

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

MONTHLY MEETING of the PARK COMMISSION  
Wednesday, October 10, 2012

Chairperson Cindy Wilson called the meeting of the Park Commission to order at 6:00 pm at the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Park Commissioners present:** Trustee Wilson, Gail Hibbard, Laura Coates, Lynne Frost, Sarah Lobdell

**Park Commissioner absent:** Sandra Hibbard, Mary Green

**Also present:** Jade Bolack, Administrator/Treasurer Kelly Hayden, Lynn Ketterhagen, Library Director Nancy Krei, Lisa Laing, Village Clerk Dennis Martin, Jessica McCutcheon, Michael O'Halleran, Trustee Rick Pappas, David Rasmussen, Director of Public Works Craig Workman

**Approval of Minutes**

Gail Hibbard/Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held September 19 and 26, 2012, as presented, and the MOTION carried without negative vote.

**Visitors Heard**

None

**General Business**

**Park House Use**

The Park House was not used in September 2012. Wilson stated that she asked Assistant Zoning Administrator Bridget McCarthy to help the Park Commission with a marketing plan for the Park House. The donor recognition plaque for the Park House renovation project has been delivered, and it contains the additions of the Big Foot Lions Club and Don and Merilee Holst for their respective donations of funds to purchase new chairs and tables. The plaque will be hung on an interior wall at the Park House. Hayden stated that new chairs and tables for the Park House are scheduled to be delivered this week.

**Treasurer's Report**

Lobdell stated that since the meeting was moved up a week, the bank statements have not yet been processed for the September 2012 treasurer's report, which will be presented at the next monthly meeting.

**Plan Commission Report**

Lobdell stated that the Plan Commission conducted a public hearing and then recommended approval of a minor amendment to the new SR-5 Zoning District at the last monthly meeting.

**Public Works Report**

Public Works Director Craig Workman stated the crew has been busy winterizing the park facilities. Jeff Epping will be in the Village next month to prune the trees on this year's approved plan.

**TID Maintenance – Items/Update**

The updated list was distributed with four new items added from last month.

**Old Business**

**Fontana Fen Inclusion in Hildebrand Nature Conservancy – Tabled 8/15/12 & 9/19/12**

Hayden stated that as directed last month she reviewed the recorded Deed for the Fontana Fen parcel with Village Attorney Dale Thorpe, who found that the Deed has very specific language that requires the conservation of the parkland in perpetuity. Hayden stated that she asked Thorpe how long it would take and what the cost would be for him to review a proposed Conservation Easement to mirror the easement that Village has with the Geneva Lake Conservancy for the Hildebrand Nature Conservancy property. Hayden stated that Thorpe replied that he would review the GLC conservation easement if directed; however, he

asked why it is being considered as it is not necessary. Hayden stated that she also met with Bill Turner, one of three people who purchased the land and donated it to the Village for parkland. Hayden stated that Turner informed her that he agrees with Thorpe and that he determined in his review that the Deed restrictions are very specific and protect the land from ever being anything other than a park. Lynn Ketterhagen, land protection specialist for the GLC, stated that the GLC concern is the overall strength and permanency of the Deed restrictions. Ketterhagen stated that the GLC proposal is just to make sure the land is forever a fen and that the best land management practices are in place. Ketterhagen stated that she will review the Deed restrictions as well as draft a fen management plan and present them at the next monthly meeting. Hayden stated that an appropriate fen management plan could help to bolster the Deed restrictions.

### **New Business**

#### **Hot Dog Lunch Proposal for Seed Sowing Volunteer Event Saturday, November 10, 2012**

Gail Hibbard stated the Tom Vanderpoel will be assisting the Park Commission with its annual seed sowing event at the Duck Pond prairie restoration area on Saturday afternoon, November 10, 2012. Gail Hibbard stated that the event begins at the Village Hall, where Vanderpoel provides an overview of the project and instructions. Gail Hibbard stated that since the group of volunteers provides valuable service for no cost to the Park Commission, it would be nice to offer them hot dogs and chips for a lunch prior to heading over the Duck Pond. Gail Hibbard stated that there are usually 25 to 30 children and adults who volunteer for the family event. Gail Hibbard stated that she would have a grill brought to Village Hall and should would prepare a hot dog lunch. Hayden stated that there are available budget funds to purchase something better than hot dogs, if desired, and that the lunch could also be catered to make it easier on Gail Hibbard. Following discussion, the Park Commission members reached the consensus that \$150 to \$200 could be allocated for Novak's Deli to cater a pizza and hot dog luncheon for 25 to 30 children and adults. The Park Commission directed staff to contact Pete Novak to plan the luncheon.

Gail Hibbard/Wilson 2<sup>nd</sup> made a MOTION to allocate \$150 to \$200 for a pizza and hot dogs luncheon for the volunteers at the November 10, 2012 Duck Pond prairie restoration seed sowing event, to be catered by Novak's Deli beginning at 11:45 am at the Village Hall. The MOTION carried without negative vote.

#### **Mohr Road Timber Ridge Association Request to Not Vacate Road as Proposed in Michael O'Halleran Letter**

Wilson stated that Mohr Road was partially vacated in 1997. The first 200 feet of the road from the lakefront was vacated by the Village Board and 33 feet of the former road property was added to the O'Halleran family parcel on the east side, and the other 33 feet was added to the Brietenstein family parcel on the west side of road. The Brietenstein family then gave the land back to the Village of Fontana, and the 33-by-200-foot strip of land is now Mohr Road Park, which provides public access to the lakefront and the shore path. Wilson stated that the Park Commission had been discussing for several months the need to address the overgrown landscaping at the end of the current road to its desire to make the area look more inviting and accessible to the public when a letter was submitted to the Department of Public Works by Michael O'Halleran on July 25, 2012. In the letter O'Halleran states that Mohr Road currently is in terrible shape and the drainage situation also need to be corrected. "As the owners of title to the east one half, we would consider taking over future ownership and maintenance if the Village would vacate the road, reimburse to us the cost of current rehabilitation and allow us to reconfigure the asphalt creating storm water detention areas and an appropriate drainage system. This matter does not involve the 33-foot-wide lakefront parcel which could still be accessed by easement down our driveway," O'Halleran states in the letter. Wilson stated that the Village subsequently received a letter on September 5, 2012 from Timber Ridge Condominium Association President George McCutcheon that requests that the remaining portion of Mohr Road not be vacated as proposed by O'Halleran, that Mohr Road Park be subject to a conservancy easement so that the Village Board cannot sell it in the future, and that Mohr Road Park be made more accessible through improved landscaping. Lisa Laing stated that she and other residents of the Timber Ridge subdivision were in attendance to answer any questions about their proposals and to restate the concerns and three requests delineated in the letter from the association president. Laing stated that she also had photographs of the area if any of the Park Commission members were unfamiliar with the area. Laing stated that the major concern is that vacating the road will eliminate a guaranteed public access point for the lakefront and the path. Laing stated that children use the path to walk to the municipal beach from that side of the village, and it is the only point of public access for the shore path on the south shore. Laing stated that the current landscaping at the entrance to the park makes it appear as though it is somebody's backyard and not public property. Laing stated that the landscaping needs to be improved to make it more apparent that it is a public park and a public path leading

to the lakefront. Jessica McCutcheon stated that as well as the points made in the letter written by her husband, she wanted to point out that two attorneys have informed her that state statutes require Mohr Road to be maintained as a public road. Jessica McCutcheon stated that the O'Hallerans' proposal to provide public access through an easement is not the same as the Village maintaining ownership of the public road, and vacating the road will cause the village to lose control of the property. Jessica McCutcheon stated that the Village should budget to repair the road and address the drainage problems and make it look like Dewey Avenue, which was reconstructed this summer. O'Halleran stated that he has been a resident of Fontana for 62 years and he loves the lake and the village. O'Halleran stated that the proposal was not meant to take anything away from the public involving access to the lake and the shore path. O'Halleran stated that he does not have any intent to propose changes to the public access agreement approved in 1997; his letter was meant to propose a solution to the terrible road conditions and the flooding problems his property and others in the area have been experiencing for many years from storm water runoff and an improper drainage system that need to be fixed. O'Halleran stated that he just thought that his proposal would create a win-win-win situation that would benefit all the residents. O'Halleran stated that the initial landscaping was planned and planted 15 years ago in 1997, and the evergreen trees do need to be cut back. O'Halleran stated that landscaping was planned at the time to help block the view of the village lift station on the parcel, and it has now grown very large. O'Halleran stated that his family would like to make the landscaping more attractive and the entrance to the park area more inviting to the public, while protecting the privacy of the adjacent private property. O'Halleran stated that Attorney David Rasmussen accompanied him to the meeting in case there are questions about the 1997 vacation of the lakefront end of Mohr Road, and he only wrote and submitted the letter as a means to open conversation on the need to deal with the road conditions while protecting the public access rights to the lakefront park and shore path. Wilson stated that she does understand that the landscaping may have been appropriate when first planted, but it has grown much too large since 1997. Workman stated that the Public Works Committee has looked at the road condition and drainage problems and the reconstruction of the road is included in the 5-year village infrastructure management plan. Workman stated that the Public Works Committee has not looked at the park area or the landscaping issues, just the condition of the road, which is mediocre at best. Workman stated that the area also is identified as a "hot spot" in the village's storm water management plan. Workman stated that the Public Works Committee recommended approval of the O'Halleran proposal for the Village to vacate the remaining portion of Mohr Road, but with conditions and with insurance in place that protects the public access to the park and path. Workman stated that the Public Works Committee recommendation was with regard to the storm water management problems, and in no way does the committee want the public access point for the park and for the lift station put in jeopardy. Rasmussen stated that the O'Halleran family has never wanted to remove the public access insurance from the 1997 agreement and it wouldn't be now if the road were to be vacated. Wilson stated that she received notification from Micki O'Connell that the Club Unique Association members also do not want the rest of Mohr Road vacated. Wilson stated that the Park Commission and Village Board also received letters objecting to vacating the rest of Mohr Road and requesting that Mohr Road Park be made more publicly accessible through improved landscaping from Merilee Holst and from Barbara Gardner and Paul Rollins. Wilson then asked the Park Commission members for their input. Gail Hibbard stated that she opposes the proposal to vacate the rest of Mohr Road. Lynne Frost stated that all Village parkland should be protected, and she did not even realize that the Mohr Road was actually a public road and leads to a park entrance. Frost stated that the park entrance and landscaping needs to be addressed and if Mohr Road Park is the only public access point for the shore path on the south side of the lake, it needs to be protected. Frost stated that there is no benefit for the village to approve the vacation of the rest of the road, and the road should not be vacated and the parkland should not be given up. Frost stated that Mohr Road cannot be compared to the very heavily used Dewey Avenue; however, it does need to be repaired and the drainage problems corrected. Sarah Lobdell stated that the Village should not give up its control of Mohr Road and the parkland needs a new long-term landscaping plan that will make the area more accessible. Laura Coates stated that she agrees with the rest of the Park Commission members and the road should not be vacated and the parkland needs to be improved.

Gail Hibbard/Coates 2<sup>nd</sup> made a MOTION to recommend that the Village Board does not approve the proposal to vacate the rest of Mohr Road, and the MOTION carried without negative vote.

### **Mohr Road Park Conservation Easement Request & Landscaping Plan Proposal Submitted by Timber Ridge Association**

Wilson stated that the placing of the Mohr Road Park parcel, Tax Key No. STFV 00115A, into a conservation easement would permanently protect the land from being sold or developed. During discussion,

it was pointed out that the Village could not place the land under the public road into a conservation easement; however, the 33-by-200-foot parcel that comprises Mohr Road Park could be placed into a conservation easement. Ketterhagen stated that she will discuss with the GLC Board of Directors the proposal to place the parkland into a nature conservancy and report back to the Park Commission. Lobdell/Gail Hibbard 2<sup>nd</sup> made a MOTION to request that the Geneva Lake Conservancy begin the process of placing the Village of Fontana Mohr Road Park parcel, Tax Key No. STFV 00115A, into a conservation easement, and the MOTION carried without negative vote.

Wilson stated that the other issue to consider is the overgrown landscaping that obscures the path entrance. Wilson stated that more inviting landscaping, that also shields the lift station and the private property, needs to be planned; and maintenance of the parkland needs to be added to the Park Commission's monthly checklist. Gail Hibbard suggested that a subcommittee be formed to make a recommendation to the Park Commission. Following discussion, the Park Commission members came to the determination that the subcommittee should be comprised of two Park Commission members, one representative from the Public Works Committee, one representative for the Timber Ridge Condominium Association, and one representative for the O'Halleran family. The subcommittee will meet to plan the new landscaping with the goal of meeting the concerns of all parties. Gail Hibbard and Laura Coates agreed to represent the Park Commission; Workman will represent the Public Works Committee; Laing will represent the Timber Ridge Association; and Michael O'Halleran stated that his wife will represent their family.

Lobdell/Gail Hibbard 2<sup>nd</sup> made a MOTION to form a Park Commission subcommittee consisting of two Park Commission members and representatives from the Public Works Committee, the Timber Ridge Condominium Association and the O'Halleran family, and for the committee to plan a new landscaping proposal for Mohr Road Park to be presented to the Park Commission. The MOTION carried without negative vote.

**Park Permit Application Filed by Big Foot High School Cross Country Team, Duck Pond Recreation Area, Tuesday, September 24, 2013, 4:00 to 7:00 PM**

This year's middle school cross country race at the Duck Pond reportedly was a great success and the Big Foot High School Athletic Director Tim Colins filed a Park Permit application to hold the event again next year. The race course and event were worked around the fall soccer program.

Wilson/Gail Hibbard 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Park Permit application as filed, and the MOTION carried without negative vote.

**Invoices**

None

**Any Other Comments/Concerns**

The next regular monthly meeting date falls on the night before Thanksgiving, so the Park Commission directed Martin to reschedule the meeting for Wednesday, November 14, 2012 beginning at 6:00 pm. The Park Commission directed Martin to include agenda items for the Mohr Road Park subcommittee recommendation; for presentation of a Park House promotional/marketing plan by Assistant Zoning Administrator Bridget McCarthy; and for possible amendments to the Park Permit application.

**Adjournment**

Wilson/Gail Hibbard 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:57 pm, and the MOTION carried without negative vote.

Note: These minutes are subject to further editing. Once approved by the Park Commission the official minutes will be on file at the Fontana Village Hall.

Approved: 11/14/2012