

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, October 1, 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: Trustee Petersen, President Kenny, Trustee O'Neill, Trustee Pappas, Trustee Prudden, Trustee Livingston

Trustee Absent: Trustee McGreevy

Also Present: Ellis Border, Terry Burns, Jeff Cates, Kevin Day, Marty Green, Todd Litzak, Theresa Loomer, Ed Lynch, Mike McKay, Joe Mesler, Sara Nichols, Duane Ratay, Terry Tavera, Scott Vilona

Visitors Heard

Todd Litzak from Geneva Pointe Condos introduced himself and stated he has concerns with the Tennis and Beyond Bed and Breakfast that is being operated at 650 S. Main Street. Geneva Pointe resident Marty Green discussed a timeline of events that have occurred since the property was granted a Conditional Use Permit last summer, including noise and possible zoning violations. Green stated that noise, parking and lighting are all concerns, but primarily the noise that emits from an amplified sound system and the large crowds that gather at the property on weekends. Geneva Pointe resident Terry Burns reiterated Green's concerns and the Village Board was asked to follow up on the issue.

Approval of Minutes

The minutes for the meetings held on July 19, August 21, August 25, August 30, September 4 and September 20, 2018 were distributed.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from the July 19, August 21, August 25, August 30, September 4, and September 20, 2018 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Treasurer's Report, Vendor Report and Payroll Overtime Report as distributed for August and September, 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 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

Investment in Infrastructure Award – Ruekert-Mielke

Village Engineer Terry Tavera spoke about the positive experience he has had working for the Village for the past 14 years. He then introduced Ruekert-Mielke president Stan Stuggen who presented the Village with an Investment in Infrastructure award and allowed the Village to pick a charity of choice for a \$1,000 donation. President Kenny Presented the donation to Sara Nichols from the Open Arms Free Clinic in Elkhorn.

Operator's License Applications Filed by Jamie Wisniewski (Abbey Resort), Laura Reed (Fontana Shell), Henry Johnson, Calvin Ozanick (Gordy's)

All applicants have passed their background checks and the \$60 fees have been paid, however, Ozanick has not turned in his safe server certificate.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve the operator license applications filed by Jamie Wisniewski, Laura Reed, and Henry Johnson and deny the application filed

by Calvin Ozanick. The MOTION carried without negative vote.

Approve 2018/19 Bow Hunting Resolution

Loomer stated she spoke with DNR representatives about the high deer population in Fontana which staff receives many complaints about this time of the year. Although the DNR will not eradicate the deer, they will offer nuisance tags and stated each parcel owner (or association) may allow hunting as long as they are 100-yards away from an occupied dwelling. Loomer recommended requiring hunters on village property to shoot a doe before shooting a buck, or allow for doe hunting only. Board members recommended the requirement for hunters to shoot a doe before shooting a buck to try to help limit the deer population and also asked that a report is turned in at the end of the season with how many does and bucks are killed.

Trustee O'Neill/Trustee Prudden 2nd made a MOTION to require that all hunters on Village land must shoot a doe prior to shooting a buck, and they must present proof to Village Hall staff. Hunters are also required to report the number of deer killed and on which property at the end of the season; the totals shall then be presented to the Board. The MOTION carried without negative vote.

Authorization to Sell Police Dept. Crown Victoria and Former Building Insp. Dept. Trailblazer

The Police Dept.'s Crown Vic was converted into a municipal vehicle for staff utilization, however, it has not received much use. Staff would also like to sell the former Building Inspector Dept. Trailblazer which is in need of more repairs than it is worth.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the sale of the Police Dept. Crown Victoria and Former Building Insp. Dept. Trailblazer, and the MOTION carried without negative vote.

PSC Water Rate Increase Update

Vilona provided an update on the water rate increase. Although the original intention was to raise the fixed rate more than the usage rate, the PSC denied allocating the increase in such a way and an estimated 48% increase will be applied across all classes. Staff is currently in the process of scheduling a public hearing date.

Interfund Balance Transfer Reconciliation

Vilona stated that the water and sewer utilities were being funded by borrowing from the General Fund and while he planned on waiting until the water rate study was concluded before reallocating the funds, the study is taking much longer than anticipated and at the recommendation of the auditors he would like to proceed with making the interfund balance transfer at this time.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve an interfund balance transfer in the amount of \$500,000 from the Utility Fund to the General Fund, and the MOTION carried without negative vote.

Approve Ordinance Amending Section 14-65 – Building and Inspection Fees

The ordinance was amended to include the updated fee schedule to coincide with the new building inspection contract. The cost of several items were modified, some items were removed and some items were added.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve Ordinance 100118-02, Amending Section 14-65 – Building and Inspection Fees, and the MOTION carried without negative vote.

Approve Ordinance Amending Section 17-5 – Procedure for Dividing Land

The ordinance was amended to include the updated fees based on the new zoning administrator's recommendation.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve Ordinance 100118-03, and the MOTION carried without negative vote.

Consider Action: Contract for Building Inspection/Zoning Services

This item was discussed in closed session.

Consider Action: Proposed Intergovernmental Agreement Termination with Village of Walworth

This item was discussed in closed session.

Reschedule November Meeting Date to November 1, 2018

The joint Finance and Village Board Budget Meeting will be held on Thursday, November 1, 2018 and will replace the regularly scheduled November 5, 2018 monthly Board meeting.

Public Works Committee – Trustee O’Neill

Updated Seven Year Capital Improvement Plan and Borrowing Analysis

The seven year capital improvement plan was presented. In 2019 the Village plans to reconstruct Lake Street and Parking Lot No. 1 and complete the lakefront sanitary sewer rehab along South Lake Shore Drive. Additionally, some of the deteriorated roads in Country Club Estates will receive temporary overlay. In 2020 – 2022 the South Lake Shore Drive water main is proposed to be replaced and the road reconstructed. 2023 – 2025 the water main is proposed to be rehabbed in certain areas in Country Club Estates. The water main and road on First Avenue will also be rehabbed and reconstructed. Vilona stated he met with Ehlers and due to certain borrowings dropping off, there will not be a huge increase in total outstanding debt from the proposed projects, however, it will impact the levy. He also recommended, since debt issuance is expensive, to bond for two years’ worth of expenses and then take a year off in order to save money on the bond issuance. In addition to the financing plan, Vilona reminded the Board that each project on the water utility will require an increase in funds collected and based on the projected utility work, the water rate will be increased by 28% after all the work is completed. Petersen asked the Board to reconfirm their desire not to have construction between Memorial Day and Labor Day and the Board members agreed.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to accept the 7-year Capital Improvement Plan, as presented and recommended, and the MOTION carried without negative vote.

Indian Hills 1st Addition Request for Village Assistance for Water Run-Off Concerns

At the recommendation of the Public Works Committee, Tavera created a water retention plan using the Village’s three lots on Mesita Road. He proposed creating a large dry well similar to what was installed in Indian Hills and Mohr Road. Tavera stated that the estimated cost is \$75,000 but would be less if the materials are kept on site. He reminded the Board that although the dry well will help alleviate water runoff, it will not eliminate the problem. Tavera will provide the Village with a proposal and it will be added to next year’s budget.

Recommendation on Abbey Hills Sidewalk Request

The public works committee voted to deny the request from Abbey Hills to install a sidewalk along Highway 67 connecting Abbey Hills to the downtown area.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to deny the request from Abbey Hills to install a sidewalk along Highway 67 leading into downtown, as recommended, and the MOTION carried without negative vote.

Authorize Purchase of Sewer Easement Machine

Public works received a quote of \$60,870 for a sewer easement machine. The new machine would allow utility staff to approach the sewer on the lakefront properties without creating as much damage to landscaped yards since it is a smaller extension to the existing easement machine. The new easement machine has a width of 36” which will allow it to fit through fence gates, again, relieving possible damage caused by the much larger machine. Day stated the funds from the sewer replacement fund account can be used for the purchase.

Trustee Livingston/Trustee Pappas 2nd made a MOTION to approve the purchase of the sewer easement machine as presented and recommended for an amount not to exceed \$60,870, and the MOTION carried without negative vote.

Recommendation on Replacement of Brick Crosswalks

The public works committee directed public works staff to tear up the bricks on the crosswalk on Reid Street along Fontana Boulevard in order to determine if asphaltting and staining the crosswalks

is a viable solution to the loose bricks, and what the cost would be. Public works determined the rough cost of tearing out the bricks, repaving, and staining or stamping the asphalt would be about \$2,400 per crosswalk. Day requested the Board decide how many crosswalks they would like to redo and the timeline knowing the price. Day was directed to replace the worst crosswalks and include the other crosswalks in next year's budget. The Board also agreed the color for the crosswalks should be red. Vilona indicated the money for the crosswalk replacement could be put on the CDA's books as it is part of the TID.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to direct public works to replace the crosswalks as Public Works Director Day deems necessary and include the remainder of the crosswalks in next year's budget, and include the area by the safety building, and the MOTION carried without negative vote.

Village Hall Cleaning Proposal

Village hall is currently cleaned weekly by KAS cleaning company and public works has agreed to take on the cleaning tasks once per week. The Village currently spends roughly \$10,000 in cleaning costs. This was discussed with the public works dept. and they are agreeable to cleaning village hall and the library on a weekly basis including vacuuming, taking out the trash and cleaning the restrooms.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve having public works staff cleaning the village hall and library once per week, and the MOTION carried without negative vote.

Approve Amended Fee Schedule Resolution

The amended resolution reflects the decision of the Board last month to offer half-price discounts for military and seniors and updates the public works fee schedule to reflect the duties moved from building and zoning to public works. It also removes the CDA Planner and CDA Attorney.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve Resolution 100118-01, amending the fee schedule, as presented, and the MOTION carried without negative vote.

FW/WPCC – Trustee Petersen

Approve 2019 O&M Budget

The Commission submitted their 2019 operating budget for a total amount of \$948,376 which is an increase of \$8,810 from last year.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to recommend approval the FW/WPCC 2019 O&M budget, as presented, and the MOTION carried without negative vote.

Approve Lease of Commission Agricultural Land 2019 – 2029

At a September special meeting, FW/WPCC recommended a 10 year lease of agricultural farm land to Kauer Farms in Walworth beginning in January, 2019.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the ten-year farm lease of agricultural farm land between the FW/WPCC and Mr. Tom Kauer, Kauer Farms, beginning January 1, 2019, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas

Ordinance Amendment Addressing Cost Recovery for Riparian Permits

Amendments to Chapter 54 were drafted and distributed and include the requirement of a cost recovery form for all mooring application submissions. A change was made to Section 54-125(a)(2)(e) to remove the requirement of a certified survey and instead require a scaled riparian site plan – unless the proposed moorings are closer than 35 feet to the property riparian line. The updated section also states the site plan shall show the position of the proposed mooring relating to all structures within 200 feet from the riparian lines, amending the current 500 foot requirement.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve Ordinance 100118-01, Chapter 54 amendments, as presented and recommended, and submit to the DNR for approval, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Memorial Bench Application Filed by Julie & Kevin McLaughlin for Kinzie Street & Fontana Lane

Julie & Kevin McLaughlin filed an application to purchase and dedicate a bench to replace the current bench located at the corner of Kinzie Street and Fontana Lane.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the memorial bench application filed by Julie and Kevin McLaughlin for Kinzie Street and Fontana Lane, and the MOTION carried without negative vote.

Park Permit Application Filed by Lisa Spedale for Kira Spedale Foundation Walk at Reid Park Pavilion on Sunday, October 7, 2018 from 7:00 am to 6:00 pm

Petersen stated if the organization has a 501(3)(c) then the fee should be waived, but the security deposit should be kept in the event there is required cleanup or damage reported. There was discussion about the event using the lake path, however, the permit issued by the Village is only for use of the Park and the Village does not have control over the lake path.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the park permit application filed by Lisa Spedale for the Kira Spedale Foundation Walk at Reid Park Pavilion on Sunday, October 7, 2018 from 7:00 am to 6:00 pm, and the MOTION carried without negative vote.

Payment Arrangement Between Big Foot Summer Camp and Fontana Movie's on the Beach Sponsorship

Dean Connelly sent an email to Loomer indicating that historically the Big Foot Rec. Dept. has paid a \$1 entrance fee to the beach per camper during summer camp and the total ends up being \$400 - \$600 per season. The Village has been a sponsor for the Big Foot Rec Dept. Movie Under the Stars program held on Fontana Beach and the amount donated has ranged from \$500 to \$750. Connelly has asked if rather than paying each other, the village and Big Foot Summer Camp enter into an agreement where day campers receive free admission to the beach during camp and in exchange the Village is named a movie sponsor for the summer.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the proposed payment arrangement between the Village and the Big Foot Rec Dept., as presented and recommended, and the MOTION carry without a negative vote.

Closed Session

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 6:50 pm to go into Closed Session Pursuant to Wis. Stats. Chapter 19.85(1)(e), "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session," specifically regarding a contract for building inspection/zoning services and proposed intergovernmental agreement termination with Village of Walworth.

The Roll Call vote was as follows:

President Kenny – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

The MOTION carried on a 6-0 vote with Trustee McGreevy absent.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to adjourn closed session and go into open session at 7:01 pm, and the MOTION carried without negative vote.

Open Session

Consider Action: Contract for Building Inspection/Zoning Services

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Building and Zoning contract with Joe Mesler and Professional Building Inspectors, Inc., after minor language concerns are addressed between the Village Attorney and Attorney Thompson, and the MOTION carried without negative vote.

Adjournment

Trustee Prudden/Trustee Livingston 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: 11/1/18