

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, May 4, 2015**

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: Tom McGreevy, Tom Whowell, Rick Pappas, Dave Prudden, Arvid Petersen, President Pat Kenny

**Trustee Absent:** George Spadoni

**Also Present:** Jason Bernard, Greg Blizard, Jade Bolack, Rallee Whowell Chupich, Clerk Theresa Linneman, Administrator Dennis Martin, Police Chief Steve Olson, Kristen Perry, Dale Thorpe, John Tracy, Treasurer Scott Vilona

**Visitors Heard**

**Lakeland Animal Shelter Fundraising Initiative**

Lakeland Animal Shelter Director Kristen Perry presented a video regarding the need for expansion of the current animal shelter facility on Highway 67 between Elkhorn and Williams Bay. There is currently a small-scale expansion project underway at the shelter; however, Lakeland staff is hoping to secure up to \$1.5 million in donations to complete the entire expansion project. Perry stated it is the only animal shelter in Walworth County and their operational funding is made up by 95 percent donations and less than 5 percent through county funding. Perry requested support from the Village in the current fund-raising drive by means of placing brochures in the main lobby, including information in the quarterly newsletter, and requested the Village consider make a budget allocation for an annual donation to support the building project.

**Announcements**

President Pat Kenny thanked former Village President (Arvid) Pete Petersen for his help and assistance in transferring into his new role as president.

**Approval of Village Board Minutes**

The open and closed session minutes for the April 6 and April 21, 2015 meetings were distributed. Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the open and closed session minutes for the meeting held April 6, 2015 as presented, and the MOTION carried without negative vote.

Trustee Prudden/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the open session minutes for the meeting held April 21, 2015 as presented, and the MOTION carried without negative vote.

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

The April, 2015 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Petersen/Trustee Whowell 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**

There were three additional payables that did not make it in time for the meeting packet but were distributed at the meeting, including Century Springs for Village Hall and Safety Building water, \$47.80; Rich Miller, Refund of Permit No. 150098, and Ingersoll & Co., 50 percent advanced payment for the library lighting project, \$2,933.50.

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

**General Business – President Kenny**

**Temporary Class "B"/"Class B" License for St. Benedict Church Event June 24, 2015**

There were no concerns with the premise (the Parish Hall) for the special event, which was reviewed and signed off by Police Chief Steve Olson.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Temporary Class "B"/"Class B" License for the St. Benedict Catholic Church special event on June 24, 2015, and the MOTION carried without negative vote.

### **Operator's License Applications filed by Andrew Rousonelos and Taylor Webster (Abbey Resort)**

There were no concerns with the required background checks and the fees have been paid. Trustee Whowell/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Andrew Rousonelos and Taylor Webster, and the MOTION carried without negative vote.

### **Proposed Amendment to Serving Premise for Gordy's Boat House Liquor License at 336 & 342 Lake Street**

Gordy's would like to add two areas to its approved liquor license serving premise areas for its 2015-16 liquor license and for the remainder of the current license year. The two proposed new areas include extending the bench/chairs outdoor seating area in front of the Gordy's restaurant building to the south in front of the boat sales showroom building, up to its main entrance, and expanding the outdoor service areas across Lake Street to include the Gordy's owned piers. In a related matter, Gordy's is seeking a building permit to cover with a boardwalk or similar material a grass-covered area that currently is used for outdoor dining and alcohol consumption. The grass surface would be covered by a platform or boardwalk. Martin said if the new area(s) are favored by the Village Board, a motion could be considered to approve the new area(s) subject to staff review of the zoning and building permit requirements; and subject to the building inspector and Police and Fire Departments conducting the required liquor license inspections. The proposal for adding the pier area also will have to be reviewed by staff if favored by the Village Board, and an amendment to Municipal Code Section 42-7 (Open Intoxicants in Public Places Prohibited) may be necessary. Rallee Whowell Chupich stated as well as the two new areas, Gordy's would also like to get advanced approval for its annual outdoor events when outdoor service areas are expanded to include the street and the parking lot area in front of the office and boat storage building at 320 Lake Street. Martin stated Building Inspector/Zoning Administrator Ron Nyman preliminarily reviewed the proposals for the new areas and did not note any major zoning concerns; however, the Village's professional staff members will be reviewing the two construction related proposals for the extended bench seating area and for the boardwalk area to cover the grassy parcel, at the next staff meeting. Martin stated that if approved by the board, the serving premises changes could be incorporated for the rest of the 2014-15 license year, which ends June 30, 2015; and authorized for the 2015-16 license year which commences July 1, 2015. After lengthy discussion, board members agreed the premise should be extended to include the Gordy's owned piers in front of the Bait Shop, subject to review of Attorney Thorpe, who also suggested staff be directed to review the municipal code of neighboring municipalities regarding open intoxicant ordinances and how their piers and lakefront premise serving areas are licensed. Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the proposed serving area premise amendments for the Gordy's Boat House and Gordy's Bait Shop Liquor Licenses at 336 & 342 Lake Street as presented, subject to Building Inspector/Zoning Administrator Ron Nyman and Attorney Thorpe's review; and to direct staff to review the open intoxicants in public places section of the Municipal Code, to review how other local municipalities regulate piers and licensed activities, to propose any code changes that may be deemed necessary by staff, and to report at the next monthly meeting. The MOTION carried without negative vote. Trustee Whowell abstained.

### **Resolution Authorizing President Kenny for Village Bank Accounts**

The signatory authorizations for the village and utility accounts at Walworth State Bank and Town Bank have to be amended to remove former President Arvid Petersen and to add President Kenny. Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the authorization of President Kenny to replace Arvid Petersen on the Village and Utility bank accounts at Walworth State Bank and Town Bank, Walworth, and the MOTION carried without negative vote.

### **GLLEA 2015 Boat Patrol Officer Approval**

The list of names were distributed in the packets and are recommended for approval by Police Chief Olson, subject to review and final approval by the Police and Fire Commission. The officers were sworn in on Saturday, May 2, 2015 at GLLEA training in Williams Bay, subject to confirmation and approval by the Village Board and PFC.

Trustee Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the recommended GLLEA 2015 Boat Patrol Officers subject to final approval by the PFC, and the MOTION carried without negative vote.

#### **Library Carpeting Project Books and Shelving Contractor Approval**

The bid included in the packet is the lowest of three bids that DPW Manager Brett McCollum obtained for the Library carpet project. The cost for carpet installation was budgeted and the purchase of the new carpeting was approved at April 6, 2015 meeting. The Village received a quote for moving and storage of the shelving and books in the library, which is necessary in order for the carpet to be installed. Staff recommended approval of the proposal submitted by A.C. Transfer & Storage, Delavan, not to exceed \$9,927. In response to a question posed by Pappas, Martin said \$8,500 was approved for new carpet. The original 2015 budget allocated \$22,000 for the library carpet project but was reduced to \$14,000 with the belief the DPW Department could move all of the books. After further review, it was determined the DPW staff could not do all the moving; however, it will be possible for the DPW crew to assist with some of the work in order to save some expenses. Martin stated that the DPW budgeted items are coming in under budget, so savings in those areas will offset the additional funding needed for the carpet project.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the bid received from A.C. Transfer & Storage, Delavan, for an amount not to exceed \$9,927, and the MOTION carried without negative vote.

#### **Lake Geneva Yacht Club A-Boat Parking Proposal for Boat Trailer Lot**

Whowell said he received a request from the Lake Geneva Yacht Club to use four spaces in the Village boat trailer parking lot until its new clubhouse and parking lot construction project is complete, which currently is scheduled to be by the end of May or early June. Staff has no concerns and recommended approval to help the yacht club out while the members are waiting for the construction project to be completed. Launch manager Greg Blizzard posed questions regarding timing and launching of 38-foot boats, as well as where the yachts would be rigged. Whowell stated although the A-Boats would be stored in the lot, they would typically only be launched on Tuesday afternoons and would remain rigged when parked in the lot. Several board members agreed that although the ordinance calls for only commercial operators to be authorize to launch boats over 30 feet in length because of the village launch space limitations, that requirement could be waived due to the boat trailer driving and backing expertise of the A-Boat owners. Another concern mentioned was loss of revenue over Memorial Day weekend or any other weekend where the weather may be so nice that the lot fills up. Whowell added that if loss of revenue occurs, the Yacht Club should then be charged and the board agreed to revisit the topic at the June Monthly Meeting.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to authorize the Lake Geneva Yacht Club members to use up to five spaces for the parking of A-boats in the Boat Trailer Parking Lot until the June 1, 2015 Village Board meeting, to detach the vehicles from the trailers if there is no room in the parking lot, to require a fee if loss of revenue occurs, and to exempt the A-boats from the Municipal Code 30-foot maximum length standard for boats to be launched at the Village launch ramp, and the MOTION carried without negative vote.

#### **Approve Bid for New Village Hall Copy Machine/Printer**

Staff reviewed three bids received for a new Village Hall copy machine/printer lease which are all very close in price. Lake Geneva recently went through the same process and shared their research with staff; a cost comparison was distributed. Following discussion, the Village Board favored the recommendation to approve the bid submitted by Rhyme for a Sharp MX-4141N based on the preventative maintenance service and support that are all covered under the proposed base contract.

Trustee McGreevy/Trustee Prudden made a MOTION to approve the bid submitted by Rhyme for a SHARP 44140N and service contract, and the MOTION carried without negative vote.

#### **Approve Summer Part-Time Staff and CSO Officer**

The list of seasonal employees for the 2015 season was included and with the names of the summer beach staff, summer launch and lot staff, and Police Department CSO, and are all recommended for approval. Martin stated that many of the launch and beach house staff members returned from last season and the new Police Dept. Community Service Officer is Allysan Sandner. The beach staff manager is Corinne Kenny, and the launch staff manager is Greg Blizzard.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to recommend approval of the summer part-time staff members and CSO Officer, and the MOTION carried without negative vote. President Kenny abstained.

### **Plan Commission – Trustee Spadoni**

#### **Ordinance Amendment for Extraterritorial Plat Reviews**

Attorney Thorpe stated he drafted an ordinance which reflects a recent change in case law regarding Extraterritorial Plat Reviews and makes one sentence in the Village code illegal. The proposed ordinance went through a public hearing at the Plan Commission meeting held April 27, 2015 and was recommended for approval. The change eliminates the current sentence in section 17-5(7) which states, “The maximum density of development shall be no more than one dwelling unit per 35 acres, except where permitted by extraterritorial zoning. The only exception to this policy is that lots resulting in the infill of existing subdivisions may be permitted, or as otherwise determined by the village board.”

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to recommend approval of Ordinance 050415-01 amending the Zoning Code Section 17-5(7), as presented, and the MOTION carried without negative vote.

#### **Zoning Amendment Ordinance and Gen. Develop. Plan Approval for Lakeview Terrace Planned Development – John Tracy Third Avenue Proposal**

An ordinance amendment application was filed by John Tracy for proposed townhomes on the corner of Third Avenue. After a public hearing held April 27, 2015, the Plan Commission made the following motion, “Trustee Petersen/Commissioner Nickolai 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the amendment to the zoning ordinance and zoning map at 264 & 268 Third Avenue to Planned Development and approval of the General Development Plan, as presented, and to record the finding of fact that the proposed PD is consistent with the Village’s Master Plan for this property and it fulfills the Village Center Criteria as to architecture and character. The MOTION carried without negative vote.” Thorpe indicated the draft ordinance includes a list of submittals needed for the General Development Plan and added they are close to having everything needed for the Precise Implementation Plan.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 050415-02, amending the zoning ordinance and zoning map at 264 & 268 Third Avenue to Planned Development and approval of the General Development Plan. The MOTION carried without negative vote.

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

#### **South Lakeshore Drive/Brookwood Water Main Project Pay Request No. 1**

McGreevy stated that the \$309,476.75 Pay Request No. 1 submitted by Wanasek Corporation, was reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the \$309,476.75 pay request No. 1 submitted by Wanasek Corporation, as recommended, and the MOTION carried without negative vote.

#### **Globe Contractors Invoice for Abbey Springs Water Main Emergency Repairs**

Petersen said the Village needs to expedite the construction planning for the replacement of the Brookwood water tower and the relocation of the water main through the Abbey Springs subdivision, so that the water main segments under the golf course can be abandoned. The Village utility incurs major expenses every time the water main breaks and has to be repaired on areas of the golf course. McGreevy stated that the Village utility crew and engineers did a great job with the emergency situation.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve payment of the invoice received from Globe Contractors in the amount of \$53,159.41, and the MOTION carried without

negative vote.

### **Park Commission – Trustee Whowell**

#### **Big Foot Rec Movies Under the Stars Schedule and Sponsorship Request**

The Movies Under the Stars dates for this summer are Saturdays, June 13, June 27, July 11, July 18, August 1, and August 15. The Big Foot Rec. District is again requesting assistance for the program in the amount of \$750, which breaks down to \$125 a movie and is the same as last year. The revenue generated by concession in 2014 was minimal, but the Park Commission recommended approval of the request due to the popularity of the summer movie program on the municipal beach.

Trustee Prudden/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the allocation of \$750 to the Big Foot Recreation District to help fund the movie franchise fees and to approve the movie dates as recommended, and the MOTION carried without negative vote.

#### **Reid Park Permit Application, Pig in the Park, September 5, 2015, Dan Green Foundation**

The Park Commission recommended approval of the Park Permit application filed by Dan Green's Touch A Life, Heal A Heart, Inc., for Saturday, September 5, 2015. There was discussion on concern with last year's expenses since the event cost the Village more in DPW payroll expenses than was received back in donations; however, McGreevy stated he was confident that new DPW Manager Brett McCollum would monitor the time spent by DPW workers for set-up and would keep the cost under control.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by the Dan Green's Touch A Life, Heal A Heart, Inc. organization for the annual Pig in the Park fundraising event in Reid Park on Saturday, September 5, 2015, as recommended, and the MOTION carried without negative vote.

#### **Park Application Filed by Fontana Community Church, May 17, 2015 at Duck Pond**

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by the Fontana Community Church at Duck Pond on May 17, 2015, and to waive the fee as requested, and the MOTION carried without negative vote.

#### **Park Application Filed by Ronald Pawlson, July 18, 2015 at Duck Pond Pavilion with Beer/Wine Permit**

Trustee Pappas/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by Ronald Pawlson at Duck Pond Pavilion with Beer/Wine Permit on July 18, 2015, and the MOTION carried without negative vote.

### **Library Board - Trustee Whowell**

#### **Payroll Resolution Amendment – New Library Director**

Trustee Whowell stated former Librarian Nancy Krei retired at the end of March and the Library Board interviewed five applicants from several different states. He said the hired candidate, Walter Burkhalter, stood out above the rest in terms of both education and experience, including involvement with developing the Lakeshore Library System which coordinates the Walworth County Library System. The salary offered was \$48,500 which requires an amendment to the 2015 salary scheduled.

Trustee Whowell/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve Resolution 050415-01, amending and setting exempt salaried and hourly non-union personnel rates, and the MOTION carried without negative vote.

### **Adjournment**

President Kenny/Trustee Pappas 2<sup>nd</sup> made a MOTION at 6:53 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, 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: 06/01/15