

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, February 4, 2019**

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: Trustee Petersen, President Kenny, Trustee O'Neill, Trustee Pappas

**Trustees Absent:** Trustee Prudden, Trustee Livingston, Trustee McGreevy

**Also Present:** Joe Abell, Greg Blizard, Suzy Brady, Kevin Day, Theresa Loomer, Andy Pearce, Todd Reschke, Chris Schultz, Dale Thorpe, Scott Vilona, Bob Wisbey

**Visitors Heard**

None

**Approval of Minutes**

The minutes for the meeting held on January 7, 2019 were distributed.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the minutes from the January 7, 2019 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Treasurer's Report, the Vendor Report and Payroll Overtime Report, as distributed, for January, and to place them on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Four additional payables were added to the list: Thorpe & Christian - \$7,894.97 for January legal services, USIC Locating - \$413.88 for January water/sewer locates, USIC Locating - \$421.73 for January electric locates, and US Postal Service - \$120 for 2019 PO Box rental.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list, including the four additional payables, as presented, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Fall 2019 Triathlon Contract Approval**

As directed at the last Board meeting, a contract was developed by P3 in conjunction with staff for the proposed triathlon scheduled for Saturday, September 21, 2019.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the contract between the Village and P3, as presented, subject to Village Attorney review, and the MOTION carried without negative vote.

**Temporary Liquor License Applications Filed by Anders W. Pearce and Patrick J. Kenny**

Trustee O'Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the temporary liquor license applications filed for Anders W. Pearce and Patrick J. Kenny, for the Big Foot Lobster Boil and Steak Fry event scheduled for Saturday, July 27, 2019, and the MOTION carried without negative vote. President Kenny abstained.

**Park House Lease with Maryanne Bruss for Second Coffee Mill Location**

The proposed lease was distributed and includes a five-year term for \$775.00 per month plus utilities. The rental area described in the contract illustrates the area from the front property line to the row of bushes behind the Park House.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the lease between the Village

and Maryanne Bruss for a second Coffee Mill location, and the MOTION carried without negative vote.

### **Three-Year 4<sup>th</sup> of July Fireworks Contract with J&M Displays**

Bryan Olson from J&M Displays submitted a three-year contract with the Village for the Fourth of July Fireworks. In a memo that was distributed, Olson wrote that because of tariffs imposed by China, in order to have the same show as in 2018, the price would increase by about 10%. By signing a three-year agreement, Olson would provide an additional 15% fireworks onto each show.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the three-year 4<sup>th</sup> of July Fireworks contract between the Village and Bryan Olson from J&M Displays and keep the same length of display in 2019 as in 2018, and the MOTION carried without negative vote.

### **Authorize Sale of Police Dept. Ford Expedition**

Trustee O'Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to sell the Police Dept. Ford Expedition once the new police vehicle is acquired, and the MOTION carried without negative vote.

### **Tourist Rooming House Ordinance Discussion and Amendments**

Loomer stated that staff has had concerns and issues interpreting the tourist rooming house ordinance approved in June, 2018. The ordinance does not speak to the Abbey Villas, Abbey Ridges and Abbey Springs planned developments. Staff also has concerns with the high fees which seem to deter homeowners from participating in the rental program. Loomer proposed adjusting the fees to reflect the actual costs: \$50 Fire Inspection Fee, \$75 Occupancy Inspection Fee, \$20 Room Tax Permit Fee and \$250 Administrative fee. Staff feels it is important to have the rentals inspected for safety and charge a lower fee so homeowners are more willing to participate in the program and the Village can keep track of short term rentals.

### **Launch Manager Position Wage Range Approval**

Staff would like to increase the launch manager pay to attract qualified and available individuals. There was discussion about the hourly wage range and whether to advertise for a salaried position that would include dates from May through September. Pappas thought a salary would be more appropriate because it would encourage the launch manager to make sure all shifts are covered by hourly employees.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve posting the Launch Manager position for a salary of \$12,000 to \$16,000 for May through September, and the MOTION carried without negative vote.

### **Reschedule March and April Meeting Dates**

The March meeting date was rescheduled to Tuesday, March 5, 2019 and the April meeting date was scheduled for the week following the Spring Election on Monday, April 8, 2019.

### **Park Commission – Trustee Livingston**

#### **Application and Temporary Liquor License Filed by Big Foot Lions Club for Lobster Boil and Steak Fry on Saturday, July 27, 2019 in Reid Park and Reid Park Pavilion**

Pearce stated the application is the same as last year and only the dates have changed. Pearce and Abell presented the Village with a \$2,000 donation with proceeds from last year's Lobster Boil and Steak Fry.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Special Event and Temporary Liquor License applications filed by the Big Foot Lions Club for the Lobster Boil and Steak Fry on Saturday, July 27, 2019 at Reid Park and Reid Park Pavilion, and the MOTION carried without negative vote. President Kenny abstained.

#### **Application Filed by Immanuel United Church for Fat Tire Race on Saturday, September 14, 2019 in Reid Park**

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the application filed by Immanuel United Church for the Fat Tire Race on Saturday, September 14, 2019 in Reid Park, and the MOTION carried without negative vote.

**Park Bench Application Filed by Shawn Schatteman for Lakefront Memorial Bench**  
Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Park Bench application filed by Shawn Schatteman for a memorial bench at the lakefront, subject to Park Commission approval, and the MOTION carried without negative vote.

**Public Works Committee – Trustee McGreevy**  
**Lake Street Bid Award Recommendation**

There were two bids submitted for the Lake Street and parking lot construction projects. The low bidder was Wolf Paving for the base bid amount of \$856,655.25 and add-on bid for the street light installation for the amount of \$4,800.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Wolf Paving, the low bidder for the Lake Street and parking lot construction projects, for the base bid amount of \$856,655.25 and add-on amount for street light installation of \$4,800.00, and the MOTION carried without negative vote.

**Lake Street Lighting Fixtures Recommendation**

Day received separate quotes from Stresscrete for the light poles and bollard lights on Lake Street. The aluminum light fixtures were quoted at \$103,741.00 with a three-year warranty and the concrete light fixtures were quoted at \$98,697.00 and come with a lifetime warranty. Day also stated that Stresscrete is the manufacturer of the same light poles on Highway 67 and the company will be sending the Village 41 new poles to replace the cracked or faulty light poles, and an additional \$300 per pole for installation labor. The concrete poles are made more structurally sound now than they were when the Village originally purchased them for along Highway 67.

Trustee Petersen/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the concrete light fixtures as part of the Lake Street and parking lot construction projects, in the amount not to exceed \$98,697.00, and the MOTION carried without negative vote.

**Contractors Application for Payment No. 4 for Mohr Road Reconstruction**

A portion of the contractual amount is being withheld from payment until the seal coat is completed on Mohr Road.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the contractor’s application for Payment No 4 for Mohr Road Construction in the amount of \$11,790.75, and the MOTION carried without negative vote.

**Recommendation to Add Stormwater Management Plan Requirement for Additions and New Construction**

The public works committee recommended following Town of Geneva’s stormwater management requirements for new construction and additions. They require a survey and existing topographical map, proposed improvements, zoning permit, cost recovery form and deposit. The information is then sent to the municipal engineer for review and approval and a building permit is not issued until the engineer has signed off on the plans. There was discussion about whether to pursue the idea since it has been brought up in the past but has always been met with resistance. There was also discussion on tailoring the requirements to the small lots in Fontana, or homes that are a certain number of feet from the lot line, or a certain amount of area that would be disturbed. Trustee O’Neill stated he would like to meet with Attorney Thorpe to discuss the parameters of a possible stormwater management plan.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to direct Trustee O’Neill to meet with Attorney Thorpe to develop parameters of a stormwater management plan, and bring that information back to the board, and the MOTION carried without negative vote

**Mill Street Lift Station Pump Replacement Recommendation**

Day explained that one of the two pumps at the Mill Street lift station is not working and is unrepairable. Day replaced the pump, but would like to purchase a backup pump for any future issues. He received a quote from LW Allen for a replacement pump for \$11,129.66. In response to a question, Day stated the old pump is burned out and is not repairable.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the purchase of a backup pump from L.W. Allen for a cost not to exceed \$11,129.66, and the MOTION carried without negative vote.

#### **Water Credit Invoice Request for Robert Wisbey at 908 Duck Pond Road**

Mr. Wisbey had an unusually large water bill the second quarter of 2018 due to using 115,000 gallons of water. His normal usage for the second quarter is 4,000 gallons. He is not sure what caused the excessive usage but believes it could have been a running toilet. Mr. Wisbey's water meter was tested once per PSC regulations and once so he could be a witness to the test, and both times it passed. Mr. Wisbey filed a case with the PSC which closed the case without any further action. Upon appeal, the PSC contacted staff with an excerpt from the 2008 Tariff that was in effect during July, 2018 and encourages the utility to estimate for the water wasted due to a leak and bill at a reduced rate. In order to come up with a "reduced rate" staff averaged the past five second quarter water bills for 908 Duck Pond, which resulted in 4,000 gallons. Mr. Wisbey agreed to the calculation and to pay the entire portion of the sewer bill knowing the agreement would need to be passed by Public Works Committee and the Village Board. Between speaking with Mr. Wisbey and the public works meeting, staff members met to develop a reduced rate calculation which is required by the new PSC Tariff issued in December, 2018, and states, "the utility *shall* estimate the water wasted due to the leak and bill for this excess usage at a reduced rate not less than the utility's cost," however, it was determined through discussions with staff and the PSC that the utility only charges for the actual costs, and each utility customer is already billed at the lowest volumetric rate. Since the utility is already billing at the lowest volumetric rate, the public works committee recommended denying any water credit to Mr. Wisbey. Mr. Wisbey argued that much of the cost of the water is a fixed cost and not reflective of the actual cost to supply the large amount of water. There was discussion amongst the board members about whether to provide credit since the water did run through the meter, the meter tested out successfully and the Village charges all units at the lowest volumetric rate.

Trustee Pappas/President Kenny 2<sup>nd</sup> made a MOTION to table the water credit invoice request for Robert Wisbey at 908 Duck Pond Road until the rest of the board members can be present, and the MOTION carried without negative vote.

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

##### **2019 Comprehensive Plan Update Overview**

The 2019 Comprehensive Plan process will be nearly a year long and will include Board adoption of the public participation plan, stakeholder interviews and focus groups, a community vision workshop, draft plan open house and finally a joint Plan Commission and Village Board public hearing before the Board officially certifies the 2019 Comprehensive Plan at the end of the year.

##### **Adopt Public Participation Plan Resolution**

Adoption of the resolution approves the Public Participation Plan necessary to update the Comprehensive Plan.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to adopt Resolution 012819-01, approving the adoption of a Public Participation Plan, and the MOTION carried without negative vote.

##### **Precise Implementation Plan Amendment Application Filed by Mr. and Mrs. Perkins for the Property at 158 Fontana Boulevard**

Mr. and Mrs. Perkins submitted a PIP amendment application for the property at 158 Fontana Boulevard to construct a boat storage facility rather than a restaurant. If in the future the Perkins' wish to construct a restaurant at the location, they would need to come back to Plan Commission and the Board for approval.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 020419-02, replacing Resolution 090418-01, as submitted and recommended, and the MOTION carried without negative vote.

##### **Update on Revocation Process for Conditional Use Permit Issued to Rex R. Lewis and Diane M. Lewis for "Tennis Bed and Breakfast" for property located at 650 South Main Street**

Mr. and Mrs. Lewis voluntarily surrendered their CUP for the Tennis Bed and Breakfast that was issued in 2017 and have reapplied for the same use which will go through the required process for approval. In return for surrendering the CUP and paying the overdue cost recovery and room tax, the Village has asked the municipal court to reopen and dismiss the citations issued last summer for noise violations. Village staff will keep the concerned neighbors from Geneva Point Condos informed of the process and invite them to be involved with any scheduled public hearings and relevant meetings.

**Lakefront Committee – Trustee Pappas**

**Austin Pier Service Inc. 2019 Proposal**

The Village pier repairs for 2019 were submitted by Austin Pier Service, Inc. The total amount is \$14,831.60.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve of the 2019 Austin Pier Service, Inc. pier repairs, in the amount of \$14,831.60, as recommended, and the MOTION carried without negative vote.

**Waitlist Reprieve for Pier 2 Slip 3**

Depending on the type of boat an individual owns, Pier 2 Slip 3 can be hard to maneuver out of and as a result several people have declined the slip forcing them to move to the bottom of the waitlist. The committee was asked if they desire to offer a waitlist reprieve to those that pass-up the slip due to incompatibility with their boat. More than one person has passed on the slip due to the hardship. Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to allow the individuals that have declined the pier slip to retain their position on the boat slip waitlist, and allow any future individuals to retain their place on the waitlist if they pass on Pier 2 Slip 3. The MOTION carried without negative vote.

**Adjournment**

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn at 6:52 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Administrator/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: 03/05/19