Munson Marine did not get occupancy until the middle of last year, they would like to extend Phase 1 for a total of three years, until the end of 2018. The amendment also requests to change the number of boats allowed on the display pad. The approval was for eight boats the first year and six boats the second year, and Green requested removing the restriction on the number of boats allowed and having the pad itself determine how many boats can be displayed. The display area currently meets the code for outdoor display and surface area. Green stated they have 32 percent green space when only 20 percent is required, and the size of the pad is well within the code and required setbacks. The final site plan amendment would remove the restriction that boats are only displayed from April 1 to November 1, and allow for year-round boat display so it does not appear the business has shut down for the season. There will likely not be as many boats displayed in the winter months, and Green noted the office is not staffed full-time, but is open as much as can be expected of a marina business in the winter. McCarthy stated that staff recommends approval and she has not received any citizen complaints regarding the lot. She also stated that other marine businesses in the area display boats year round and it is not prohibited by the code. Following discussion, Green stated there is a possibility that the number of boats on the pad could increase as long as they comply with the required setbacks. The boats displayed will continue to be new and will not be stacked. Petersen stated he did not agree with the request to change the previously approved site plan and it was not appropriate to amend it as it was just approved.

Plan Commission Recommendation on Site Plan Amendment Filed by Munson Marine for Lot Located at 138 Fontana Blvd.

Trustee Prudden/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the site plan amendment filed by Munson Marine for the property at 138 Fontana Boulevard, as submitted, and the MOTION carried on a 5-1 vote with Trustee Petersen opposed.

Village Board Consideration of Plan Commission Recommendation on Site Plan Amendment Filed by Munson Marine for Lot Located at 138 Fontana Blvd.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the site plan amendment filed by Munson Marine for the property at 138 Fontana Boulevard, as submitted, and the MOTION carried on a 4-1 vote with Trustee Petersen opposed, and Trustee Livingston and Trustee Pappas absent.

Plan Commission Business

Permeable Pavers Ordinance Amendment – Set Public Hearing

A public hearing is proposed to amend zoning code section 18-13, specifically the definition of impervious surface.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to set the public hearing to consider an ordinance amendment on permeable pavers for the next regularly scheduled Plan Commission Meeting, and the MOTION carried without negative vote.

Adjournment Plan Commission Meeting

Trustee Prudden/Commissioner Lobdell 2nd made a MOTION to Adjourn the Plan Commission meeting at 6:26 pm, and the MOTION carried without negative vote.

Approve Village Board Minutes

December 19, 2016 Open & Closed Session Minutes

The open and closed minutes for the December 19, 2016 meeting were distributed.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the minutes, as distributed, for the December 19, 2016 Village Board Meeting and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Whowell 2nd 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 Whowell 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

General Business – President Kenny

Operator License Applications – Julisa Castaneda, Jonathan F. Hernandez (Abbey Resort)

There were no concerns with the background checks and the \$60 fee has been paid.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Operator's License applications filed by Julisa Castaneda and Jonathan F. Hernandez, Abbey Resort, and the MOTION carried without negative vote.

Approval of Letter Supporting League of Wisconsin Municipalities for DOT State Budget Funding

A letter addressed to Senate Budget Committee Co-Chairmen Darling and Nygren supporting the DOT construction funding for the interstate highway system in Southeast Wisconsin was distributed.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve sending a letter signed by President Kenny supporting the League of Wisconsin Municipalities for DOT state budget funding, and the MOTION carried without negative vote.

Appointment of Thomas W. Whowell as Liquor License Agent for Gordy's Boat House, Inc., 336 Lake Street

There were no concerns with the background check or application to change the agent on the liquor licenses from Rallee Chupich to Thomas W. Whowell.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the appointment of Thomas W. Whowell as Liquor License Agent for Gordy's Boat House, Inc., 336 Lake Street, Fontana, and the MOTION carried without negative vote. Trustee Whowell abstained.

Pioneer Park Bathroom Project Bid Process Update

Martin stated the bathroom project is ready to be placed out for bid, however, there is concern that once all the bonds and required documents are obtained, no contractor will want to build such a small building due to all the extra work it will take for minimal profit. There is a Public Works Committee meeting scheduled for this Friday where they will consider the possibility of a prefabricated concrete building that can be placed on a cement pad and would cost considerably less.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$1,625,000 General Obligation Bonds for Sewerage Improvements

Maureen Schiel of Ehlers Associates presented the presale report for the 2017 Bond Series, which calls for a total borrowing of \$4,415,000.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution 01-09-17-02, an Initial Resolution Authorizing the Issuance of Not to Exceed \$1,625,000 General Obligation Bonds for Sewerage Improvements, and the Roll Call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Prudden – Aye

The MOTION carried on a 5-0 vote with Trustee Livingston and Trustee Pappas absent.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$1,360,000 General Obligation Bonds for Street Improvements

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Resolution 01-09-17-03, an Initial Resolution Authorizing the Issuance of Not to Exceed \$1,360,000 General Obligation Bonds for Street Improvements, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

The MOTION carried on a 5-0 vote with Trustee Livingston and Trustee Pappas absent.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$1,430,000 General Obligation Bonds for Water System Improvements

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve Resolution 01-09-17-04, an Initial Resolution Authorizing the Issuance of Not to Exceed \$1,430,000 General Obligation Bonds for Water System Improvements, and the Roll Call vote was as follows:

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

The MOTION carried on a 5-0 vote with Trustee Livingston and Trustee Pappas absent.

A Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$4,415,000 General Obligation Corporate Purpose Bonds; and Other Related Details

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve Resolution 01-09-17-05 an Initial Resolution Authorizing the Issuance of Not to Exceed \$4,415,000 General Obligation Corporate Purpose Bonds, and the Roll Call vote was as follows:

Trustee Whowell – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy - Aye

The MOTION carried on a 5-0 vote with Trustee Livingston and Trustee Pappas absent.

Trustee McGreevy left the meeting at approximately 6:40 pm.

EMS Referendum Planning

It was determined that state statutes prohibit the Village from creating an EMS services district and placing a special assessment on property tax bills to pay for the costs. A referendum to authorize the Village to exceed the state levy limits will have to be scheduled to come up with the \$210,000 needed to fund the nightshift EMS services currently being provided by Paratech Ambulance Service. Vilona stated he is unsure which levy multiplier to use and the amount will be either 5.84 percent or 8.96 percent of the total Village levy. He stated he will need to contact the Department of Revenue to get more information on the calculation. Finance Committee member Duane Ratay asked whether the referendum provides funds only until the end of 2017 or if it is an ongoing basis. The referendum will

read that it is an ongoing basis and a “not to exceed” limit. Vilona was instructed to determine the exact percentage of the levy needed, and present it at the next Finance Committee meeting scheduled for January 12, 2017.

Trustee Prudden/Trustee Whowell 2nd made a MOTION to direct staff to move forward with the referendum planning and authorize the Village to draft a referendum question that will seek a levy limit increase that produces an amount not to exceed \$210,000, and the MOTION carried without negative vote.

Reimbursement for Fox Farm Damages During Abbey Springs Water Main Project

A request was submitted by Bill Thompson, manager at Fox Farm, for reimbursement of \$7,200 for damages caused as a result of the transport of pipe through the farm last spring for the Abbey Springs Water Main project. Thompson cited \$4,800 for crop loss, \$1,200 for repair and replanting the crops, and \$1,200 for repair of a fence. Martin stated he spoke to the Village engineers and they recommended approval of the reimbursement.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the requested reimbursement to Fox Farms, N1757 Fair Oaks Road, Lake Geneva, in the amount of \$7,200, as presented, and the MOTION carried without negative vote.

CLOSED SESSION AGENDA

Closed Session

Trustee Petersen/Trustee Prudden 2nd made a MOTION at 6:55 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically Foss Estate Litigation Update and Fox Farms Construction Damage Claim.

The Roll Call Vote was as follows:

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee Whowell – Aye

The MOTION carried on a 4-0 vote with Trustee Livingston, Trustee McGreevy, Trustee Pappas absent.

Adjournment Closed Session

Trustee Petersen/Trustee Whowell 2nd made a MOTION to adjourn closed session at 7:05 pm, and the MOTION carried without negative vote

Closed Session Business

Trustee Prudden/Trustee Petersen 2nd made a MOTION to ratify a fee agreement with Illinois Attorney Steven Daday in the amount not to exceed \$300 per hour, and the MOTION carried without negative vote.

Adjournment Village Board

Trustee Prudden/Trustee Whowell 2nd made a MOTION to Adjourn the Village Board meeting at 7:06, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

Note: These preliminary minutes are subject to further editing. Once approved by the Plan Commission and Village Board, the official minutes will be on file at the Village Hall.

APPROVED: VB Approval 2/6/17

Plan Commission Approval 2/27/17