

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, July 2, 2018

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: President Kenny, Trustee McGreevy, Trustee O'Neill, Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen,

Also Present: Jeff Cates, Kim Dabertin, Kevin Day, Christina Green, Theresa Loomer, Bridget McCarthy, Mike McKay, Pete Novak, Ron Nyman, Kathie Perkins, Pat Romenesko, Chris Schultz, Brian Snyder, Bob Stewart, Scott Vilona, John Wisniewski

Visitors Heard

None

Approval of Minutes

The minutes for the meetings held on May 17 and June 11, 2018 were distributed.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from the May 17 and June 11, 2018 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the Treasurer's Report, 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

Trustee Livingston/Trustee McGreevy 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

Technology Assessment Results and IT RFP Recommendation

John Wisniewski from Velocity Solutions presented his network and technology assessment as directed by the board at the May, 2018 meeting. Several documents detailing the infrastructure, the cost breakdown and recommended prioritization of projects and network diagrams were distributed. Wisniewski noted serious concerns with the security of all networks within the village, but especially the library network. He stated discounted municipal pricing is available through the state making certain necessary elements such as anti-virus software very affordable at just over \$2 per device. Besides installing antivirus, he recommended segregating the library public network traffic from the private village network and configure a new village hall firewall, decommission several Windows 2003 servers, replace wireless access points, replace the village hall and police and fire department network switches, update the virtual server host operating systems, create a new virtual server for the police department and install a ptp wireless network between village hall and the safety building. Additionally, Wisniewski spoke about future cost savings by switching to a VOIP phone system. Wisniewski's proposal was broken down by priority and cost, but board members agreed that network safety was too vital not to move forward with all recommendations as soon as possible. Trustee McGreevy/Trustee Livingston 2nd made a MOTION to move forward with Velocity Solutions as the Village's IT provider, and approve all prioritized project recommendations at the costs listed in the statement of work, as distributed, and the MOTION carried without negative vote.

2017 Audit Report

The 2017 Audit Report was conducted by Sitzberger CPA's and presented by Brian Snyder. Two recommendations were made including making sure that all funds are FDIC insured and creating repayment schedules for interfund reimbursable expenses. The complete audit report is on file at

village hall and is available for viewing upon request.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to accept the 2017 audit report, as presented and recommended, and the MOTION carried without negative vote.

Operator's License Applications Filed by Laura D. Malone (Abbey Resort); Heather M. Bucaro, Miguel G. Castillo, Hillary L. Connelly, Kevin A. Taylor, Samantha L. Tidall, Colleen E. Trybula, Amber M. Wellhausen, Megan S. Wright (Gordy's)

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the operator's license application submitted by Laura D. Malone, Heather M. Bucaro, Miguel G. Castillo, Hillary L. Connelly, Kevin A. Taylor, Samantha L. Tidall, Colleen E. Trybula, Amber M. Wellhausen, and Megan S. Wright. The MOTION carried without negative vote.

Application for Fireworks Display Submitted by Hollywood Pyrotechnics, Inc. for Sunday, July 8, 2018

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the application submitted by Hollywood Pyrotechnics, Inc., for fireworks display on Sunday, July 8, 2018 at 9:30 pm, and the MOTION carried without negative vote.

Sewer Connection Fee Study – Tabled 6/11/18

Vilona provided an update on the sewer connection fee study; he is working with Doug Parker from the sewer plant to finalize numbers for the sewer connection fee study.

663 Oakwood Drive Green Space Exemption Request

Trustee O'Neill recused himself from the discussion since the agenda item is reference his building project. The project at 663 Oakwood, a conforming SR-5 parcel, does not meet the required 50% greenspace. The project was originally designed with pervious pavers as part of the greenspace calculation, but the village's code was changed last year and pervious pavers are no longer counted towards greenspace calculation. Thorpe provided three options: apply for a variance – for which the project would not qualify, comply with the code requirement, or amend the pervious pavers ordinance. Thorpe also presented the idea of a sliding scale which would require more greenspace for larger lots and less greenspace for smaller lots, or come up with a greenspace figure that is less for smaller lots. Pappas stated he liked the idea of not requiring as much greenspace on smaller lots. There was additional discussion on permeable pavers and how they work if installed properly, but they are not part of the inspection process and are often not installed correctly and not well maintained. The board was asked to extend the temporary occupancy permit until a solution can be reached.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to extend the temporary occupancy permit for the project at 663 Oakwood Drive until an opinion from the village engineer is received and a future vote takes place to amend the ordinance, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Amend Zoning Code Section 18-93: Non-Conforming and Substandard Lots

The state statutes previously required that if the same owner owns two parcels of land which are too small and too narrow to build on, then they were required to be combined. New legislation no longer allows municipalities to require lots to be combined. Existing non-conforming and substandard lots are allowed to be built on as long as the setbacks meet code. The ordinance amendment brings the village's code into compliance with the new regulations

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to amend zoning code section 18-93 regarding non-conforming and substandard lots, as recommended, and the MOTION carried without negative vote.

Site Plan Filed by Kathie and Wally Perkins for 158 Fontana Boulevard

Architect Jason Bernard provided an overview of the site plan submitted for 158 Fontana Boulevard. Kathie and Wally Perkins purchased Novak's restaurant and plan to construct a mixed-use building that will include a restaurant/bar, retail, and five apartment units with one on the lower level and four on the upper level. Bernard explained the proposal is consistent with the master plan and the vision of the downtown area of Fontana. Pappas asked if the plan could be approved if it does not

meet all the provisions in the zoning code and stated it does not conform to bulk standards or parking setbacks in the VC district.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to table the Site Plan Filed by Kathie and Wally Perkins for 158 Fontana Boulevard, and the MOTION failed on a 2-5 vote with Trustees McGreevy, O'Neill, Prudden, Livingston and President Kenny opposed.

A second motion was made by Trustee Livingston and seconded by Trustee McGreevy to approve the site plan contingent on Mike Slavney's review of Rick Pappas's concerns, however, Attorney Thorpe stated the site plan could not be approved on a contingency.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Site Plan Filed by Kathie and Wally Perkins for 158 Fontana Boulevard subject to confirmation of zoning compliance by Village Planner Mike Slavney, and the MOTION carried on a 5-2 vote with Trustees Petersen and Pappas opposed.

Request for Exemption to the Public Sewer and Water Requirement Filed by Robert Stewart for the Property at 208 W. Main Street

Attorney Christina Green presented a map and pictures of the property located at 208 W. Main Street. Green stated the lot is currently designated as future land use woodland and open space in the Village's Comprehensive Plan and zoned as AH-35, which allows for mineral extraction, and the applicant would like to rezone the parcel into three SR-1 lots, which are the largest residential lots of the SR zoning districts in Fontana. Each lot would be an acre or more and would overlook the Cliffs of Fontana development. The remnant parcel would remain and Lot No. 4 with the existing residence may be included in the rezone depending on whether a comprehensive amendment to the plan is required to change the future land use to Single Family Residential (Septic). The applicant has filed an exemption to the sewer and water requirement for the three lots, and with board approval, septic and well will be installed instead. Thorpe stated the tradeoff for allowing the development and approving the well and septic exemption is Mr. Stewart would be giving up mining rights for the property.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the application for exemption to the public sewer and water requirement for the parcel located at STFV 00025, and the MOTION carried without negative vote.

Set Public Hearing for Amendment to the Comprehensive Plan

Trustee Prudden/Trustee Livingston 2nd made a MOTION to set a joint public hearing for an amendment to the comprehensive plan at the next regularly scheduled village board meeting, and the MOTION carried without negative vote.

Recommendation of Public Participation Plan for Amendments to the Comprehensive Plan

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to adopt Resolution 070218-01 and approve the public participation plan for amendments to the comprehensive plan, as recommended by the plan commission, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas

F-Sticker Only Parking Proposal

The recommendation from the Lakefront and Harbor Committee was to designate the first 14 parking stalls closest to the lake between Lake Geneva Marine and the sidewalk to Chucks in Lot No. 1 as F-Sticker Only Parking. There was discussion about issuing only one specialized sticker per property that would allow property owners to park at specific spaces or only issuing one sticker per registered vehicle. There was also the suggestion made to designate the lot across the street near the Abbey Harbor as F-Sticker only parking. Chief Cates stated that by restricting parking, the village would see more parking on side streets and they would become more congested.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to designate the furthest east parking stalls nearest to the lakefront in Lot No. 1 between Lake Geneva Marine and the sidewalk to Chucks as F-Sticker only parking stalls, and the MOTION carried without negative vote.

Review of Current Parking Fees and Beach Fees

There were concerns of loss of revenue by designating certain stalls as F-Sticker only parking, so the Lakefront Committee recommended raising the parking rates to \$3 per hour, however, since the rates

were raised from \$1 per hour last year to \$2 per hour this year, and only 14 stalls were designated as F-sticker only spaces, the board opted not to increase the parking rate at this time.

Enforcement of Lake Noise Ordinance

Several complaints were received by GLLEA about the loud boat noise and music playing out on the lake. Pappas stated the GLLEA referred the complaints to the village, but he believes it is a law enforcement issue. He asked Trustee Petersen if he would bring it up at the next GLLEA meeting and ask for additional enforcement.

Protection Committee – Trustee Prudden

Proposal to Evaluate Safety Building Infrastructure

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to approve hiring an engineering firm to conduct a cost study evaluation of the safety building, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Application Filed by Big Foot Wolves Junior Tackle Football for Concession Sales on July 4, 2018 from 6:00 am to Midnight

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the application filed by the Big Foot Wolves Junior Tackle Football for concession sales on July 4, 2018 from 6:00 am to midnight, and the MOTION carried without negative vote.

Park Permit Application Filed by Laurie Asplund/Polzer Memorial for Reid Park Pavilion on Sunday, July 29, 2018 from 11:30 am to 4:00 pm

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the application filed by Laurie Asplund/Polzer Memorial for Reid Park Pavilion on Sunday, July 29, 2018 from 11:30 am to 4:00 pm, and the MOTION carried without negative vote.

Park Permit Application Filed by Leland Wolk, PO Box 355, Lyons, WI for Reid Park Gazebo on Tuesday, August 7, 2018 from 4:00 pm to 8:00 pm for Birthday Party

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the park permit application filed by Leland Wolk, PO Box 355, Lyons, WI for Reid Park Gazebo on Tuesday, August 7, 2018 from 4:00 pm to 8:00 pm for birthday party, and the MOTION carried without negative vote.

Park Permit Application Filed by George Johnson for Williams Bay High School Class of 1968 50th Reunion for Park House on Saturday, August 11, 2018 from 4:00 pm to 8:00 pm

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the park permit application filed by George Johnson for Williams Bay High School Class of 1968 50th Reunion for Park House on Saturday, August 11, 2018 from 4:00 pm to 8:00 pm, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

Replacement of Culvert on Fontana Boulevard

Day reported that since the public works committee meeting, staff found out the culvert is no longer in use. Staff will instead solicit a bid to fill in the culvert.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to table the replacement of the culvert on Fontana Boulevard, and the MOTION carried without negative vote.

Change Order No. 4 for 2017 Street Reconstruction & Drainage Improvements Project

The change order includes splitting the cost of additional asphalt payment in the amount of \$2,982.50 (50% of \$5,965 as previously approved by the Board), adding driveway removal and grading to match road at Brickley Drive and Hillcrest Drive, and for reimbursement to the village for parts supplied by Core & Main.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to approve Change Order No. 4 for 2017 Reconstruction & Drainage Improvement Projects in the amount of \$4,766.80, as submitted, and the MOTION carried without negative vote.

Payment Recommendation No. 7 for 2017 Street Reconstruction & Drainage Improvements Project

Pay Order No. 7 was submitted for work completed as part of the road reconstruction and drainage improvements. Work has been reviewed by staff and the village engineer.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve Pay Order No. 7 submitted by Super Excavators, Inc., for the 2017 Road Reconstruction and Drainage project, in the amount of \$55,490.50, as submitted, and the MOTION carried without negative vote.

Club Unique Electric Pedestal Reimbursement Request

Last year during Mohr Road reconstruction, Alliant severed the electric line that powered Club Unique's electricity which powered their pier. A new electric pedestal was hooked up by Alliant free of charge, however, it was placed roughly 12" onto the neighboring property. The neighboring property owners have requested the electric pedestal be relocated off of their property and onto Club Unique's property. Russ Ceschi, the electrician that Club Unique hired to hook up the new electric pedestal provided a quote of \$495 to relocate the pedestal from the neighboring property onto Club Unique's property. Club Unique is asking for the village to reimburse them their expense of \$1,775 for the electric work to hook up the pedestal and \$495 to relocate the pedestal onto Club Unique's property.

Trustee Livingston/Trustee Pappas 2nd made a MOTION to deny Club Unique's request for the Village to reimburse their association \$1,775 for the cost to hook up their electric pedestal and \$495 to relocate the pedestal onto Club Unique's property.

885 Shabbona Drive Request for Reimbursement for Sewer Lateral Televising

The property owner at 885 Shabbona Drive, Steve Link, hired Dave Rex to have his sewer lateral cleared out several times over the last few years. Most recently, Link hired Rex to televise the lines and discovered there was a green fungus in the lateral. At the public works committee meeting, Rex stated it was most likely due to accumulation of fats and oils and lack of use and in no way is the problem caused by the village's sewer system. Link submitted the invoice to the public works committee and requested the village reimburse him \$450 for the invoice from D&K Services to televise his sewer laterals.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to recommend Village Board denial of Steve Links request for reimbursement in the amount of \$450 for televising the sewer lateral for his property at 885 Shabbona Drive, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Employment Agreement for Public Works Director Kevin Day

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve the employment agreement for public works director, Kevin Day, as presented, and the MOTION carried without negative vote.

Adjournment

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to adjourn at 7:03 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: 08/06/18