

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

(Official Minutes)

SPECIAL MEETING of the VILLAGE BOARD

**Monday, July 30, 2012**

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

**Trustees present:** Roll call vote: President Arvid Petersen, Rick Pappas, Cindy Wilson, George Spadoni, Pat Kenny (arrived at 6:02 pm)

**Trustee absent:** Bill Gage, Tom McGreevy

**Also Present:** Jade Bolack, Charles Colman, Administrator/Treasurer Kelly Hayden, Merilee Holst, Eric Hurkman, Library Director Nancy Krei, Russ Larsen, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Eric Nyman, Building Inspector/Zoning Administrator Ron Nyman, Micki O'Connell, Bob Peryea, Ton Whowell, Public Works Director Craig Workman

**General Business**

**Conditional Use Permit Applications Filed to Authorize Building Addition and Parking Requirements Modification for Fontana Jeweler, 553 Valley View Drive – Tabled 5/7/2012, 6/4/2012 & 7/9/2012**

Hayden stated that staff reviewed the storm water concerns on the site as directed at the last Village Board meeting. Workman stated that further information received from the Wisconsin DOT has indicated that the storm sewer line leading from the Fontana Jeweler building toward Highway 67 connects to a private culvert, not to the Highway 67 storm sewer system. Workman stated that the Village engineer's storm water concern about potential peak storm flows possibly backing up into the Fontana Jeweler system is no longer relevant since the line leads to a privately owned culvert. Hayden stated that the only remaining issues are the filing of a maintenance plan for the new storm water management system, and of an easement between the adjacent property owners. In response to a request by property owner Eric Hurkman, Workman stated that he will provide assistance in drafting a maintenance plan for the storm water management system.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan amendment as recommended by the Plan Commission, with the following 10 conditions:

1. A stamped, Engineered storm water management plan must be submitted, reviewed and approved by the Village Engineer prior to the issuance of building permits.
  - a. Please see attached Ruckert-Mielke correspondence dated July 6, 2012.
  - b. Please see attached Ruckert-Mielke correspondence dated July 17, 2012.
2. A maintenance agreement (of the approved storm water plan) between adjacent property owners at 553 and 547 Valley View Drive must be submitted, reviewed and approved by Village staff prior to the issuance of building permits.
  - a. This includes verbiage stating that all other Village ordinances shall be complied with, and that the Village has the right, but not the obligation, to maintain the storm water management system and the right to recover costs from the property owners.
3. The Village of Fontana requires review of the proposed easement between adjacent property owners at 553 and 547 Valley View Drive prior to it being recorded with Walworth County. Said easement shall run continual with the property, regardless of future ownership status.
4. A copy of the recorded easement shall be submitted to the Village of Fontana within 10 days of it being recorded with Walworth County.
5. Exterior shutters on faux windows along the south wall shall be included in the construction plans and installed as required by the Village of Fontana.

6. Any proposed new trees shall be maintained in a safe and healthy manner and kept properly pruned and trimmed so as to avoid hazards to persons, property and other vegetation.
7. All rooftop mechanical equipment visible from the ground level from State Highway 67, installed now or in the future, shall be softened by screening or covered in a manner that forms an integral part of the building design
8. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this approved project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
9. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
10. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.

The MOTION carried without negative vote.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit applications to authorize building addition and parking requirements modification for Fontana Jeweler, 553 Valley View Drive, as recommended by the Plan Commission, with the following 10 conditions:

1. A stamped, Engineered storm water management plan must be submitted, reviewed and approved by the Village Engineer prior to the issuance of building permits.
  - a. Please see attached Ruekert-Mielke correspondence dated July 6, 2012.
  - b. Please see attached Ruekert-Mielke correspondence dated July 17, 2012.
2. A maintenance agreement (of the approved storm water plan) between adjacent property owners at 553 and 547 Valley View Drive must be submitted, reviewed and approved by Village staff prior to the issuance of building permits.
  - a. This includes verbiage stating that all other Village ordinances shall be complied with, and that the Village has the right, but not the obligation, to maintain the storm water management system and the right to recover costs from the property owners.
3. The Village of Fontana requires review of the proposed easement between adjacent property owners at 553 and 547 Valley View Drive prior to it being recorded with Walworth County. Said easement shall run continual with the property, regardless of future ownership status.
4. A copy of the recorded easement shall be submitted to the Village of Fontana within 10 days of it being recorded with Walworth County.
5. Exterior shutters on faux windows along the south wall shall be included in the construction plans and installed as required by the Village of Fontana.
6. Any proposed new trees shall be maintained in a safe and healthy manner and kept properly pruned and trimmed so as to avoid hazards to persons, property and other vegetation.
7. All rooftop mechanical equipment visible from the ground level from State Highway 67, installed now or in the future, shall be softened by screening or covered in a manner that forms an integral part of the building design
8. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this approved project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
9. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

10. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.

The MOTION carried without negative vote.

#### **Appointment to the Geneva Lake Level Corporation Board of Directors**

President Petersen stated that the reappointment of Tom Whowell as the Village of Fontana representative on the Geneva Lake Level Corporation Board of Directors was inadvertently not acted on at the annual Organizational Meeting of the Village Board.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the reappointment of Tom Whowell as the Village of Fontana representative on the Geneva Lake Level Corporation Board of Directors, and the MOTION carried without negative vote.

#### **Geneva Lake Level Corporation Report on Wisconsin DNR**

Tom Whowell stated that an emergency meeting of the Geneva Lake Level Corporation Board of Directors was held July 18, 2012 following the receipt of an order from the Wisconsin Department of Natural Resources on July 9, 2012 that ordered the Geneva Lake Level Corporation to open the dam and release water down stream at a rate of 1.93 cubic feet per second. Whowell stated that despite concerns about the impact of lowering the Geneva Lake level and the DNR's authority to issue the order, the corporation complied with the order and avoided threatened fines from the DNR. Whowell stated that the corporation received a report that the total water released was equivalent to the amount of water that evaporates from the lake on a hot summer day. Whowell stated that the Board has hired Madison attorney William O'Connor to complete a legal review of the situation and to iron out the "contract" with the Wisconsin DNR. Whowell stated that board members Harold Friestad, Larry Larkin, Karl Otzen and Ted Peters were appointed to a special committee to work with O'Connor in dealing with the DNR issues of when the corporation can be ordered by the DNR to open the Geneva Lake dam, and to what lake level can water be ordered to be released by the DNR.

#### **North Shore Lift Station Lightning Strike & Insurance Claim**

Workman presented an update on a July 18, 2012 lightning strike that hit the North Shore Lift Station, which was just reconstructed in 2010-11. Workman stated that an insurance claim has been filed for the incident, which will require the replacement of both pumps and an automatic transfer switch for the standby generator. Included in Workman's report were a memo and a timeline of events that have occurred since the lightning strike, a \$75,000 estimate of the total damages as of July 30, 2012, photographs that were submitted to the Village insurance company, and a recommended letter of commendation for Lead Water Department employee Dennis Barr. Workman stated that Barr's prompt response on the night of July 18, 2012 and his ongoing efforts since the incident resulted in no sanitary sewer overflow despite the lift station failure. Workman stated that another lightning strike on July 18, 2012 affected Well No. 4 and the control items for one of the other wells; however, the damages most likely will not exceed a total cost that exceeds the Village insurance policy deductible level.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the issuance of the Letter of Commendation to Dennis Barr as presented and to place a copy of the letter in his personnel file. The MOTION carried without negative vote.

#### **Proposed Amendment for Event Fee Payment for August 25, 2012 Fontana Triathlon**

Hayden stated that the previously approved agreement with Russell Larsen and Multisport Management, LLC calls for a special event fee advanced payment of \$10,000 prior to the event and the balance of the total fee due 10 days following the event. Hayden stated that Larsen has asked for the Village Board to consider approving a payment of the pre-event fee of \$5,000 at this time, and the \$5,000 balance at least 10 days prior to the event.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the proposal for Russell Larsen of Multisport Management LLC to pay an initial special event fee of \$5,000 at this time, and to pay the \$5,000 balance for the pre-event fee at least 10 days prior to August 25, 2012. The MOTION carried without negative vote.

**Adjournment**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:19 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, the official minutes will be kept on file at the Village Hall.

APPROVED: 8/6/12