

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

**Monday, June 27, 2016**

Chairman Dave Prudden called the monthly meeting of the Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Micki O'Connell, Sarah Lobdell, Trustee Petersen (arrived at 5:53 pm), Trustee Prudden, F.J. Frazier, Bob Grant, Bob Ahern

**Also present:** Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Sammi Wendling

**Visitors Heard**

None

**Approve Minutes**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the May 31, 2016 meeting, as presented, and the MOTION carried without negative vote.

**Public Hearings**

**Village of Fontana Park and Open Space Plan 2016-2021**

Martin explained the 2016-2021 Park and Open Space Plan has been updated from the 2010-2015 Park and Open Space Plan. The public hearing plan distributed for the meeting commenced with a subcommittee of the Park Commission consisting of Commissioner Lobdell, Trustee Whowell and Martin, who drafted the preliminary changes with Vandewalle and Associates. The draft was presented to the Park Commission for input and additions and changes were incorporated in the public hearing draft. The updated plan has identified new goals and is necessary for the Village to adopt in order to be eligible to apply for grants and for Wisconsin DNR stewardship programs. Prudden opened the Public Hearing at 5:31 pm. Merilee Holst stated there are several references to signage in the Plan and asked the appropriate place to follow up. Holst stated she is particularly concerned with Mohr Road Park and believes many residents do not know it is there or that it is an access point to the Geneva Lake Shore Path. She suggested placing signage on South Lakeshore Drive denoting access to the shore path and that public parking is available. Holst asked what steps the Park Commission and Public Works Committee are going to take to make the public more aware that Fontana has these parks and how to access them. Martin said that a new sign for Mohr Road Park will be installed soon as part of a Mohr Road Lift Station rehabilitation and road reconstruction project, and the two public parking spaces called for at the end of Mohr Road will be designated next to the new lift station generator building. Holst's proposal for park or directional signage on South Lakeshore Drive at Mohr Road will be on next month's Park Commission agenda for a recommendation. O'Connell stated the maintenance of some of the parkland and nature areas, such as Hildebrand Nature Conservancy, is not adequately funded and it is one of the first areas to get cut during budget season. She stated if the Village is going to have these park and open space plans then they should be properly funded. Martin said Blackstone just replaced the previously contracted landscape company and staff was out with Mike Moore from Blackstone last week to address the areas of concern that have not been addressed in recent weeks. Martin stated he was out earlier in the day with Roy Diblik from Northwind Perennial along with Park Commission Chairman Tom Whowell and DPW Manager Brett McCollum to tour the perennial bed areas. Lobdell said one of the issues being addressed at the Park Commission level is long-term management because oftentimes projects are started but then go by the wayside. Martin mentioned that John Anderson from Linn

Township has offered to make an endowment to the Village to fund a long range plan for the Fen, but Anderson first requires that the Village hire an expert who is willing and able to draft a viable long-term maintenance plan. O'Connell said the Village relies too much on the Fontana Garden Club. Martin stated that one of the problems with the Hildebrand Nature Conservancy is that the large herd of deer in the village eats all plants except for garlic mustard, which again has taken over the conservancy. The Public Hearing was closed at 5:39 pm.

Commissioner Frazier/Commissioner Grant 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the updated 2016-2021 Village of Fontana Park and Open Space Plan, as presented, and the MOTION carried without negative vote.

### **Big Foot Country Club CUP Application to Authorize Mound System for Accessory Building on Golf Course**

Prudden opened the public hearing at 5:39 pm. In a response to a question Martin received earlier, he stated the building has been constructed and the mound system was installed after receiving DNR approval. A special Village Board meeting was held on March 12, 2016 and permission was granted for Big Foot Country Club to start constructing the building since it is a permitted use by right according to the Village Code. Martin stated Big Foot Country Club was willing to take a risk on the DNR approving the application for a mound system by starting the building early. The Country Club originally applied for a septic system but after some negative testing they went to a holding tank and finally they applied and received approval for a mound system. McCarthy stated that six staff recommendations are included with the staff report, including that if municipal sanitary service becomes available at the location, the applicant must abandon the septic system and connect to municipal services. Chapter 78 of the Municipal Code currently requires any building within 300-feet of water or sewer to hook-up to the municipal utilities. Staff made the following recommendations to be considered as part of the approval process:

1. This approval shall only be in effect until municipal sanitary service is available, at which time the applicant shall properly abandon the septic system and connect to municipal services as described in Chapter 78 of the Fontana Municipal Code, Utilities.
2. The applicant shall submit an operational and maintenance plan to describe how the system will be serviced and maintained.
3. Approval of the proposed Septic System shall be contingent upon approval of a Walworth County Sanitary Permit, a copy of which shall be provided to the Village of Fontana Building and Zoning Department.
4. A building and zoning permit shall be obtained from the Village of Fontana Building and Zoning Department prior to Installation of the Septic System
5. All cost recovery fees shall be paid by the applicant
6. Final location of the Septic System and building shall be located on an as-built survey of the portion of the property.

The public hearing was closed at 5:44 pm.

Commissioner Grant/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Big Foot Country Club CUP Application to Authorize a Mound System for an Accessory Building on the golf course with the following conditions:

1. This approval shall only be in effect until municipal sanitary service is available, at which time the applicant shall properly abandon the septic system and connect to municipal services as described in Chapter 78 of the Fontana Municipal Code, Utilities.
2. The applicant shall submit an operational and maintenance plan to describe how the system will be serviced and maintained.
3. Approval of the proposed Septic System shall be contingent upon approval of a Walworth County Sanitary Permit, a copy of which shall be provided to the Village of Fontana Building and Zoning Department.
4. A building and zoning permit shall be obtained from the Village of Fontana Building and Zoning Department prior to Installation of the Septic System.

5. All cost recovery fees shall be paid by the applicant.
6. Final location of the Septic System and building shall be located on an as-built survey of the portion of the property.

The MOTION carried without negative vote.

### **General Business**

#### **Set Public Hearing for Proposed Amendment to Section 18-257(d)(1) Regarding Violations and Penalties**

McCarthy stated that before the Village code was changed in 2012, there was a portion of Chapter 18 that allowed for the Building and Zoning Department staff to issue notices or tickets to any person who has violated a portion of the code. During the code rewrite in 2012, that ability was inadvertently taken away from Building & Zoning Department and given to the Plan Commission. If a violation occurs in the beginning of the month, staff must wait for the next Plan Commission meeting scheduled for the end of the month in order to issue any citations which McCarthy said makes it very difficult. The citation fee schedule lists a range of \$50 - \$500 and all citations go before the municipal court judge. McCarthy said the main goal is to encourage people to comply with the zoning code and the department rarely issues citations, usually less than one per year.

Commissioner Lobdell/Commissioner Grant 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, July 25, 2016 beginning at 5:30 pm, to consider the proposed amendment to Zoning Ordinance Section 18-257(d)(1) regarding violations and penalties, and the MOTION carried without negative vote.

#### **Provide Direction for Proposed Municipal Code Amendment Regarding Preservation of Existing Grade**

Martin stated the discussion on preservation of existing grade was brought up by a village trustee and preliminary research and discussion has been done at staff level. The village attorney has provided a draft ordinance which was included in the meeting packets. Martin said Chapter 16 of the Municipal Code covers storm water management regulations; however, at the last staff meeting the village attorney said it is hard to enforce in relation to Chapter 18. He suggested either using language to tie Chapter 16 into Chapter 18, or take the sections that have to do with Building and Zoning and move them into Chapter 18. The sections moved into Chapter 18 would require that if someone is going to build, they must address the water runoff on the property. The caveat to approving the requirement is putting another step into a residential building permit process by requiring a topographical survey. The process might also open up a gray area for staff and leave them in a position where they are not certain if a topographical survey is needed for a particular property. Staff wants the same rules to be in place for everyone. In addition, topographical surveys can cost upwards of several thousand dollars. Prudden stated that he has had two phone calls, one from a developer and one from an excavator stating they did not like the proposed amendment. Staff recommended setting the matter for public hearing at the next monthly meeting so all input can be heard before a recommendation is considered.

Commissioner Frazier/Commissioner Ahern 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, July 25, 2016 beginning at 5:30 pm, to consider the proposed amendment to the Municipal Code regarding preservation of existing grade, and the MOTION carried without negative vote.

### **Adjournment**

Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:55 pm, 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 Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 07/25/2016