

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)  
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, July 11, 2016**

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 Kenny

**Trustee Absent:** Stan Livingston

**Also Present:** Christina Green, Merilee Holst, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Susie Maher Neiman, Police Chief Steve Olson, Duane Ratay, Pat Romenesko, Mike Sheyker, Village Attorney Dale Thorpe, Treasurer Scott Vilona

**Visitors Heard**

At the end of the meeting, Susie Maher Neiman asked if she could make comments to the Village Board members since she had arrived late to the meeting and missed the agenda item. Neiman stated that she wanted to thank the Village officials for doing a beautiful job, and following some other statements she started asking the Village Board members questions about a citizen complaint she filed with the Police Department. Administrator Dennis Martin stated that as Neiman filed an official complaint that is a Police and Fire Commission issue, the Village Board members cannot be given a copy of the complaint and discuss any of the details at this time. Village Attorney Dale Thorpe stated that he does not know any of the details of Neiman's complaint; however, the Village Board could be the appeal body for a PFC decision and it is not appropriate to discuss the matter.

**Approval of Village Board Minutes**

The minutes for the June 13 and 18, 2016 meetings were distributed.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the June 13 and June 18, 2016 minutes as submitted, and the MOTION carried without negative vote.

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

The June 2016 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Petersen/Trustee McGreevy 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**

Martin stated that an additional payable totaling \$1,000 was submitted by Heartland Land Creations for budgeted work completed May 1 through July 10, 2016 at the Fontana Fen

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list as presented, with the addition of the \$1,000 invoice submitted by Heartland Land Creations, and the MOTION carried without negative vote.

**Finance Committee – President Kenny**

**2015 Audit Report – CPA Patrick Romenesko**

Romenesko presented the 2015 Annual Financial Report and his management letter, which outlined three items. Romenesko stated that the first item is a recommendation for the Village Board to authorize three inter-fund receivable and payable balance transfers. Romenesko stated that there are balances of \$1.3 million owed from the sewer utility to the General Fund; \$809,551 owed from the General Fund to the Water Utility; and \$219,785 owed from the Sewer Utility to the Water Utility. Romenesko stated that the balances are primarily the result of transactions pertaining to loan proceeds received or capital expenditures paid in one fund but attributable to a different fund. Romenesko stated that there was sufficient money in the three funds to accommodate the settlement of these balances on December 31, 2015. Martin stated that the settlement of the fund transfer will be presented to the Finance Committee for a recommendation at its next monthly meeting.

Romenesko stated that the second item is an accounting software issue that results in year-end reconciliations to balance the ledger, and his recommendation that the accounts payable detail journal be reconciled to the ledger monthly, and any variance be identified and adjusted. Romenesko stated that the third item in his management letter is to report that the 2015 Audit Report was prepared under newly effective Governmental Accounting Standards Board reporting requirements, and the related disclosures are reported primarily on pages 35 to 40 of the financial statements. Romenesko stated that despite popularly reported large unfunded pension liabilities in various governments, the Wisconsin Retirement System has a net pension asset, and the Village of Fontana's portion of that net pension asset is \$243,037, as reported in the Statement of Net Position on page 3 of the audit. Romenesko stated that the Village General Fund Balance showed a \$541,000 overall decrease in 2015; however, that total is only \$63,000 more than planned as \$478,000 of the total was allocated by the Village Board to go toward the purchase of the new fire truck and air packs. Romenesko stated that even with the allocation of \$541,000 of the undesignated fund balance, there was still a very healthy overall fund balance of \$1,985,981 on December 31, 2015, which is 38 percent of the Village's annual expenditures. Romenesko stated that a common goal for municipal undesignated fund balances is 25 percent of the municipality's annual operating expenditures, and the Village of Fontana's adopted policy calls for 30 percent. Romenesko also briefed the Board on the other financial statements and asked if there were any other questions.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to accept the 2015 Audit Report as presented, and the MOTION carried without negative vote.

#### **PSC Simplified Water Rate Increase Application Filing**

Martin stated that the Public Service Commission Simplified Water Rate Increase application process was initiated as directed and the required notice was published in the Lake Geneva Regional News. Martin stated that the Village received preliminary PSC approval for a 3 percent increase in the water rate effective December 20, 2016 for the fourth quarter water invoices. The last time the water rate was increased was by 3 percent in 2012. Martin stated that following the publication of the notice, Village Board authorization is required to officially file the water rate increase application.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to authorize staff to file the Public Service Commission Simplified Water Rate Increase Application seeking approval for a 3 percent increase effective December 20, 2016, and the MOTION carried without negative vote.

#### **General Business – President Kenny**

**Operator License Applications Filed by Natalie Stratton (Abbey Harbor Yacht Club); Thomas J. Dace, Alyssa-Ashley N. Hastings, Kelly M. Peckenpaugh, Travis M. Ricci (Abbey Resort); Jessica L. Reiff, Mackenzie K. Sax (Abbey Springs); Haley R. Menning, Scott B. Sonnenberg (Gordy's); Mari L. Hubanks (Novak's)**

There were no issues with the background checks.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License applications, and the MOTION carried without negative vote.

#### **Fourth of July Update**

Martin stated that the Fourth of July crowd and traffic control, and launch and beach operations all went very well and without any major incidents. Martin stated that the holiday being on a Monday and overcast weather also contributed to a less-hectic-than-usual holiday. With regard to the shuttle bus the Village contracted from Dousman Transport, there were no automobiles parked at the Duck Pond parking lot and no riders on the bus between 11:00 AM and 6:00 PM. Martin stated that the Fourth of July parking congestion experiment was not successful for several reasons, but it will only cost about \$200. Martin stated that the annual revenue and expense report for the Fourth of July will be presented next month, and the Village has been receiving a lot of compliments for the quality of this year's fireworks display.

#### **August and September Monthly Meeting Dates**

Martin stated that the meeting on the first Monday of September will have to be rescheduled because of the Labor Day holiday. The Village Board members also confirmed that there are no conflicts with the monthly meeting scheduled for Monday, August 1, 2016.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to reschedule the September 2016

monthly meeting to Monday, September 12, 2016, beginning at 6:00 pm, and the MOTION carried without negative vote.

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

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

Prudden stated that the Park and Open Space Plan was updated and recommended for approval by the Park Commission, and then presented at a public hearing and recommended for approval by the Plan Commission. The plan is required to be updated and approved every five years in order for the Village to be eligible for Wisconsin DNR grant and steward program funding, and includes provisions for the Village to require developers to include parkland in new development plans or to make a financial donation based on the total number of new residential units. Thorpe stated that there will have to be provisions incorporated into the Zoning Code in order for the Village to enforce the parkland provisions of the Park and Open Space plan.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve Resolution 07-11-16-01, adopting the Village of Fontana Park and Open Space Plan 2016-2021, 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**

The Village Board pre-authorized the installation of a wastewater system for the Big Foot Country Club's remodeled golf course accessory building, with the condition the required state and Walworth County permits receive approval. The Village Zoning Code also requires a conditional use permit for the installation of a septic or mound system or holding tank for buildings that are located more than 600 feet from a sanitary sewer main. Following a public hearing at the June 27, 2016 Plan Commission meeting, approval was recommended for the CUP with six conditions as listed in the June 22, 2016 professional staff report.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit application to authorize a mound septic system for the accessory building on the Big Foot Country Club golf course as presented, with the following six 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 that portion of the property.

The MOTION carried without negative vote.

#### **Site Plan Direction for Munson Ski and Marine, 138 Fontana Boulevard**

Prudden stated that the agenda item was requested by President Kenny and Trustee Whowell following several inquiries and emails to the Building and Zoning Department staff with regard to the approved Phase 1 Site Plan for the new Munson Ski and Marine at 138 Fontana Boulevard. Prudden stated that although he has only received complimentary comments regarding the site and the landscaping improvements made by the Munsons, inspections of the site have revealed some items that he recommended be addressed in the motion he made that was seconded by Trustee McGreevy. The three items are that the outdoor display area is not exactly as depicted in a site plan exhibit, the monument sign has not been completely moved back out of an "exception area" and over the lot line, and two exterior lights were not included in the initially approved Phase 1 site plan. Trustee Pappas stated that the outdoor display area not being setup exactly as depicted on a Phase 1 Site Plan exhibit submitted during the approval process and the monument sign not being moved back entirely on the lot and out of the exception area should not be allowed, and Village staff should

be directed to enforce the Zoning Code. Pappas stated that the outdoor display area and monument sign are not in compliance with the Zoning Code. McCarthy stated that a plat of survey was submitted and distributed to the Village Board members and it shows that the total paved area and delineated outdoor display area are in compliance with the Zoning Code, and both items actually exceed the minimum standards for green space and impervious surface ratios. McCarthy stated that the Zoning Code calls for a minimum of 20 percent green space on the lot, and there is currently 32 percent of the lot that is green space. During discussion, the other Village Board members stated that the parcel and existing building have never looked better, and the outdoor display area looks great and meets the setback standards of the Zoning Code; that all the discussion during the meetings for the Phase 1 and Phase 2 site plans with regard to the outdoor display area centered on the total number of boats that would be allowed to be displayed outdoors and on the adopted restrictions for stacking the boats or displaying them in a vertical fashion. Thorpe stated that if the amendment motion on the floor is approved, the Phase 1 Site Plan will be in compliance with the Zoning Code. Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to amend the Phase 1 site plan approval for Munson Ski and Marine, 138 Fontana Boulevard, to allow the existing monument sign to remain in its current location, which is approximately 2-feet over the property line, until such time that the initial Phase 1 approval expires; to allow exterior lighting on the west wall of the building with the conditions it is shielded or down-lit and will be turned off after business hours; to allow for the paved area to remain in its current location; to allow the outdoor display area to be determined by the number of boats, not to exceed 8 in the first season and not to exceed 6 in the second season, with the condition the boats are not being displayed in designated parking or traffic circulation areas; and to allow the boats on display to be moved, relocated, reconfigured and reoriented, as determined by the owner, with the condition that number of boats does not increase and the boats are not placed outside the display area in a parking area or on the grass. The MOTION carried on a 5-1 vote, with Trustee Pappas opposed and Trustee Livingston absent.

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

##### **Zenith Tech Pay Request No. 7 for South Lakeshore Drive Bridge Contract**

McGreevy stated that the \$205,084 Pay Request No. 7 submitted by Zenith Tech Inc. for the bridge construction contract was reviewed by the project engineer and approval is recommended.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the \$205,084 Pay Request No. 7 submitted by Zenith Tech Inc. for the bridge construction contract, as recommended, and the MOTION carried without negative vote.

##### **Beach Fence Reinstallation Project Custom Panel Sections Down-Payment Authorization**

McGreevy stated that B&M Fence Company, Inc., Kansasville, submitted a \$12,000 bid to create and install 10 custom steel panels to match the existing beach fence in the bridge area where new slopes were created; and \$750 to install two 4-foot-wide steel fence gates adjacent to the bridge and along Harvard Avenue at the driveway entrance to the small beach on the south side of the Geneva Lake channel. Martin stated that the firm has requested a down payment for half the cost to cover its material expenses.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to authorize the down payment to B&M Fence Company, Inc., Kansasville, for the beach fence and gate reinstallation projects as presented, and the MOTION carried without negative vote.

##### **Bridge Construction Site Fence Repair Sections and Light Poles Invoices**

McGreevy stated that the Public Works Committee reviewed and recommended approval of the bids from B&M Fence Company to replace the damaged chain link fence sections on Village of Fontana, Abbey Harbor and Country Club Estates parcels, and to erect the new chain link fence gates under the bridge; and of the \$18,224 invoice the village received from StressCrete, Inc., for four of the TIF District-style street light poles. At the Public Works Committee monthly meeting Martin stated that the crews contracted by Alliant, Charter and Frontier to bury the overhead lines at the lakefront damaged portions of the Abbey Harbor and Country Club Estates parking lot fences and the Village will have to pay for the sections to be replaced through the contracts with the utility companies or hire its own contractor. Also, as part of the bridge construction, two new fence gates have to be installed on the north side of the bridge. McCollum received bids from B&M Fence Company to replace the Abbey Harbor's 30-foot fence section for \$750, to replace the Country Club Estate

parking lot 390-foot fence section for \$8,100, and to install two new fence gates under the north side of the bridge for \$2,450. The \$18,224 invoice the village received from StressCrete, Inc., Atchison, KS is for four street light poles. One of the poles is for a Highway 67 street light pole that was hit by a motorist and covered by an insurance claim; one was ordered to replace the spare pole stored at the DPW garage; and two are for the bridge project.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the bids from B&M Fence Company, Inc., to replace the chain link fence sections and to erect the new chain link fence gates under the bridge as presented, and to approve the \$18,224 invoice from StressCrete for the purchase of four of the TIF District-style street light poles. The MOTION carried without negative vote.

### **South Lakeshore Drive Reconstruction Contract Pay Order No. 2**

McGreevy stated that the \$8,111.60 Pay Request No. 2 submitted by Payne and Dolan, Inc. for the South Lakeshore Drive reconstruction contract was reviewed and approval is recommended.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the \$8,111.60 Pay Request No. 2 submitted by Payne and Dolan, Inc. for the South Lakeshore Drive reconstruction contract, as recommended, and the MOTION carried without negative vote.

### **South Lakeshore Drive Sanitary Sewer Relocation Contract Final Pay Order No. 3**

McGreevy stated that the \$8,898.20 Final Pay Request No. 3 submitted by RJ Underground for the South Lakeshore Drive Sanitary Sewer Relocation contract was reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the \$8,898.20 Final Pay Request No. 3 submitted by RJ Underground for the South Lakeshore Drive Sanitary Sewer Relocation contract, as recommended, and the MOTION carried without negative vote.

### **Abbey Springs Water Main Contract Pay Order No. 3**

McGreevy stated that the \$404,611 Final Pay Request No. 3 submitted by the Wanasek Corp. for the Abbey Springs Water Main contract was reviewed and approval is recommended.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the \$404,611 Pay Request No. 3 submitted by the Wanasek Corporation for the Abbey Springs Water Main contract, as recommended, and the MOTION carried without negative vote.

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

#### **Park Permit Application Filed by Cheri Brost for Big Foot High School Reunion at Duck Pond Pavilion with Beer/Wine Permit for Saturday, August 6, 2016**

Trustee Whowell presented updates on the recent change of landscape maintenance providers from Elite Lawn Care back to Blackstone Landscaping, Inc.; on the repair work completed by Northern Mist on the Porter Court Plaza water fountain and the Village irrigation systems; and on the successful Rock Central concert event at the Duck Pond Recreation Area, the Fourth of July preparation and crowd management duties, and the Pig in the Park event rescheduled this year from its initial Labor Day weekend date to Saturday, July 9, 2016. Whowell stated that the Park Commission reviewed and recommended approval of the Park Permit application filed by Cheri Brost for a Big Foot High School reunion at the Duck Pond Pavilion with a Beer/Wine Consumption Permit on Saturday, August 6, 2016 from 10:00 AM to 2:00 PM.

Trustee Whowell/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Cheri Brost for a Big Foot High School reunion at the Duck Pond Pavilion with a Beer/Wine Consumption Permit on Saturday, August 6, 2016 from 10:00 AM to 2:00 PM. The MOTION carried without negative vote.

### **Adjournment**

Trustee Whowell/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:51 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis Martin, Village Administrator

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: 08/01/16