

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, June 1, 2020

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:01 pm.

Trustees Present by Phone: Roll call vote: Trustee Pappas, Trustee O'Neill, President Kenny, Trustee Livingston, Trustee Petersen, Trustee Prudden, Trustee McGreevy

Also Present by Phone: Jeff Cates, Kevin Day, Theresa Loomer, Ed Maloney, Pete Novak, Stephanie Smith, Tom Smith, Terry Tavera, Dale Thorpe, Mike Trainor, Scott Vilona, Wanasek Corp.

Approval of Minutes

The minutes for the meetings held on May 4 and May 15, 2020 were distributed to board members via email. Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the minutes from May 4 and May 15, 2020, meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for February, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Novaks' of Fontana d/b/a Little Bar Request to Amend Liquor License Premise for 2019-2020 Year

Loomer stated Pete Novak submitted a request to revise his premise map, which was included in the Village Board packet. Loomer stated she believes he is requesting an area for outdoor dining, but the site map provided is not entirely clear. Novak stated he is looking to include the outdoor patio area and be able to serve food and beverage on the grassy area. Attorney Dale Thorpe stated he believes the drawing included is adequate for purposes of renewing Novak's liquor license, but inadequate to amend the premise map in an identifiable way. Attorney Thorpe suggested approving the renewal and tabling the amendment to gather more information. President Kenny stated he understands Chief Cates has been down to Little Bar and roped off an area on the concrete that he is temporarily allowed to use in order to space out seating, but anything in the grassy area the board really needs to look at and figure out dimensions as that is very close to the road. Trustee McGreevy stated due to the size of Novak's operation and to accommodate social distancing he is wondering if the board could conditionally approve or amend the motion to include the concrete area so he is not waiting another thirty days until the next Village Board meeting. The Board agreed to hold a special meeting later in the week once staff has a chance to further review the premise area.

Trustee Petersen/Trustee Prudden made a MOTION to approve the liquor license renewal for Novak's of Fontana d/b/a Little Bar and table the request to amend liquor license premise for 2019-2020 year to gather more information, and the MOTION carried without negative vote.

Annual Liquor Licenses Renewals

No major violations were found by the police chief, the fire inspector, or the building inspector. Any violations found were minor and should not hold up the issuance of the license. Chief Cates stated the only change was that Chucks requested to include the outdoor area across the street although they are not sure they will use the area. The same request was permitted several years prior.

Abbey Harbor Yacht Club, Inc., located at 271 Fontana Boulevard, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote. Trustee Prudden abstained.

Abbey Provident Hotel Manager, LLC for the premises located at 269 Fontana Boulevard, d/b/a The Abbey Resort & Avani Spa, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Chucks Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Country Club Estates Golf Association, located at 365 Pottawatommi Drive, RENEWAL CLASS “B” BEER and “CLASS C” WINE license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class C” Wine License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote. Trustee McGreevy abstained.

Fontana Petro, Inc., for the premises located at 286 Valley View Drive, d/b/a/ Fontana Mart RENEWAL CLASS “A” BEER and “CLASS A” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “A” Beer and “Class A” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Gordy’s Boat House, Inc., located at 320, 336 & 342 Lake Street, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Gordy’s Boat House, Inc., located at 341 Lake Street, RENEWAL CLASS “B” BEER and “CLASS C” WINE license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class C” Wine License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS “B” BEER license.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Kimkasi Pub, LLC, located at 441 Mill Street, Suite 102, RENEWAL CLASS “B” BEER and RESERVE “CLASS B” LIQUOR license

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the renewal of the Class “B” Beer and reserve “Class B” Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller’s Permit is active and in good standing. The MOTION carried without negative vote.

Novaks’ of Fontana, LLC, located at 138 Fontana Boulevard, d/b/a Little Bar’, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license.

This item was tabled.

Approval of Operator’s Licenses for 2020-2021

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to approve the new and renewal operator license applications filed for the 2020-21 license year by the Abbey Harbor Yacht Club employees Jessica Holzer, Nicholas Freymiller, Gavin Volbrecht, Lindsay Worland; Abbey Provident Resort employees Anne Aloiaio, Jack Beals, Madeline Butters, Kristine Granahan, Irena Kazaniwskyj, Adnan Khan, Penny Martin, Laura Montemayor, Jonathan Puls, Michael Seaver, George Somerville, Tasia Straka-Bellafiore, Taylor Webster, Donald Winkler, Jamie Wisniewski; Abbey Springs employees; Brian Braun, Becky Brunner, Daniel Diabal, Natalie Gaiser, Jessica Gregg, Jared Hocker, Rebecca Hoogland, Ashley Kanak, Savannah Melson, Carlo Obligato, Jacqueline Radtke, Nicole Rugen, Cierra Schinto; Big Foot Country Club employees Lonn Gellerman, Pamela Keeler, Brandon Loomer, Eric Stauffacher, Rodney Wright; Chuck’s employees Michael Brown, Kyle Cairns, Keith Edwards, Julie Friestad, John Friestad, Roy Hanson, Julie Ieronimo, Elizabeth Vosburgh; Country Club Estates employees Jacquelyn Carper, Joanne Johnson, Erich Lange; Fontana Shell employees Poteet Ozmun, Roy Ozmun; Gordy’s employees Frank Blum, Samantha Adochio, Alissa Anderson, Morgan Anderson, Carson Barnes, Kimberly Bourdo, Brett Champan, Anastasia Demco, Gabriela Diamond, Madyson Dublo, Michaela Earhart, Nathan Halverson, Corrine Lee, Andrea Martinez, Meaghan Mccasland, Robin Nuzzo, Lexey Pfenninger, Renee Pihl, Megan Rudd, Greg Spende, Ashley Vieau, Amber Wellhausen; Lake Geneva Yacht Club employees Christopher Brogan, Zachary Miller, Jennifer Miller; The Little Bar employees Tyler Daehn; Kimkasi Pub employees Bonnie Millar, Rebecca Millar, Kim Minette, Lisa Weiler with the condition all fees have been paid and servers permits have been submitted. The MOTION carried without negative vote.

Review Municipal Area Restrictions due to COVID-19

Loomer stated a few weeks ago a special meeting was held to discuss how to manage municipal areas such as the park and the beach and so far everything seems to be working fine. She stated she wanted to discuss the beach capacity which was initially set at 200 people, and then then over Memorial Day weekend and was raised to 350 because there was plenty of room on the beach to spread out. Loomer stated the problem over the weekend was that the beach had reached capacity and there was a line of people waiting to get into the beach all the way out to the road and there was no social distancing. Loomer stated at that time the decision was made to let more people into the beach as there was more room for them to spread out then stand elbow-to-elbow in line. President Kenny stated he had discussed with Loomer raising the capacity to 450 with the discretion to change if needed.

Trustee McGreevy/Trustee O'Neill made a MOTION to raise the beach capacity to 450 with the discretion to change if needed, and the MOTION carried without negative vote.

Keizer and Sons Garbage Collection Update

Loomer stated she was contacted by Jack Keizer who relayed that him and his family are not in good health and John's Disposal will be purchasing the refuse company and taking over the garbage collection for the Village. John's Disposal's staff has been helping Keizers with garbage pick-up for quite some time so the staff are familiar with the route and procedures. She indicated that is all the information she has at this time and anticipates in the next couple months we will have more information.

John Swider Request to Use Sanitary Sewer for Initial Dewatering at 120 – 126 W. Main Street

Loomer explained the Village has received a request from John Swider to use the sanitary sewer for dewatering during the construction of the townhomes at 120 – 126 W. Main Street. Loomer stated they hit a large amount of water a couple weeks ago and the DNR shut down the operation and they had to obtain special permits for dewatering. Swider is now requesting to pump the initial discharge into the sanitary sewer which the Village prohibits by ordinance. Village Engineer Terry Tavera stated the Village storm sewer has the capacity to handle that volume of water, however the water would need to be treated on Mill Street before it arrives in the lake. Attorney Thorpe stated he would recommend the board deny access to the sanitary sewer but allow access to storm sewer subject to water quality as mandated by the Village Engineer. Trustee Prudden questioned what percent of sediment will end up in the Abbey Harbor. Attorney Thorpe explained there are ways to have the water drop the sediment before it gets to the lake.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to deny John Swider's request for access to the sanitary sewer system, and allow access to the storm sewer system subject to full compliance with the Village ordinances and satisfaction of all requirements of the Village engineer as to water treatment before water enters into the lake, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Village Stormwater Areas Study

Loomer explained part of the S. Lakeshore Drive construction project included additional stormwater management initiatives. The storm water area map identifies nine regions the Village could consider for additional stormwater management measures. The top three areas as determined by staff and the public works committee are Club Unique, Abbey Springs ponds and Shabbona Drive outfall. Loomer recommended meeting with the DNR to get obtain additional information on these areas and to determine grant eligibility and the likelihood of receiving grants.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to direct staff meet with DNR officials for further information including grant eligibility and likelihood on the top three sites, as recommended, and the MOTION carried without negative vote.

Beach Parking Lot Repair Options

Public Works Director Kevin Day stated last May when the parking lot lines were painted, the subcontractor's primary machine was down, and a backup machine was used. In addition, two coats of paint were applied because the first coat did not cover very well. The epoxy paint is raised from the asphalt and last winter when public works snow plowed the parking lot the raised lines caused the asphalt to chip and the lines are now peeling up. Day stated that Wolf Paving had their subcontractor Century Fence repair the areas, but after engineering review, it was deemed unacceptable. Public works committee recommended Village Board approval of option number three, which is to grind the pavement markings and restripe at no cost to the Village.

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to recommend option number three, which is to grind the pavement markings and restripe for \$30,855, at Wolf Paving's expense, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction Project Change Order No. 2

Tavera explained the change order is a result of a couple construction changes that have been made to eliminate some manholes. The result of changes made have dropped the overall price.

Trustee McGreevy/Trustee O'Neill made a MOTION to approve change order No. 2 in the amount of \$4,258.70, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction Project Payment Recommendation No. 2

Tavera explained this is a pay request for work done to date. Tavera stated he had reviewed and recommends approval.

Trustee McGreevy/Trustee O'Neill made a MOTION to approve payment recommendation No. 2 in the amount of \$831,777.77, and the MOTION carried without negative vote.

Request from Wanasek for Additional Working Hours Between Memorial Day & Labor Day

Loomer stated Wanasek submitted a request for permission to work on Fridays and Saturdays between Memorial Day and Labor Day. The original contract states their working hours are to be 7:00 am to Noon on Fridays and no work on Saturdays. Public works committee recommended allowing Wanasek to work until 3:00 pm on Fridays and light work on Saturdays. Loomer stated she would suggest allowing additional working hours at least until Phase No. 1 is completed. Trustee Pappas stated the quicker they get done with phase No. 1 the less traffic there will be downtown.

Trustee Prudden/Trustee O'Neill made a MOTION to allow Wanasek additional working hours on Friday and light work on Saturdays, with prior approval, and the MOTION carried without negative vote.

I & I Flow Meter Proposal

Day stated the Village has always had I & I problems and he would like to start investigating where the leaks are in the Sanitary Sewer System. Day stated he would like to install level sensors in a couple manholes to help determine where the worst leaks are. The rental cost of the two-level sensors would be \$1,600.00/month. Day stated he would use them for two to three months.

Trustee McGreevy/Trustee Petersen made a MOTION to approve the rental of two-level sensors at a cost of \$1,600/month with a rental period of up to three months, and the MOTION carried without negative vote.

Country Club Estates Beach Sidewalk Repair & Proposed Steps

Trustee McGreevy stated that when the bridge was replaced, the irrigation system that was installed by the Small Beach was torn out and never replaced. The Country Club Estates board talked about replacing the irrigation system, but the board is not so much concerned about irrigation needs anymore. Trustee McGreevy stated the wooden boardwalk to the pier is falling apart and a section had to be removed for the Lakeshore Drive project. The CCE board is asking for a concrete walkway to the pier. Kevin Day stated the price estimate for the concrete walkway would be \$4,325. The CCE board would also like to ask for concrete steps to be installed on the North Side of the channel as you come down the steep hill. Trustee McGreevy stated residents have complained how slippery the steep grassy hill can be and they would like five staggered steps installed to help prevent people from slipping and falling. Kevin Day stated the price estimate on that was \$820. The Village Board had some concern with the walkway if a railing would need to be installed.

Trustee Pappas/Trustee O'Neill made a MOTION to approve the concrete walkway to the pier in the amount of \$4,325 and the staggered steps in the amount of \$820, subject to code review of the need for handrailing, and the MOTION carried without negative vote. Trustee McGreevy was abstained.

Annual CMAR Resolution Approval

The annual CMAR report was presented.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve Resolution 060120-01, approving the 2019 CMAR report, as presented, and the MOTION carried without negative vote.

FW-WPCC – Trustee O’Neill

Strand Engineering Agreement for Loan Application Services

Treasurer Scott Vilona stated the service was quotes at \$12,000 for Strand to assist with closing the Clean Water Fund and Pilot Program Loans. Vilona explained that Strand will take the form of what Ehlers generally does for the Village and navigate all the hurdles with the Department of Natural Resources to get the loan. He also noted that these are two separate loans and the Pilot Program is the newest loan for the stormwater portion of the construction.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the agreement with Strand Engineering in the amount of \$12,000, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Bond Counsel Agreements for FW/WPCC Phosphorus Removal Project

Vilona explained that every time you bond it is required that you have a bond council. The only real difference with this is that because the DNR implemented two different loan programs that doubles the bond council fee.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the bond counsel agreements for the FW/WPCC Phosphorus Removal Project, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Pier Permit Application Filed by Charles Mulaney for the Property at 383 N. Lakeshore Drive

A pier permit application was submitted by Charles Mulaney for 383 N. Lakeshore Drive. The pier is less than 100-feet long and approval has been received from the DNR.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the Pier Permit Application filed by Charles Mulaney for the property located at 383 N. Lakeshore Drive, as submitted, subject to an as-built survey, and the MOTION carried without negative vote.

Parks Commission – Trustee Livingston

Jocelyn Arnold Request to Install Dog Waste Bag Stations at Lakefront, Duck Pond and Along Highway 67

Trustee Livingston stated Jocelyn Arnold is completing this project to earn her Gold Award for Girl Scouts. Kevin Day met with Arnold and they marked the spots for placement of the dog waste bag stations, which are shown on the map in the Village Board packet. Trustee Livingston stated they eliminated the locations along the lakefront, so on the map there are a total of nine locations. It was made clear that Arnold and her classmates will take care of maintaining the stations.

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve the installation of nine of dog waste bag stations by Jocelyn Arnold, and the MOTION carried without negative vote.

Big Foot Rec Dept. 2020 Summer Movies on the Beach

Trustee Livingston stated Big Foot Rec Department is looking to host the summer movies on the beach this summer. The dates are as follows June 12th, June 26th, July 10th, July 24th, August 7th and August 21st. Trustee Prudden questioned if they were going to put any special guidelines in place. Trustee Livingston stated Big Foot Rec Dept. has already indicated they plan to practice social distancing and abide by all CDC guidelines.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to approve the Big Foot Rec Dept’s 2020 Summer movies on the beach dates as presented, and the MOTION carried without negative vote.

Adjournment

Trustee O’Neill/Trustee Livingston 2nd made a MOTION at 5:53 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith Deputy Clerk/Treasurer

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: 07/06/2020