

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, August 5, 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 McGreevy, Trustee O’Neill, Trustee Pappas

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

**Also Present:** Skip Bliss, Suzy Brady, Maryanne Bruss, Jeff Cates, Tom Connelly, Kevin Day, Jere Eyer, Theresa Loomer, Debra Pierce, Todd Reschke, Bonnie Schaeffer, Judy Schneck, Chris Schultz, Harry Soling, Bryan Snyder, Kurt Stimpson, Dale Thorpe, Scott Vilona

**Visitors Heard**

Judy Schneck, 475 Forest Drive, thanked the board and staff for adding the new rocks near their corner property after appearing at the last Village Board meeting. She stated the stones look nice and she hopes they will help with the water run-off, although there has not been a large storm event since the last monthly meeting so it is too early to tell. She asked if the Village would consider raising the level of the low spot around the beehive. DPW Director Kevin Day will coordinate with Schneck.

**Approval of Minutes**

The minutes for the meetings held on July 1 and 3, 2019 were distributed.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes from the July 1 and 3, 2019 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/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 July, and to place them on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list, and the MOTION carried without negative vote.

**General Business – President Kenny**

**2018 Audit Report – Tabled 07/01/19**

Bryan Snyder from Sitzberger CPA’s presented the 2018 audit report. The full audit is on file for review at Village Hall. Pappas asked why the General Fund jumped from \$2.1 Million in 2017 to \$3.3 Million in 2018. Vilona explained that when funds were borrowed via bonding, those funds were isolated into the General Capital Projects fund and were “restricted.” The Village used funds to pay for the ladder truck but the auditors missed that those funds were borrowed for and put the payment against the General Funds “unrestricted” balance instead of the General Capital Projects fund “restricted” balance. The adjustment “moved” the funds from the General Capital Projects fund and put it back to the General Funds “unrestricted” fund balance, where it should have been.

**Proposed Cobblestone Ridge Development – Dave Patzelt**

Dave Patzelt, President of Shodeen, proposed annexing in a portion of land south of Highway B, between Cobblestone Road and School Road. The proposal is to annex in that area of land to the Village of Fontana, which is currently in Walworth Township, and create housing in an SR-4 (10,000 square foot lot) or SR-5 (7,500 square foot lot) district. The land is in the ETZ and ETJ and the Big Foot High School District and partially in a sanitary sewer service area. There was discussion about the wetland area and possible environmental corridor, which Patzelt stated he would look into.

Patzelt said that based on feedback from Village Planner Mike Slavney, he has incorporated a park with a playground and gazebo. The park could be turned over to the Village for future maintenance and become a public park, or it could be owned by the HOA in which case it would be a private park. Images of similar style homes built in other communities were shown as examples of the types of homes Shodeen proposes to construct. He mentioned the land is currently designated as Urban Reserve in the County's future land use plan, it is designated as Agricultural in Fontana's future land use plan, and has no designation in Village of Walworth's future land use plan. Attorney Thorpe warned the Board against pre-judging the project without a complete application in front of them and encouraged an open mind. Patzelt stated he was looking for initial feedback on the project. Pappas asked questions about the zoning designation, wetland area, and environmental corridor. O'Neill stated that with small lots, the garages can become the focal point of the house and would encourage larger lots. Patzelt stated the widths of the lot drives the size of the home which drives the price and entertained a combination of SR-4 and SR-5 lots. There was discussion about the proximity of water and sewer hook-up locations and whether a lift station or booster pump may be needed. Pappas expressed concerns with the density and referenced Pheasant Ridge as a positive development on one acre lots that took 20 years to build up.

**Operator's License Applications Filed by Abigale M. Dunne (Abbey Resort); Carly I. Dodge, Ryan J. Matthews, Tara E. Ramijak (Gordy's)**

There were no concerns with the background checks and the \$60 fees have been paid. Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Abigale M. Dunne, Carly I. Dodge, Ryan J. Matthews, and Tara E. Ramijak, and the MOTION carried without negative vote.

**ETF Employer Resolution for Group Health Insurance**

Resolution approval is required for the Village's continued participation in the Employee Trust Funds health insurance plan.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 080519-01, adopting the Wisconsin Dept. of Employee Trust Funds Existing Employer Update resolution, and the MOTION carried without negative vote.

**Complete Count Committee Recommendation for Census 2020**

The US Census Bureau is recommending participation in the 2020 census by creating a Complete Count Committee or partnering with another municipality/organization. Given the factors involved, Loomer recommended partnering with Walworth County's census initiative.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to partner with the County for the 2020 Census initiative, and the MOTION carried without negative vote.

**Alliant Easement Request for Safety Building Property to Extend 3 Phase Electrical Service to 158 Fontana Boulevard**

Staff has not had a chance to thoroughly review the easement agreement and has recommended that it be tabled.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to table the Alliant Easement request for Safety Building property to extend Phase 3 Electrical Service to 158 Fontana Boulevard. The MOTION carried without negative vote.

**Reschedule September Village Board Meeting due to Labor Day**

The September meeting was rescheduled to Monday, September 9, 2019 beginning at 6:00 pm.

**Public Works Committee – Trustee O'Neill**

**Payment Recommendation No. 1 for 2019 Street Resurfacing Projects – Tabled 07/01/19**

Staff has still not received the payment recommendation and it is recommended to be tabled.

O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to table payment recommendation no. 1 for 2019 Street Resurfacing Projects, and the MOTION carried without negative vote.

**Proposed Crosswalk at Gordy's on Lake Street**

Trustee O'Neill/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the proposed crosswalk at

Gordy's on Lake Street, and the MOTION carried without negative vote.

### **Belvedere Park Drainage Proposal**

Debra Pierce from Belvedere Park stated the homeowners association decided to have a drainage study completed in 2018, and in June of 2019 the association unanimously agreed to move forward with an engineering plan to help control groundwater, storm water and resurface roads in the subdivision. They are asking to partner with the Village and stated it would be an opportune time for the Village to replace its water and sewer mains since the road will already be torn up and repaved at the expense of the association. Doug Snyder from Baxter and Woodman stated their firm has designed the engineering plans and presented maps that detail the infrastructure to be replaced. They would like to begin work in 2020, but could wait until 2021 if later timing works better for the Village considering the S. Lakeshore Drive reconstruction is also planned for 2020, but would like to get started on the design work and permitting process as soon as possible. There was a short discussion on the homeowners replacing their laterals during the infrastructure work.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to allow staff to move forward and work with Belvedere Park on their proposed drainage plans, and the MOTION carried without negative vote.

### **Planning and Recommendations for S. Lakeshore Drive Reconstruction Project**

- a) Road Width
- b) Town Hall Meeting Date

Two bike lanes were recommended by the Public Works Committee and Finance Committee for the S. Lakeshore Drive reconstruction project, but after further review and realization that the land would be cleared up to 15-feet beyond where the road is staked, the Board members debated the various options. Village engineer Joe Eberle stated the Village has already held a meeting with the utilities and intends to have 60% plans completed by October. He also reminded the Board that their decision on the road will remain for the next 50 years. During discussion about the width of the road and whether to have bike lanes, he stated the difference between one and two bike lanes is only 5-feet and if the Board chooses not to have curb and gutter an extra 20-feet will be needed for ditches. Pappas stated he is in favor of two bike lanes as there are more bikers in the area. After discussion about creating a sub-committee and/or referring back to public works, the item was tabled. Since no determination was made on the road, no town hall meeting date was scheduled.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to table the planning and recommendation for the S. Lakeshore Drive Reconstruction Project, and the MOTION carried without negative vote.

### **Recommendation on Inspection Agreement for Abbey Springs Bridge/Culvert**

For the S. Lakeshore Drive road construction project, the Abbey Springs Bridge will need to be inspected. The Village received a quote from Collins Engineering for a sum of \$4,000. Eberle stated the Board will need to determine who owns the bridge because whoever owns it will be responsible for upkeep and annual bridge inspections.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the quote from Collins Engineering to inspect the Abbey Springs Bridge for an amount not to exceed \$4,000, and the MOTION carried without negative vote.

### **Highway 67 Drainage Proposal and Expenses**

Day stated the county and DOT will work together on the Highway 67 drainage and there are no costs to the Village.

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

#### **CSM Application Filed by Harry & Denise Soling for Parcels SA359200002, SA359200003 & SA359200004 for Single Family Dwelling**

One of the conditions of the Conditional Use Permit approved earlier this year for a single family dwelling was for the property owner to file a CSM for the two lots off Indian Hills Road. There are no concerns with the application and it is recommended for approval.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the CSM filed by Harry and Denise Soling for parcels SA359200002 and SA359200003 for a single family dwelling. The MOTION carried without negative vote.

**Approve Resolution for PIP Amendment Application Filed by Mill Street Condominium Association, Inc., for Deck Removal and Replacement with Juliette Style Railings**

Due to structural reasons, the Mill Street Condo association is requesting to remove six of the 14 decks and replace them with Juliette style railings. The balconies are located on the inner side of the condos and are not visible from Highway 67.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 080519-02, approving the PIP amendment application filed by the Mill Street Condominium Association, Inc., for deck removal and replacement with Juliette style railings. The MOTION carried without negative vote.

**Ordinance Repealing and Recreating Section 18-13 and Creating Section 18-172(8) Regarding the Use of Permeable Surface**

This item was tabled.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to table the Ordinance Repealing and Recreating Section 18-13 and Creating Section 18-172(8) Regarding the Use of Permeable Surface, and the MOTION carried without negative vote.

**Lakefront & Harbor Committee – Trustee Pappas**  
**Ordinance Amending Section 74-10 Overtime Parking**

The Lakefront Committee recommended in favor of increasing the frequency of issuing a parking ticket from once every 24-hours to once every two hours.

Trustee Pappas/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 080519-01, Amending Section 74-10 Overtime Parking, and the MOTION carried without negative vote.

**Pier Permit Application Filed by Dana Mecum for 1028 S. Lakeshore Drive**

A pier permit application was submitted by Dana Mecum for 1028 S. Lakeshore Drive. The proposal is to add an additional mooring space and move the pier 8.5 feet to the west making it 15 feet away from the east lot line and 63 feet from the west lot line. There is 168 feet of lake frontage and a total of four boats will be moored. The pier is less than 100-feet long and approval has been received from the DNR.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Pier Permit Application filed by Dana Mecum for the property located at 1028 S. Lakeshore Drive, as submitted, subject to an as-built survey upon completion, and the MOTION carried without negative vote.

**Protection Committee – Trustee Prudden**

**Creation of CBD Seller’s Permit License and Corresponding Ordinance Amendment – Tabled 07/01/19**

Thorpe stated the ordinance amendment minimally regulates sales of CBD products according to the most recent opinion given by the attorney general in 2018. The ordinance requires placement of the product behind the counter and out of the direct reach of a consumer. It also follows the DATCP regulations requiring the product to be derived from industrial hemp in programs that DATCP has supervised.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adopt Ordinance 080519-02, creating section 42-124 regarding the sales of CBD products, and the MOTION carried without negative vote.

**Ordinance Amending Chapter 74-281 Specific Areas – W. Main Street**

Chief Cates indicated he has received a number of complaints regarding parking on W. Main Street causing a narrow roadway and near accidents. He recommended banning parking on both sides of the road especially with Stewart’s trucks utilizing that road and school traffic which will pick up in less than a month. Suzy Brady, owner of Blue Heaven ice cream shop, said she was disappointed with the “no parking” signs that recently went up and asked the Village to remain business friendly and allow customers to park on W. Main Street in order to access her business. She said the height of service time begins in the evening and lasts until closing and there is not much business throughout the daytime hours. There was discussion about posting “no parking” signs during school pick-up or drop-off times or between the hours of 7:00 am and 5:00 pm, but Chief Cates stated that becomes difficult to remember and enforce. There was also discussion about placing a sign for the business

and directing traffic to park on Mill Street.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to table the ordinance amendment to Chapter 74-281 Specific Areas – W. Main Street. The MOTION carried without negative vote.

**Metro EMS Service First Amendment to Personnel Services Contract**

All of the paramedics have completed the required training and have credentialed with the medical director. In April, the board approved advancing to the paramedic level. The contract amendment reflects the new service and associated cost.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Metro EMS Services First Amendment to the Personnel Service Contract, as presented, and the MOTION carried without negative vote.

**Park Commission – Trustee Livingston**

**Park Bench Application Submitted by Peg Pollitt for Lakefront Bench**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the park bench application submitted by Peg Pollitt for a memorial bench at the Lakefront, and the MOTION carried without negative vote.

**Park Bench Application Submitted by Silvia Lucchinetti for Lakefront Bench**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the park bench application submitted by Silvia Lucchinetti for a memorial bench at the Lakefront, and the MOTION carried without negative vote.

**Adjournment**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn at 7:19 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: 09-09-19