

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
With JOINT SESSIONS of FINANCE COMMITTEE and PLAN COMMISSION
Monday, June 4, 2012

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commission Chairman George Spadoni called the monthly meeting of the Plan Commission to order at 6:00 pm.

Finance Committee Chairman Patrick Kenny did not call the committee meeting to order because of a lack of a quorum.

Trustees present: Roll call vote: Tom McGreevy, Pat Kenny, Rick Pappas, Cindy Wilson, George Spadoni, President Arvid Petersen, Bill Gage

Plan Commissioners present: Trustee Spadoni, President Petersen, Micki O'Connell, Sarah Lobdell, FJ Frazier (arrived at 6:03 pm)

Plan Commissioners absent: Scott Vilona, Harry Nelson

Also Present: Jason Bernard, Charles Colman, Maggie Gage, Administrator/Treasurer Kelly Hayden, Don and Merilee Holst, Jay Hicks, Jim Howe, Robert Klockars, Rob Ireland, Library Director Nancy Krei, Russ Larsen, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Fire Chief Wolfgang Nitsch, Building Inspector Ron Nyman, Police Chief Steve Olson, Patrick Romenesko, Mike Sheyker, Mike Slavney, Calvin Staker, Village Attorney Dale Thorpe, Carol Whowell, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. State Recall Election – **Tuesday, June 5, 2012, 7:00 am to 8:00 pm**
2. CDA Board Meeting – **Wednesday, June 6, 2012, 6:00 pm**
3. Local Business Committee Meeting – **Thursday, June 7, 2012, 5:00 pm**
4. Big Foot Recreation Movie Under the Stars at Fontana Beach – **Saturdays, June 9 & 23, 2012**
5. FW/WPCC Board Meeting – **Tuesday, June 12, 2012, 7:30 pm**
6. GLLEA Board Meeting – **Wednesday, June 13, 2012, 10:00 am**
7. Computer Basics Class at Public Library – **Wednesdays, June 13 & 27, 2012, 10:00 am**
8. Plan Commission Staff Meeting – **Wednesday, June 13, 2012, 1:00 pm**
9. Protection Committee Meeting – **Monday, June 18, 2012, 6:00 pm**
10. Library Board Meeting – **Wednesday, June 20, 2012, 10:00 am**
11. Lakefront Committee Meeting – **Wednesday, June 20, 2012, 4:30 pm**
12. Park Commission Meeting – **Wednesday, June 20, 2012, 6:00 pm**
13. Evening Book Club at Public Library – **Thursday, June 21, 2012, 5:30 pm**
14. Geneva Lake Environmental Agency Board Meeting – **Thursday, June 21, 2012, 7:00 pm**
15. Village Assessor Local Office Hours – **Friday, June 22, 2012, 10:00 am to 2:00 pm**
16. Village Quarterly Newsletter Article Deadline – **Friday, June 22, 2012**
17. Plan Commission Meeting – **Monday, June 25, 2012, 5:30 pm**
18. Summer Storywagon Program at Village Hall – **Tuesday, June 26, 2012, 9:00 am**
19. Public Works Committee Meeting – **Saturday, June 30, 2012, 8:00 am**
20. Village Board Monthly Meeting – **Monday, July 2, 2012, 6:00 pm**

Approval of Minutes

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the May 7, 2012 Village Board meeting minutes as presented, and the MOTION carried without negative vote.

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

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to acknowledge the receipt of the reports

and the current Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve payment of the payables list as distributed, with the addition of invoices from Airing Equipment Company, Inc. and the Wisconsin DNR, and the MOTION carried without negative vote.

Finance Committee/Village Board General Business

2011 Audit Report – Patrick Romenesko, CPA

Village Auditor Patrick Romenesko presented the 2011 audit report and the two-page management letter. Romenesko stated that the first page of the management letter is boilerplate language that is required. Romenesko stated that his first recommendation in the management letter is to continue to monitor the working capital fund balance to ensure compliance with the Village Board's working capital policy. The working capital policy adopted by the Village Board has not been complied with as of the end of 2011 as it is still \$450,820 less than the amount specified in the policy. At the end of 2011, the fund balance called for by the policy was \$1,172,609 (30 percent of the total General Fund revenues of \$3,908,696), and the actual fund balance was \$721,789. At a previous meeting, Hayden reported that there is \$380,000 in the 2012 working capital budget. Romenesko stated that the second recommendation is for the Village to consider establishing a segregated bank account for the sewer utility to maintain an equipment replacement fund. Romenesko stated that the maintenance of an equipment replacement fund is important not only to comply with DNR requirements, but also to avoid financial difficulties when equipment unexpectedly needs replacement. McGreevy asked about an audit item titled "Loss on joint venture" and how the figure was calculated. Romenesko stated that the number is transferred from the FW/WPCC audit report and it tracks the amount of equipment depreciation at the wastewater treatment facility. Spadoni asked about a table that tracks the total expenditures for the Village departments for the last 10 years, and in particular why the Public Safety total has increased by 35 percent when the other departments have had only modest increases. Hayden stated that the fire hydrant rates had to be increased when the Village received the funding approval for the wastewater treatment facility plant improvement project and those funds are included in the Public Safety total. Spadoni stated that he is concerned that the Village population has been decreasing over the past 10 years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to accept the 2011 Audit Report as presented by CPA Patrick Romenesko, and the MOTION carried without negative vote.

Plan Commission Monthly Meeting Business

Approval of Minutes for Meetings Held April 30, 2012

Chairman Spadoni/President Petersen 2nd made a MOTION to approve the Plan Commission minutes for meetings held April 30, 2012, as presented, and the MOTION carried without negative vote.

CSM Filed for Calvin Staker Property at 740 and 722 Shabbona Drive

Spadoni stated that the staff report recommends approval of the CSM with eight conditions. The report states that the applicant initially applied for an interior lot line adjustment; however, because Lot 1 was never properly platted as part of Country Club Estates Association, that line is actually an Exterior Subdivision Boundary Line, which requires a CSM to be adjusted. Both lots are zoned RS-2 Single Family Dwelling with a Primary Environmental Corridor overlay over parts of each lot. The lots are considered existing conforming and would be considered conforming under the proposed CSM. The eight recommended conditions for approval are:

1. The approved lot line adjustment shall be as depicted on the Plat of Survey dated April 17, 2012, Revised May 21, 2012 (John P. Krott R.L.S. 2258).
2. The owner/applicant shall comply with all notations described within the Ruckert-Mielke correspondence dated May 15, 2012 (Bruce K. Cross, R.L.S.).
3. The owner/applicant shall confirm there are no easements of record along the existing common lot line, or otherwise, on either proposed lot (i.e., utility, sewer/water), nor any deed restrictions hindering or prohibiting construction on either proposed lot.

4. The owner/applicant shall comply with Section 236.34, Recording of certified survey map; use in changing boundaries; use in conveyancing, Wisconsin State Statutes.
5. Any special assessments and taxes shall be paid to the Village of Fontana prior to final approval of the Certified Survey Map.
6. The owner/applicant shall be responsible for any and all recording fees.
7. The owner/applicant shall be responsible for recording the CSM or other appropriate instrument with the Walworth County Register of Deeds within 12 months from the approval date by the Village of Fontana.
8. The owner/applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey Map or instrument and the plat of survey exhibit, within 30 days of recording such document, which will constitute final Village approval of the CSM.

Chairman Spadoni/Commissioner O'Connell 2nd made a MOTION to recommend Village Board approval of the Certified Survey Map as presented, with the following eight conditions:

1. The approved lot line adjustment shall be as depicted on the Plat of Survey dated April 17, 2012, Revised 5/21/2012 (John P. Krott R.L.S. 2258).
2. The owner/applicant shall comply with all notations described within the Ruckert-Mielke correspondence dated May 15, 2012 (Bruce K. Cross, R.L.S.).
3. The owner/applicant shall confirm there are no easements of record along the existing common lot line, or otherwise, on either proposed lot (i.e., utility, sewer/water), nor any deed restrictions hindering or prohibiting construction on either proposed lot.
4. The owner/applicant shall comply with Section 236.34, Recording of certified survey map; use in changing boundaries; use in conveyancing, Wisconsin State Statutes.
5. Any special assessments and taxes shall be paid to the Village of Fontana prior to final approval of the Certified Survey Map.
6. The owner/applicant shall be responsible for any and all recording fees.
7. The owner/applicant shall be responsible for recording the CSM or other appropriate instrument with the Walworth County Register of Deeds within 12 months from the approval date by the Village of Fontana.
8. The owner/applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey Map or instrument and the plat of survey exhibit, within 30 days of recording such document, which will constitute final Village approval of the CSM.

The MOTION carried without negative vote.

Joint Meeting Business – Chapters 17 and 18 Final Draft

Provide Direction on Lot Area in the Lakefront Residential Zoning District

Provide Direction on Accessory Structures

Mike Slavney presented his May 7, 2012 memorandum which outlines the changes made to Chapter 18 on the direction of the Plan Commission and Village Board at the April 30, 2012 joint session meeting. There were no concerns or comments made with regard to the changes as presented.

Provide Direction on Amendments to Lakefront Pyramiding Ordinance Suggested by GLC Attorney

Village Attorney Dale Thorpe stated that the lakefront pyramiding ordinance amendments are still being discussed following the receipt of concerns from the Geneva Lake Conservancy. Thorpe stated that two drafts of proposed amendments to the ordinance have been discussed and are being reviewed by the GLC and the attorney representing the lakefront business owners. Thorpe stated that his suggestion would be to not amend the current lakefront pyramiding ordinance section at this time, and to consider a follow-up pyramiding ordinance amendment when all the concerns are addressed. In a May 31, 2012 emailed message to the Village of Fontana, Charles Colman states, "The Geneva Lakes Conservancy appreciates the Village's agreement to maintain an effective 'anti-pyramiding' policy to prevent the excessive development of piers and related near shore structures. We have reviewed the ordinance language proposed by Attorney Thorpe in Section 18-73 of the proposed revised zoning ordinance. That section includes six separate exceptions from a general prohibition on pyramiding. Many of these, including a provision to grandfather all existing developments, seem appropriate to us. However, we are concerned about the policy and language used in draft section 18-73(b)(4), which exempts from the anti-pyramiding policy: 'Legal existing

commercial uses or future approved commercial uses that utilize riparian rights as part of said use.’ Existing uses are already exempt under drafts section 18-73(b)(6). The rest of that section seems to be aimed at exempting some future commercial uses from the anti-pyramiding prohibition. But the section doesn’t explain which ones. Is that section intended to permit the Village to approve ‘pyramiding’ in some future commercial projects? Why? And how would these be approved? Would the approval be considered by the Plan Commission? Or the Village Board? What process would be followed? Would a hearing be required? What standards would apply to the approval decision? What we are concerned about is commercial endeavors developed outside the downtown area such as new in-and-out services or developments that want to attach to the lake to increase property values but that also increase boat and pier density beyond what the lake can handle. The Conservancy supports the Village’s plan to grandfather current uses. We do not support provisions that would authorize future exemptions from the anti-pyramiding policy. If the Village feels these are necessary, we urge you to include a specific procedure and standards that would be applied. Or, could the section limit the exclusion to the ‘downtown’ waterfront area.” Thorpe stated that the Plan Commission and Village Board could move forward with the approval of the public hearing drafts of the rewritten Chapters 17 and 18 with the current anti-pyramiding ordinance language included, and then consider an amendment to the anti-pyramiding ordinance at a later date.

Provide Direction on Substandard Lots

Slavney stated that correspondence from Attorney Jim Howe initiated additional revisions to Section 18-93 pertaining to substandard lots. There were no concerns or comments made with regard to the changes as presented.

Other Relevant Items

None presented.

Schedule for Project Finalization & Schedule Public Hearing If Appropriate

Hayden stated that the previous discussions on the scheduling of the public hearing were for there to be a couple months of review time for the property owners to review the drafts and ask questions pertaining to their properties. Postcards and letters will be mailed to the property owners, and all of the draft documents and memorandums for the rewriting project since the project kickoff meeting on January 31, 2011 are posted on the Village website under the “Plan Commission News” link. Hayden stated that letters will be mailed to property owners who have had substantive changes made to the current zoning district that their property is located in, and the other property owners will receive general postcards announcing the public hearing. Slavney stated that there are about 200 property owners who will receive letters.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct Village staff to schedule the public hearing to present the rewritten Chapters 17 and 18 of the Municipal Code, and the new Zoning Map on Monday, August 6, 2012 beginning at 6:00 pm, and to mail out the letters and postcards to the property owners as soon as possible. The MOTION carried without negative vote.

Adjournment Plan Commission

Commissioner Lobdell/President Petersen 2nd made a MOTION to adjourn the Plan Commission meeting at 6:30 pm, and the MOTION carried without negative vote.

General Business/Administrator’s Report – President Petersen/Administrator-Treasurer Hayden

Lake Geneva Yacht Club 2011-12 CLASS “B” BEER License Change of Agent to Joshua Nelson, 910 Bennett Court, Walworth, WI

The Lake Geneva Yacht Club had its current agent Kimberly Bliss submit her resignation, so the beer license agent has to be changed. There were no concerns with the required background check. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the change of agent for the Class “B” Beer License issued to the Lake Geneva Yacht Club to Joshua Nelson, 910 Bennett Court, Walworth, WI. The MOTION carried without negative vote.

Approval of Published Liquor License Applications for 2012-2013

Abbey Provident Hotel Manager, LLC, d/b/a The Abbey Resort, located at 269 Fontana

Blvd., RENEWAL “CLASS B” BEER and “CLASS B” LIQUOR license. Agent: Timothy G. Somerville, 528 Jefferson Street, Lake Geneva, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the “Class B” Beer and “Class B” Liquor License for Abbey Provident Hotel Manager, LLC, and its agent, Timothy G. Somerville, 528 Jefferson Street, Lake Geneva, WI, as filed. The MOTION carried without negative vote.

Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL “CLASS B” BEER and “CLASS B” LIQUOR license. Agent: Nancy Dlabal, 439 Frost Drive, Williams Bay, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the “Class B” Beer and “Class B” Liquor License for Abbey Springs, Inc. and its agent, Nancy Dlabal, 439 Forest Drive, Williams Bay, WI, as filed. 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. Agent: Robert Timm, 7258 Oak Lane, Lake Geneva, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the “Class B” Beer and “Class B” Liquor License for Big Foot Country Club, and its agent, Robert Timm, 7258 Oak Lane, Lake Geneva, WI, as filed. 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. Agent: Carol J. Whowell, W6267 Willow Bend Road, Walworth, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the “Class B” Beer and “Class B” Liquor License for Chucks Lakeshore Inn, Inc., and its agent, Carol J. Whowell, W6267 Willow Bend Road, Walworth, WI, as filed. The MOTION carried without negative vote.

Country Club Estates Golf Association, located at 365 Pottawatomie Drive, RENEWAL CLASS “B” BEER and CLASS “C” WINE license. Agent: Scott Berg, 1093 Sauganash Drive, Fontana, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the Class “B” Beer and Class “C” Wine License for Country Club Estates Golf Association, and its agent, Scott Berg, 1093 Sauganash Drive, Fontana, WI, as filed. The MOTION carried without negative vote.

Fontana Shell, Inc., W3323 Lake Forest Lane, Lake Geneva, WI 53147, d/b/a Fontana Mart, Inc., located at 286 Valley View Drive, Fontana, WI, 53125, RENEWAL CLASS “A” BEER and “CLASS A” LIQUOR license. Agent: Deepak Gill, W3323 Lake Forest Lane, Lake Geneva, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller’s Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the Class “A” Beer and “Class A” Liquor License for Fontana Shell, Inc., doing business as Fontana Mart, Inc., and its

agent, Deepak Gill, W3323 Lake Forest Lane, Lake Geneva, WI, as filed. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 336 Lake Street, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Trallee Whowell Chupich, N1844 Six Corners Road, Walworth, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller's Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the "Class B" Beer and "Class B" Liquor License for Gordy's Boat House, Inc., and its agent, Trallee Whowell Chupich, N1844 Six Corners Road, Walworth WI, as filed. The MOTION carried without negative vote.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS "B" BEER license, Agent: Joshua Nelson, 910 Bennett Court, Walworth, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller's Permit is active and in good standing. The Yacht Club has a state issued license for liquor.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the Class "B" Beer License for the Lake Geneva Yacht Club, and its agent, Joshua Nelson, 910 Bennett Court, Walworth, WI, as filed. The MOTION carried without negative vote.

Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks' Deli, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Peter Novak, 731 Arrowhead Drive, Fontana WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller's Permit is active and in good standing.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the renewal of the "Class B" Beer and "Class B" Liquor License for Novaks' of Fontana, LLC, and its agent, Peter Novak, 731 Arrowhead Drive, Fontana, WI, as filed. The MOTION carried without negative vote.

Park Place Lounge, LLC, for the premises located at 268 Reid Street, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Stephen Fairchild, 149 Third Avenue, Fontana, WI.

There were no concerns with the required background checks and inspections, the serving premises is the same as last year, and the Wisconsin DOR indicated the required Seller's Permit is active and in good standing. The application states the premises includes the upper level and the outdoor deck; however, the upper level and the outdoor patio have been previously denied because the required remodeling has not been completed, and Village of Fontana Building and Zoning Department permitting conditions have not been met.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the renewal of the "Class B" Beer and "Class B" Liquor License for Park Place, LLC, and its agent, Stephen Fairchild, 149 Third Avenue, Fontana, WI, for the lower level premises only. The MOTION carried without negative vote.

Southland Farms, LLC, DBA SF Food and Beverage for the premises located at 441 Mill Street, d/b/a Pie High Pizza Company, RENEWAL CLASS "B" BEER and "CLASS C" WINE license; ORIGINAL "CLASS B" LIQUOR license. Agent: John K. Karabas, 425 N. Lower Gardens Road, Fontana, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previously approved. SF Food and Beverage also applied for an Original "Class B" liquor license and the application was published, but the Village has issued all of the available "Class B" liquor licenses under the state mandated quota at this time, so there is not one available. The premises serving area includes the Coffee Mill side of the building; however, the business currently does not sell beer or wine.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Renewal application filed by

Southland Farms, LLC, d/b/a SF Food and Beverage (Pie High Pizza Company) for the premises located at 441 Mill Street, Class “B” Beer and “Class C” Wine License, and the Agent: John K Karabas, 425 N. Lower Gardens Road, Fontana, WI. The MOTION carried without negative vote.

Approval of Operator’s Licenses for 2012-2013

Martin stated that the background checks for seven of the applicants have not yet been completed because of their late filing dates, and the \$60 application fee is still required for two of the applicants. There were no concerns that would prohibit renewal for any of the other applicants as presented. Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the issuance of Operator’s Licenses for 2012-13, subject to no background check concerns and the payment of the application fees, for Abbey Marina employees Haley C. Schwartz, Edwin L. Snyder, IV, and Kathryn L. Snyder; Abbey Resort employees Gregory L. Bonhotal, Emile D. Bouchez, Barry S. Goad, Christine A. Gollwitzer, Kristine J. Granahan, Irena Kazaniwskyj, Kevin G. Kelley, Toni V. Koutnik, Sarina M. Kyle, Amy E. Lampe, Shaun K. McGuire, Chelsea M. Polk, Mikaela J. Powers, Maria G. Rios, Marilyn C. Shepherd, Amanda M. Smith, Stephanie M. Thomson, Karen E. West, Julia N. Wilcar, Jayne A. Clark, Theresa G. Davenport, Lindsey K. Degner, Benjamin C. Eungard, Sarah R. Finke, Kristen E. Jensen, George M. Johnson, III, Kristie L. Mehmke, Martha B. Phelps Militello, Emily R. Moritz, Valerie A. Sheldon, Jonathon M. Thies and Ashley M. Wilson; Abbey Springs employees Michael R. Bentley, Heather R. Hinzpeter, Jared G. Hocker, Joel D. Voisin, Becky Brunner, Marion M. Cuculi, Daniel J. Dlabal, Ferenc J. Hausner, John A. O’Laughlin, Cindy K. Tabor-Rogers and David J. Vreeke; Big Foot Country Club employees Walter L. Erhard, Loretta J. Fox, Lonny Gellerman, Pamela J. Keeler, Kim A. Luetzgen, Eric Stauffacher, Rodney Wright and Kyle R. Woods; Chuck’s Lakeshore Inn employees May A. Manley, Jack C. Brown, Michael T. Brown, Keith C. Edwards, John C. Friestad, Julie G. Friestad, Roy A. Hanson, Julie K. Ieronimo, Jacob J. McHugh and Rebecca R. Millar; Country Club Estates Golf Course employees Linda M. Fortino, Joanne K. Johnson, Katlyn J. Kebbekus, Maria Kebbekus and Gail D. Nelson; Fontana Mart employees Bharat I. Patel, Sanover Sohi and Prabhsimran Singh Thind; Gordy’s Boat House employees David R. Blizard, Philip R. Porter, Kimberly A. Ries, Jeffery D. Robbins, Joseph R. Wehrenberg, Steele G. Whowell, Thomas G. Whowell, Tigrr T. Workman, Adam J. Mayster and Xhevat J. Tahiri; Lake Geneva Yacht Club employee Geneva W. Sergenian; Novak’s employees Deborha A. Sawtelle, Angela R. Joski and Matilin P. Novak; Park Place employees Elisa B. Gately, Kaylee L. Kolnik and Katelyn A. Scott; SF Food & Beverage, LLC employee Collin K. Kearney; and Kelly E. Hayden, Temporary Operator’s License for Pig in the Park event on September 1, 2012. The MOTION carried without negative vote.

Proposal for Ordinance Amendment to Adopt State Statutes for Liquor License Hours of Sale

The manager of the Fontana Mart gas station requested that the Village Board consider adopting the state statutes regarding allowable hours for sales for Class “A” retail license holders. The Village ordinance is more restrictive in prohibiting the sale of fermented malt beverages between midnight and 9:00 am, and prohibiting the sale of intoxicating liquor between 9:00 pm and 8:00 am. The state statutes prohibit Class “A” retail sales of or fermented malt beverages between midnight and 6:00 am, and prohibit the sale of intoxicating liquor between 9:00 pm and 6:00 am. Trustee Spadoni/Trustee Kenny 2nd made a MOTION to not amend the Municipal Code and to keep the prohibited hours for sales for Class “A” retail license holder the same as they are currently listed. The MOTION carried without negative vote.

Proposal for New Ordinance for Outdoor Dining and Alcohol Service Regulations & Ordinance Amendment for Existing Setback Requirement

Spadoni stated that some business owners have requested that the Village consider adopting regulations that would allow for outdoor dining with alcohol service at the local restaurants. Spadoni distributed copies of the current City of Lake Geneva ordinance that governs sidewalk dining and alcohol service areas on public sidewalks that are contiguous with buildings. Spadoni stated that only Novak’s Deli has managed to adhere to the current Fontana zoning code regulations and receive approval for an outdoor dining area with approved alcohol service. Spadoni stated that the outdoor dining area has worked well for Novak’s and the Village needs to look at the other four businesses that also would benefit from being able to offer outdoor dining with alcohol service. The Abbey

Resort also has outdoor dining and alcohol service. Spadoni stated that he would like the proposal referred to the Local Business Committee, which is scheduled to hold its first meeting on Thursday evening, June 7, 2012. Hayden stated that the proposal also could be directed to the Protection Committee for a recommendation. Petersen stated that the proposal also should be presented to the Park Commission because three of the businesses that abut village parkland, and to the Lakefront and Harbor Committee because two of the businesses abut the lakefront. Spadoni stated that the proposal should first be considered by the Local Business Committee and then brought back to the Village Board and directed to any other appropriate committees for review. Wilson stated that her initial thought is that she would like to see something worked out that would allow for outdoor dining and alcohol service, especially during the summer months. Wilson stated that she would not want to see rowdy outdoor beer gardens approved, but a glass of wine served with dinner would be lovely. McCarthy stated that outdoor dining is allowed in the current zoning code, but outdoor alcohol service is regulated by a 20-foot setback requirement in Section 6-21(b) of the Municipal Code. McGreevy stated that he would favor a new ordinance and an amendment to the current setback requirement if the liquor service hours are limited and tied to food service. Pappas stated that his only concern is that there may be space limitations at the businesses that abut parks and streets, and there really is no sidewalk space in the Village of Fontana that the City of Lake Geneva ordinance would be applicable to.

Trustee McGreevy/Trustee Wilson 2nd made a MOTION to refer the proposal to the Local Business Committee for a recommendation, and the MOTION carried without negative vote.

Next Monthly Meeting Date: Monday, July 2, 2012

Because of the busy Fourth of July holiday schedule, the Village Board decided to reschedule its monthly meeting to Monday, July 9, 2012 beginning at 6:00 pm.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to reschedule the July 2012 monthly meeting to Monday, July 9, 2012 beginning at 6:00 pm, and the MOTION carried without negative vote.

Appointment to Village of Fontana Local Business Committee

Spadoni stated that the person he had in mind for the open member position on the new committee does not own a local business, which is a requirement for membership.

One Step At A Time Camp Request for Free Admission to Municipal Beach, Monday, June 25, 2012

Hayden stated that the Village received an annual request from the One Step at a Time camp for children with cancer and leukemia. The camp organizers would like authorization for a free day at the Fontana Municipal Beach on Monday, June 25, 2012 for about 70 people (campers and counselors).

Trustee Kenny/Trustee Pappas 2nd made a MOTION to approve the request for a free beach admission for about 70 campers and counselors from the One Step at a Time Camp for children with cancer and leukemia on Monday, June 25, 2012. The MOTION carried without negative vote.

Appoint Fontana Member to Big Foot Recreation District Committee

Hayden stated that Frank Breneisen has offered to fill the open Village of Fontana representative position on the Big Foot Recreation District Committee that has been vacant since Allison Murray moved out of the Village.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the appointment of Frank Breneisen to the Big Foot Recreation District Committee, and the MOTION carried without negative vote.

Appointment to Village of Fontana Human Resources Committee

Petersen stated that the resident he contacted about filling the open position has not yet replied to his inquiry.

Full Gospel Church Request for Parking Lights

Workman stated that the original buyer of the old parking lot lights took three sets, but there is one remaining that may be purchased by someone else. Full Gospel Church Pastor Michael Mehring submitted a letter to the Village dated May 29, 2012 that requests the Village consider donating the six lamp posts to the church for its parking lot.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to direct staff to donate the lights to the Full Gospel Church, Walworth, if they are not sold within the next 30 days. The MOTION carried without negative vote.

Fontana Triathlon Proposal/Contract

Hayden stated that the Fontana Triathlon event date was approved for Saturday, August 25, 2012 subject to the approval of a contract to cover any potential village expenses and loss of revenue during the event. Hayden stated that a draft of the special event agreement between the village and Multisport Event Management Partners, LLC calls for a flat rate of \$15,000 for the first year of the new event. Hayden stated that since it will be the first year that Russ Larsen and Multisport will be running a triathlon in Fontana, they are unsure what the actual costs will be to the Village and it also is uncertain how much impact the event will have on the municipal beach and boat launch revenue. Larsen stated that the running course will impact the boat launch between 9:30 to 10:00 am until about 11:00 am. Larsen stated that the launch would not have to be completely shutdown for the running segment of the triathlon as there will be gaps when boats will be able to launch or come off the lake. Pappas stated that the initial plan for the running segment was to bypass Lake Street and the launch ramp by using Fontana Boulevard to Reid Street to North Lakeshore Drive. Pappas stated that he does not want to negatively impact the Village's boat launch customers and season pass holders. McGreevy stated that a triathlon event brings a lot of revenue into the Village, and the boat launch situation should just be posted a few weeks in advance to provide a warning to the regular customers that there will be conflicts for a couple of hours Saturday morning, August 25, 2012. Larsen stated that the initial running route was amended because Lake Street is closed to traffic on weekends and it would require less disruption to the other village streets. Following further discussion on the launch ramp, Petersen stated that it should just be closed for an hour and a half during the running portion of the event. Hayden stated that this is the first year of the event and its impact is uncertain.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the special event agreement with Multisport Event Management Partners, LLC for the Fontana Triathlon to be held Saturday, August 25, 2012 as presented, with the launch ramp to be closed from 9:30 to 11:00 am, and for a flat rate fee of \$15,000 or greater if the Village incurs more expenses than anticipated. The MOTION carried with one negative vote cast by Trustee Pappas.

Update on Emergency Planning Committee

Hayden stated that Workman recently conducted a tabletop emergency planning exercise with Village staff and emergency services personnel and it has led to meetings of the Village's Emergency Planning Committee to update the local plan. As well as updating the plan, Village official will have to be certified or recertified with the National Incident Management System training.

Plan Commission – Trustee Spadoni

Conditional Use Permit Application Filed to Authorize Building Addition and Parking Requirements Modification for Fontana Jeweler, 553 Valley View Drive – Tabled 5/7/2012

The Plan Commission recommended approval of the conditional use permits and the amendment to the BSOP as filed, with the conditions that a stormwater management plan is reviewed and approved by Village staff, that any private easements required for the stormwater management plan are reviewed and approved by village staff, and with the 10 conditions listed in the April 27, 2012 staff report. The item was tabled last month by the Village Board with the storm water management plan still pending. The applicant's engineer submitted more documents that have not been reviewed by staff.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to table the item until the Village has an approved stormwater management plan and the required private easements and maintenance agreements, and the MOTION carried without negative vote.

CSM Filed for Calvin Staker Property at 740 and 722 Shabbona Drive

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the Certified Survey Map as recommended by the Plan Commission, with the following eight conditions:

1. The approved lot line adjustment shall be as depicted on the Plat of Survey dated April 17, 2012, Revised 5/21/2012 (John P. Krott R.L.S. 2258).

2. The owner/applicant shall comply with all notations described within Ruckert-Mielke correspondence dated May 15, 2012 (Bruce K. Cross, R.L.S.).
3. The owner/applicant shall confirm there are no easements of record along the existing common lot line, or otherwise, on either proposed lot (i.e., utility, sewer/water), nor any deed restrictions hindering or prohibiting construction on either proposed lot.
4. The owner/applicant shall comply with Section 236.34, Recording of certified survey map; use in changing boundaries; use in conveyancing, Wisconsin State Statutes.
5. Any special assessments and taxes shall be paid to the Village of Fontana prior to final approval of the Certified Survey Map.
6. The owner/applicant shall be responsible for any and all recording fees.
7. The owner/applicant shall be responsible for recording the Certified Survey Map or other appropriate instrument with the Walworth County Register of Deeds within 12 months from the approval date by the Village of Fontana.
8. The owner/applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey Map or instrument and the plat of survey exhibit, within 30 days of recording such document, which will constitute final Village approval of the CSM.

The MOTION carried without negative vote.

Protection Committee – President Petersen

Proposal for New Ordinance for Trans 305

Police Chief Steve Olson stated that the Protection Committee recommended approval of an ordinance to adopt the State Department of Transportation TRANS 305 Standards for Vehicle Equipment. Olson stated that a local ordinance adopting the standards would allow the police officers to enforce the statutes at a Municipal Court level. In response to questions about the policing of the vehicle standards on lighting, windshields, brakes and exhaust, Olson stated that the officers already are enforcing the laws; however, state citations are issued instead of municipal citations. Olson stated that the officers issue warnings when appropriate.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item and to have the proposed ordinance drafted into official ordinance format, and the MOTION carried without negative vote.

Proposal for New Ordinance for False 911 Calls

Olson stated that the committee recommended approval of an ordinance that is pretty much a copy of the state statutes which cover 911 telephone calls. If adopted, officers could issue municipal citations to people who make a truly false natured 911 call, such as a house on fire, when there is no actual fire; or for someone who calls 911 and they know the nature of their call is not an emergency, such as a barking dog or loud music complaint.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item and to have the proposed ordinance drafted into official ordinance format, and the MOTION carried without negative vote.

American Lung Association Fight for Air Ride June 8, 2012

Chief Olson stated that the annual event will be held Friday, June 8, 2012 and the Village has not had any associated problems in the past.

Radio Frequency Sharing with Walworth, Sharon, Darien, Elkhorn

Fire Chief Wolfgang Nitsch stated that the Protection Committee recommended approval of a trial period through January 1, 2013 with the Sharon, Darien and Elkhorn fire departments; Walworth did not want assistance.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Protection Committee recommendation for a trial period through January 1, 2013 for the Village of Fontana Fire Department to share its radio frequency with the Sharon, Darien and Elkhorn fire departments. The MOTION carried without negative vote.

Lakefront & Harbor – Trustee Pappas

Mooring Waiting List Priority Language Amendment Recommendation

Pappas stated that the proposed amendments to the Village mooring lease contract language and to

the resolution establishing fees and charges for mooring facilities were recommended to clean up the language that defines fulltime residents who are not property owners, and non-residents. Pappas stated that the recommendation was to eliminate “taxpayer” from the definition and add “registered voter.” Thorpe stated that it may not be proper to use “registered voter” as a criteria to prove fulltime residency and there may be a better alternative such as a driver’s license. Hayden stated that there are fulltime residents who are renters and they need to be defined.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to table the item and to direct the Village attorney to review and make a recommendation on the proper wording for the proposed amendments, and the MOTION carried without negative vote.

Park Commission – Trustee Wilson

Park House Permit Fee Structure & Card Club Applications (Withdrawn) – Tabled 5/7/12

Wilson stated that the Park Commission again discussed the recommendation for new rates to be established for renting the Park House for weekly meetings of card clubs and for multiple-day Big Foot Recreation District summer programs. Last month the recommendation to amend the Park Permit application fees for the Park House at \$50 per month for the card club groups that meet weekly, and at \$1 per child per session for the Big Foot Recreation District summer camps programs, was tabled by the Village Board and referred back to the Park Commission. Wilson stated that following discussion, the Park Commission made the same recommendation as last month. Wilson stated that the two card clubs have withdrawn their applications to use the Park House. The Monday card club is meeting at a local church, and the Tuesday card club has decided to continue to play at the Fontana Public Library, where there is no user fee charged. Hayden stated that if approved, the new fees will have to be added to the Village resolution that establishes fees.

Trustee Wilson/Trustee Gage 2nd made a MOTION to approve Resolution 060412-01 adopting the Park Commission recommendation to amend the Park Permit application fees for the Park House with a \$50 per month fee for card club groups that meet weekly, and with a \$1 per child per session rate for the Big Foot Recreation District summer camps programs. The MOTION carried without negative vote.

Dan Green’s Pig in the Park Permit and License Applications Approval for Sept. 1, 2012

The applications for the annual Park Commission fund-raising event have been applied for by the Friends of the Parks the same as in previous years. If the new Dan Green Foundation is officially formed prior to the event this year, the applications will be amended. The Park Commission recommended approval of the permit and license applications as filed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit and Temporary Liquor License applications as filed for the September 1, 2012 Dan Green’s Pig in the Park event in Reid Park. The MOTION carried without negative vote.

Dan Green Foundation Recommendation to Administer Pig in the Park Event

Wilson stated that a new 501-c3 charitable organization, the Dan Green Foundation, is being formed and the Park Commission has recommended that the new group take over administering and running the annual Pig in the Park event in partnership with the Park Commission. The Park Commission motion unanimously approved at its May 16, 2012 meeting is to recommend Village Board approval of transferring the planning and operational duties for the annual Pig in the Park event in Reid Park to the Dan Green Foundation, which will work in partnership with the Village Park Commission; to approve the new event name, Dan Green’s Pig in the Park; and to approve the Temporary Liquor License and special event permit applications with the Dan Green Foundation as the applicant if the organization is established in time for this year’s event. Following discussion, the Village Board members reached a consensus that approval of the recommendation should be contingent on the receipt of a letter of understanding between the Dan Green Foundation and the Village.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Commission recommendation as presented, subject to the receipt of a letter of understanding between the Dan Green Foundation and the Village, and the MOTION carried without negative vote.

Mill House Pavilion Signage Approval

Wilson stated that the Park Commission recommended approval of its subcommittee’s signage proposal to complete the Mill House Pavilion. The recommendation is for alumicore signs, ¼-inch

thick with gold vinyl edge imprinted with black foil. The signs that will identify the donor list, railroad track, structural wood beam, wooden dowels and forged nails will cost \$400. The final sign would be a bronze plaque, stating "IN MEMORIAM," and "Special Recognition to Ron Pollitt and David Coates for Their Efforts & Dedication in Making This Historical Structure Possible – 2010." The plaque cost is \$325, for a total of \$725. There is \$1,184 left in the Mill House Pavilion account to fund the signs. The Park Commission recommendation was contingent on review of the sign mock-ups before they are purchased.

Trustee Wilson/Trustee McGreevy 2nd made a MOTION to approve the Mill House subcommittee signage recommendations as presented, subject to review of the mock-up plans, and the MOTION carried without negative vote.

Little Foot Playground Lighthouse Replacement Proposal

Wilson stated that the Little Foot Playground lighthouse has to be replaced because of its deteriorated condition. Jerry Shoberg of Home Design Mfg. submitted a proposal to reconstruct the lighthouse for \$3,740 using rot-resistant material for the entire exterior façade and pressure treated lumber and plywood for the structural part of the project. Shoberg can get the materials for a discount and also offered to provide the labor for a reduced price. Wilson stated that there are no funds in this year's Park Commission budget for the project; however, the Park Commission members reached a consensus that the old lighthouse should be replaced as soon as the funds are available; and that the proposal submitted by Shoberg should be approved because he will reconstruct the lighthouse in the same style as the old one and the material is basically indestructible. President Petersen/Trustee Spadoni 2nd made a MOTION to approve the Park Commission recommendation for the Little Foot Playground lighthouse to be reconstructed as proposed by Jerry Shoberg at a time to be determined if the funding becomes available. The MOTION carried without negative vote.

Permit Application Filed by Ryan Vegter for Duck Pond Pavilion, Saturday, June 23, 2012

Wilson stated that there are no conflicts, the application fee has been paid and the Park Commission recommended approval of the application as filed.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the application as recommended, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Safety Building Paving Quotes – Tabled 5/7/2012

Workman stated that the low bid was submitted by W.N. Yoss Construction, Inc., Janesville, \$11,615. B.R. Amon & Sons, Inc., Elkhorn, submitted a bid of \$12,213 and Gavers Pavers, Inc., East Troy, submitted a bid of \$18,391.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$11,615 bid submitted by W.N. Yoss Construction, Inc., Janesville, for the Safety Building north parking lot replacement project, and the MOTION carried without negative vote.

CMAR Resolution Adoption

Workman stated that the annual compliance maintenance resolution required by the Wisconsin Department of Natural Resources for the wastewater collection system has been filed and the resolution requires Village Board approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 060412-02, a compliance maintenance resolution required by the Wisconsin Department of Natural Resources, as presented, and the MOTION carried without negative vote.

Duck Pond Stand Pipe Project Award

Workman stated that the low bid totaling \$321,000 was submitted by L.C. United Painting Company, Inc. There is \$312,000 budgeted for the project; however, Workman stated that the unbudgeted funds could be transferred from other construction accounts that will come in under budget.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the low bid totaling \$321,000 submitted by L.C. United Painting Company, Inc. for the Duck Pond Stand Pipe Repainting Contract, and the MOTION carried without negative vote.

Stearns Road and Dewey Avenue Construction Contract Pay Request No. 1

Workman stated that the \$79,282 pay request number 1 submitted by B.R. Amon & Sons, Inc., for the Dewey Avenue and Stearns Road Reconstruction Contract has been reviewed by the Village engineer and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$79,282 pay request submitted by B.R. Amon & Sons, Inc., for the Dewey Avenue and Stearns Road Reconstruction Contract, as recommended, and the MOTION carried without negative vote.

Monitoring Well Agreement

Workman stated that the United States Geological Survey Wisconsin Water Science Center requested that the Village agree to allow access to the well located behind the public works garage site at 300 Wild Duck Road for water quality sampling purposes. The agreement is for a 50-year term unless terminated earlier by the USGS upon 60 days written notice. After 50 years, the agreement will remain in force until terminated upon 60 days written notice to the other party.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Well Monitoring Agreement as presented, and the MOTION carried without negative vote.

CDA – President Petersen

Highway 67 Contract Final Wisconsin DOT Invoice

Hayden stated that the Village was recently contacted by Wisconsin Department of Transportation SE Region State Program Engineer Thomas Longtin, who informed the village that a DOT employee error in entering the funding cap on the Highway 67 reconstruction project contract has resulted in an increase of the final payment that the Village has to make to the state. Hayden stated that for the past six years, the DOT has indicated that the final bill would total approximately \$40,000; however, the invoice the village recently received from the DOT to close out the January 31, 2003 project agreement totals \$110,881. Hayden stated that there is only \$40,000 in the CDA budget for the final payment. Hayden stated that the agenda item was for informational purposes, and the CDA will make a recommendation on the final invoice payment at its next meeting scheduled for Wednesday, June 20, 2012, at 5:30 pm.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the item until a recommendation is received from the CDA, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Update

Petersen stated that was nothing new to report.

GLLEA Board – President Petersen

Update

Petersen stated that updated bylaws will be reviewed by the board at its next meeting.

Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION at 7:41 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(e), to deliberate or negotiate 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 Big Foot Country Club storm water issues, and the Roll Call vote followed:

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – Aye

President Petersen – Aye

Trustee McGreevy – Aye

The MOTION carried on a 7-0 vote.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION at 8:08 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Adjournment Village Board

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to adjourn the meeting at 8:08 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board and Plan Commission, the official minutes will be kept on file at the Village Hall.

APPROVED: 6/25/12 – P.C.; 7/9/12 – V.B.