

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

SPECIAL JOINT SESSION MEETING & MONTHLY MEETING of the  
VILLAGE BOARD OF TRUSTEES with the PLAN COMMISSION  
**Tuesday, September 4, 2012**

Village Clerk Dennis Martin called the special joint session and monthly meeting of the Village Board to order at 6:04 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.  
Plan Commission Chairman George Spadoni called the special joint session meeting of the Plan Commission to order at 6:04 pm in the Village Hall.

**Trustees present:** Roll call vote: Tom McGreevy, Rick Pappas, Cindy Wilson, Bill Gage, George Spadoni

**Trustees absent:** Pat Kenny, President Arvid Petersen

**Plan Commission members present:** Chairman Spadoni, Harry Nelson, Micki O'Connell, FJ Frazier, Scott Vilona

**Plan Commission members absent:** President Petersen, Sarah Lobdell

**Elect Village President Pro-Tem**

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to elect Trustee Spadoni as the president pro-tem for the meeting, and the MOTION carried without negative vote.

**Also Present:** Bruce Adreani, Joel Bikowski, Skip Bliss, Greg Blizard, Jade Bolack, Charles Colman, Administrator/Treasurer Kelly Hayden, Merilee Holst, Brandy Howe, James Howe, Britt Isham, Library Director Nancy Krei, Larry Larkin, David Lindelow, John Maier, Margaret Mandril, Village Clerk Dennis Martin, James McGrath, Building Inspector Ron Nyman, Teresa Smith, Police Chief Steve Olson, Maureen and John O'Neill, Peg Pollitt, Dean Richards, John Schmitz, Village Planner Mike Slavney, Jennifer Special, Village Attorney Dale Thorpe, Jan Whitler Public Works Director Craig Workman

**Visitors Heard**

Teresa Smith, 950 Tarrant Drive, stated that she inquired about obtaining a building permit from the Building and Zoning Department to have a tree house constructed in a tree in her yard, but she was informed the Natural Resources Conservation Ordinance in the Municipal Code does not allow tree houses. The ordinance states that no attachments may be made to "protected trees." Smith requested that the ordinance be amended so that she can have a tree house constructed for her grandchildren. Spadoni stated that item was not on the agenda for the meeting. Hayden stated that if Smith applies for building permit and it is denied, it can be appealed to the Zoning Board of Appeals. Abbey Ridge Condominium owner James McGrath stated that he and another member of the association want to have short-term rentals prohibited at the Abbey Ridge. McGrath stated that short-term rentals have become a hassle for the association and some of the property owners are not abiding the local and state licensing and taxing regulations. An unidentified man with McGrath stated that there is no way to monitor which owners are renting for short terms and no way to address the problems created by the renters. McGreevy asked if the Abbey Ridge Condominium Association Declarations and Bylaws allow for short-term rentals, and McGrath replied that they are allowed in the association declarations. Spadoni stated that the proposal to ban short-term rentals would have to be approved by the association membership and taken out of the approved and recorded Abbey Ridge Condominium Association Declarations and Bylaws first before the Plan Commission and Village Board could consider amending the Village Zoning Code. Hayden stated that there are steps the owners of the Abbey Ridge condominium units can pursue to address the complaints of lack of short-term rentals permits and delinquent room tax payments for owners who have not completed the required licensing and inspection process. Jan Whitler, 164 Fontana Avenue, stated that he was seeking clarification on why the lots in his neighborhood were zoned for single-family residential in the proposed rewritten Zoning Code when they are currently zoned to allow for multi-family developments. Spadoni stated that Village Planner Mike Slavney would address the question during

the public hearing.

### **Announcements**

1. Village Hall Closed on Saturday Mornings Until December 22, 2012 – **Saturday, September 8, 2012**
2. GLLEA Board Meeting – **Wednesday, September 8, 2012, 10:00 am**
3. FW/WPCC Board Meeting – **Tuesday, September 11, 2012, 7:30 pm**
4. GLLEA Board Meeting – **Wednesday, September 12, 2012, 10:00 am**
5. Plan Commission Staff Meeting – **Wednesday, September 12, 2012, 1:00 pm**
6. Protection Committee Meeting – **Monday, September 17, 2012, 6:00 pm**
7. Library Board Meeting – **Wednesday, September 19, 2012, 10:00 am**
8. Park Commission Meeting – **Wednesday, September 19, 2012, 6:00 pm**
9. Geneva Lake Environmental Agency Board Meeting – **Thursday, September 20, 2012, 7:00 pm**
10. Village Quarterly Newsletter Article Deadline – **Friday, September 21, 2012**
11. Plan Commission Monthly Meeting – **Monday, September 24, 2012, 5:30 pm**
12. Lakefront and Harbor Committee Meeting – **Wednesday, September 26, 2012, 4:30 pm**
13. Public Works Committee Meeting – **Saturday, September 29, 2012, 8:00 am**

### **Public Hearing**

#### **Rewritten Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

Spadoni opened the public hearing at 6:15 pm. Slavney presented the three zoning map changes that were made following last month's public hearing and his staff report dated August 16, 2012. With regard to placing the JMO Properties storage unit property at 201 Dewey Avenue in the Research Park (RP) zoning district instead of the initially designated Agricultural Holding (AH-35), Wilson stated that she was concerned about the proposed 45-foot building height limitation in the RP District. Following discussion on the height limitation standard and the other permitted industrial uses by right in the RP District, the Plan Commission and Village Board members reached the consensus that the JMO parcel should be zoned RP; however, the RP zoning district standards should be amended to call for a 35-foot building height limitation, to match the other village zoning districts. The other two Zoning Map changes directed at the August 6, 2012 public hearing were for the Audino/Mesa, LLC lots, Tax Parcel Nos. SA 426300001 and SA 426300002, to be changed from AH-35 to SR-1; and the for the Kimberly Genz property, Tax Parcel No. SIHF 00017A, to be changed from AH-35 to SR-5. Slavney stated that with regard to the David Klesmith property, Tax Parcel No. STFV 00116, located at 1081 South Lakeshore Drive, he reviewed the situation as directed last month and he recommends a change to Exurban Residential (SR-1) from the initially designated AH-35. Slavney then presented the following 17 Zoning Ordinance text amendments that were made following the initial public hearing: 1. Clarified the building height definition and added sample graphic (pages 11-12); 2. Clarified the landscape surface area definition to indicate that this does not include any portion of a lot covered by impervious surfaces (page 16); 3. Adjusted the required minimum landscape surface ratio for the LR-0 district to match the current zoning standards (i.e. 30 percent lot coverage is the inverse of 70 percent landscape surface ratio) (page 28); 4. Added note to Figure 18-28 indicating that minimum lakeshore frontage is not required for lots not abutting the lake (page 28); 5. Revised Section 18-28(o) to clarify that the prohibition to increase density does not preclude property owner's ability to subdivide if their property meets district standards. Also removed the note indicating that lots with the potential for additional land divisions should be added to the Zoning Map. The Village has not completed a detailed environmental analysis of the lakefront lots to ensure such lots would be accurately accounted for on the Zoning Map. Such analysis is typically conducted at the expense of the property owner (page 28); 6. Adjusted the required minimum landscape surface ratio for the SR-1 district to match the current zoning standards (i.e. 30 percent lot coverage is the inverse of 70 percent landscape surface ratio) (page 30); 7. Adjusted the required minimum landscape surface ratio for the SR-2 district to match the current zoning standards (i.e. 40 percent lot coverage is the inverse of 60 percent landscape surface ratio) (page 32); 8. Clarified language in the Resort Business district as suggested by Attorney Dean Richards (pages 55-60); 9. Revised the "residential recreational facility" land use so as to not conflict with the Village's tree preservation policies (page 106); 10. Clarified the "limited duration outdoor activities and events" land use as suggested by Richards (page 112); 11. Added examples of density and intensity calculations as requested by staff (pages 114-116); 12. Eliminated subsection 18-92(a)(3) as it conflicts with 18-92(a) pertaining to blanket conforming status being applied to both principal and accessory structures (page 124); 13. Revised Section 18-93 to clarify that structures that have

received blanket conforming status are no longer “nonconforming” structures, but legal structures that do not meet the bulk or other requirements of the Chapter (pages 124-125); 14. Added sample graphic depicting reservation of land for building additions (page 127); 15. Revised Section 18-93(c)(3)a. to clarify that setbacks may not be reduced below one-half of the zoning district requirements (page 128); 16. Added current Section 18-33 to the Lakeshore Overlay zoning district, with the adjustment of the shore yard setback from 50 to 75 feet for consistency with previously authorized policy decision pages 137-139); 17. Added Appendix D: Abbey Harbor Marina Subdistrict Inventory of Existing Land Uses and Development. Thorpe stated that with regard to the two submitted and the two outstanding appendix inventories of existing land uses at the Abbey properties, they all have to be reviewed by staff prior to approval consideration. Pappas stated that he had a concern with Zoning Ordinance change No. 4 listed above and the Lakefront Residential District zoning designation of lots that do not actually abut the lakefront. Slavney stated that all the lots that are located on the lake side of North and South Lakeshore Drive have been placed in the new Lakefront Residential District, with the exception of some lots zoned Planned Development. Wilson stated that another amendment needs to be made to correct a typo in SR-5 Zoning District, which incorrectly refers to Section 18-63 instead of the correct Section 18-64. Following discussion on an August 31, 2012 letter submitted by the Abbey Resort’s attorney Dean Richards, the Plan Commission and Village Board members reached the consensus that the words “without limitation” should be added to Section 18-40 I.(b). The members also reached the consensus to approve Richards’ suggestion to amend as follows the Zoning Map inset: “For the purposes of the Signage Regulations, the surface of the outside wall and any attachments to it are within the Peripheral Area.” Joel Bikowski, owner of the property at 153 W. Main Street, stated that his property was zoned for commercial uses as well as residential when it was purchased. Bikowski stated that although he currently has residential tenants, he would like the property to remain zoned for commercial and residential uses. Slavney stated that they initially zoned the Bikowski property in that Attached Residential (AR-6) District because there are two families residing at the property. Following discussion, Slavney stated that an appropriate district for the Bikowski property would be Village Center (VC) as it allows for both uses, and the Plan Commission and Village Board members reached the consensus that the property should be changed from AR-6 to VC. Jan Whitley, 164 Fontana Avenue, stated that his property was zoned for multi-family residential and it has been changed to the new SR-5 District, which does not allow multi-family developments. Under the current zoning designation, Whitley could have applied for a conditional use permit to authorize a multi-family development on his property. During discussion, Hayden stated that the Fontana Avenue property owners recently attended Plan Commission meetings and expressed opposition to a proposal for a multi-family development in the neighborhood. McGreevy stated that there already is a multi-family residence in the neighborhood and he does not want to take away any property owner’s current development rights. Following further discussion, it was pointed out that the entire Fontana Avenue consists of single-family residences with the exception of the residence located on the northwest corner of Fontana Avenue and West Main Street. Slavney stated that the recently approved Master Plan also calls for the neighborhood to be single-family residential. Scott Vilona stated that if the Plan Commission and Village Board members are considering multi-family zoning for the Whitley property, then all the parcels on the street should be changed. Whitley stated that he does not have any immediate plans to develop condominiums on his lot; however, he purchased the property because of the potential to develop a multi-family residence on the second lot. Thorpe stated that the Village Board and Plan Commission could consider the significant change in zoning designations being requested by Whitley in a follow-up or cleanup trailer ordinance if desired; or Whitley could apply for a Zoning Amendment in the future if he pursues a multi-family development proposal. Attorney John Maier, representing the owners of the R.J. Cantalupo Properties, Tax Parcel Nos. SA 71300001 and SA 71300002, Lots 1 & 2 of Certified Survey Map No. 713, located at 754 South Lakeshore Drive, stated that he again wanted to present the proposal to “grandfather” approval to authorize the construction of a new residence on the vacant Lot No. 1. Lot No. 1 has 120 feet of frontage on South Lakeshore Drive and about 20 feet of frontage on the lake; Lot 2 has 142 feet of frontage on the lake and about 45 feet on South Lakeshore Drive. Maier stated that Lot No. 1 is large enough to meet the minimum lot area requirements for development; however, the lot does not meet other standards in the current and rewritten zoning codes. Maier stated that if the Village adopts the amendment language he suggested last month and again in an August 31, 2012 letter to the Village, he does not believe it will open the code for a lot of lakefront developments

because the amended language would state that a lot must be a lot of record at the time of the ordinance adoption and would also have to meet the minimum lot area requirements for the zoning district in question. Following lengthy discussion, Gage stated that this is exactly the type of development, called flagstaff lots, that the Village does not want. Gage stated that the owners should recombine the lots that they separated with the CSM in 1977, to create a 2.5-acre lot and then determine if a second residential structure would be allowed. McGreevy stated that the owners should be allowed to adjust the lot lines and create two lots – one with lakefront footage, and one without lakefront footage. Pappas stated that there are less than five property owners with existing vacant lakefront lots with about 1.5 acres, and if there is enough square footage to meet minimum lot area requirements and the setbacks are met, they should be allowed to construct a residence on their property, even if the lots do not have the required street or lake frontage required in the new LR-O district. Slavney stated that staff could maybe come up with a better way to handle the lakefront lot issues and if so, an amendment could be considered in the follow-up or cleanup trailer ordinance. Slavney stated that he also wanted to point out that the rewritten code does not make the situation more restrictive for the R.J. Cantalupo Properties than the current code and the property owners are facing the same development hurdles created by the CSM in 1977. Gage stated that the Village Board and Plan Commission consist of reasonable members who will work with the Cantalupo Properties owners. Margaret Mandril, 669 Walworth Avenue, asked if the total height limitation in the Glenwood Springs Association subdivision would remain at a maximum of 35 feet, and Slavney replied yes and that the text language amendment he referred to earlier in the meeting was for the addition of a graphic to help clarify the 35-foot height limitation. Richards then presented the two text amendments to Section 18-40 I.(b) and to the Zoning Map Inset that he suggested in the August 31, 2012 letter, and following discussion, the Plan Commission and Village Board members reached the consensus that the amendments were acceptable. The two items in Richards' August 31, 2012 letter regarding the existing uses appendices for the Abbey Resort, the Abbey Villas and the Abbey Ridge will be considered with the Abbey Harbor appendix when all the appendices have been filed with the Village and reviewed by staff. Pappas stated that he is concerned about the side yard setback in the SR-5 District being set at 10 feet, instead of 15 feet as it is currently listed in the RS-3 District which is being replaced by the SR-5 District in the rewritten code. Pappas stated most of the residential lots in that area of the Village are in the SR-5 District and the lower side yard setback could result in new residences being constructed with very little space between the buildings. Slavney stated that the new setback was reduced to create a more consistent progression from each residential zoning district rather than the strict language in the existing code. Slavney stated that if desired, the side yard setback could be changed back to 15 feet. Following discussion on the proposed change in the SR-5 District, Thorpe stated that it would be a significant change that should be considered at another public hearing that has been properly noticed to the property owners who would be affected by the change. John Schmitz, 404 Harvard Avenue, stated that none of the property owners were notified of the proposed change in the side yard setback for the SR-5 District and he thinks another public hearing should be posted for the change to be considered. A lengthy discussion ensued on the SR-5 lot size, impervious space and building coverage regulations and Slavney stated that the requirements all work out the same as the current code with the exception of the side yard setback. Peg Pollitt, 442 Harvard Avenue, asked when another public hearing would be required, as the setback standard of 15 feet was not in the published version of the SR-5 District. Thorpe stated that another public hearing would be required to consider the setback amendment to the SR-5 District; however, the other minor amendments approved that night and changes to the Zoning Map could be authorized if desired. Spadoni stated that he would like to publish the public hearing notice just one more time and come back and get the amendments to the rewritten Zoning Code approved all at the same time. Spadoni closed the public hearing at 7:57 pm. Following lengthy discussion on what the Plan Commission and Village Board could approve that night and what changes should be presented for consideration at a future public hearing, the following motions were suggested by Thorpe based on the direction provided by the Plan Commission and Village Board members: Motions to consider approval of the rewritten Chapters 17 and 18 and the new Village Zoning Map as presented, subject to five amendments:

1. The maximum building height limitation for the Research Park Zoning District will be set at 35 feet, not 45 feet as presented in the public hearing draft.
2. The two appendixes for the Inventory of Existing Land Uses and Development that have been submitted to date and the two not yet submitted appendixes for the new

Resort Business District must be reviewed by the Village staff prior to consideration for final approval and are not approved at this time.

3. The parcel located at 153 W. Main Street will be zoned Village Center (VC) Zoning District, not AR-6 as presented in the public hearing draft.
4. The words “without limitation” will be added to the text of Resort Business District Section 18-40 I. (b) to read: “existing as of the effective date of this Chapter, including, without limitation, the inventory of existing land uses.”
5. The Zoning Map Inset that divides the Abbey Resort property into the central area and the peripheral area will be amended to read: “For purposes of the Signage Regulations, the surface of the outside wall and any attachments to it are within the Peripheral Area.”

Thorpe stated that the three other issues that came up that could be considered in a trailer, cleanup ordinance or at a future date, include potential amendments to the new SR-5 Village Residential Zoning District’s side yard setback requirement, and total lot coverage and lot width standards; zoning classification consideration for the R.J. Cantalupo Properties lots at 754 S. Lakeshore Drive; and the request for the Whitler property at 164 Fontana Avenue to be zoned for multi-family residential, not SR-5. The Whitler property and the parcels on the north side of Fontana Avenue are zoned MR-1 in the current zoning code, which allows for multifamily developments under the conditional use permit approval process; however, the new zoning code has the parcels all zoned in SR-5, which does not permit multi-family developments. Pappas stated that maybe the changes directed that night and the additional items should be amended in the rewritten zoning code and new Zoning Map and then presented at another public hearing. Slavney stated that the only two issues that didn’t get resolved during discussion were the Cantalupo lots and the Fontana Avenue multi-family zoning proposal requested by Whitler. Thorpe stated that it would be appropriate to incorporate the five changes he listed in the motion, but not the SR-5 District amendments without having presenting them at another public hearing. A lengthy discussion followed on whether the rewritten chapters should be approved as presented that night with suggested amendments to the SR-5 District to be considered at a future public hearing; if all but the SR-5 District of the rewritten Chapter 18 should be approved that night; or if the all changes directed that night should be made and presented at another public hearing with the amendments to the SR-5 District. Gage stated that the Plan Commission and Village Board already reached a consensus on the SR-5 District side yard setback issue, and the Fontana Avenue and Cantalupo Properties zoning proposals can be considered in the future if and when the property owners pursue development proposals. The Village Board and Plan Commission members eventually reached the consensus that the motion suggested by Thorpe should be considered and another public hearing should be scheduled to consider any amendments to the SR-5 District.

### **Joint Session Business**

#### **Plan Commission Recommendation on Proposed New Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

Commissioner Nelson/Commissioner Frazier 2<sup>nd</sup> made a MOTION to approve Plan Commission Resolution 09-04-12-01, repealing and re-enacting Chapter 17, and Plan Commission Resolution 09-04-12-02, repealing and re-enacting Chapter 18 of the Municipal Code and the Official Zoning Map of the Village of Fontana, which recommend Village Board approval of the rewritten Chapters 17 and 18 and the new Zoning Map as presented, subject to the following five amendments:

1. The maximum building height limitation for the Research Park Zoning District will be set at 35 feet, not 45 feet as presented in the public hearing draft.
2. The two appendixes for the Inventory of Existing Land Uses and Development that have been submitted to date and the two not yet submitted appendixes for the new Resort Business District must be reviewed by the Village staff prior to consideration for final approval and are not approved at this time.
3. The parcel located at 153 W. Main Street will be zoned Village Center (VC) Zoning District, not AR-6 as presented in the public hearing draft.
4. The words “without limitation” will be added to the text of Resort Business District Section 18-40 I. (b) to read: “existing as of the effective date of this Chapter, including, without limitation, the inventory of existing land uses.”
5. The Zoning Map Inset that divides the Abbey Resort property into the central area and the peripheral area will be amended to read: “For purposes of the Signage Regulations,

the surface of the outside wall and any attachments to it are within the Peripheral Area.”  
The MOTION carried without negative vote.

**Plan Commission Recommendation on Zoning Map Classifications for Individual Tax Parcels STFV 00031 and STFV 00116**

Commissioner Nelson/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Research Park (RP) Zoning District classification for Tax Parcel No. STFV 00031, and the Exurban Residential (SR-1) District classification for Tax Parcel No. STFV 00116, and the MOTION carried without negative vote.

**Village Board Consideration of Plan Commission Recommendation on Proposed New Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to approve Ordinance 09-04-12-01, repealing and re-enacting Chapter 17, and Ordinance 09-04-12-02, repealing and re-enacting Chapter 18 of the Municipal Code and the Official Zoning Map of the Village of Fontana, as recommended by the Plan Commission as follows: The rewritten Chapters 17 and 18 and the new Zoning Map are approved as presented, subject to the following five amendments:

1. The maximum building height limitation for the Research Park Zoning District will be set at 35 feet, not 45 feet as presented in the public hearing draft.
2. The two appendixes for the Inventory of Existing Land Uses and Development that have been submitted to date and the two not yet submitted appendixes for the new Resort Business District must be reviewed by the Village staff prior to consideration for final approval and are not approved at this time.
3. The parcel located at 153 W. Main Street will be zoned Village Center (VC) Zoning District, not AR-6 as presented in the public hearing draft.
4. The words “without limitation” will be added to the text of Resort Business District Section 18-40 I. (b) to read: “existing as of the effective date of this Chapter, including, without limitation, the inventory of existing land uses.”
5. The Zoning Map Inset that divides the Abbey Resort property into the central area and the peripheral area will be amended to read: “For purposes of the Signage Regulations, the surface of the outside wall and any attachments to it are within the Peripheral Area.”

The MOTION carried without negative vote.

**Village Board Consideration of Plan Commission Recommendation on Zoning Map Classifications for Individual Tax Parcels STFV 00031 and STFV 00116**

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the Research Park (RP) Zoning District classification for Tax Parcel No. STFV 00031, and the Exurban Residential (SR-1) District classification for Tax Parcel No. STFV 00116. The MOTION carried without negative vote.

**Adjournment Plan Commission**

Commissioner Frazier/Commissioner Nelson 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 8:14 pm, and the MOTION carried without negative vote.

President Pro-Tem Spadoni called for a short recess while the Plan Commission members and most of the audience left the room, and he called the meeting back to order at 8:18 pm.

**Approval of Village Board Minutes**

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes as submitted for the meeting held August 6, 2012, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the reports as distributed and to place them on file for the annual audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the payables as presented, and the MOTION carried without negative vote.

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

**Liquor License Premise Amendment Filed by Park Place LLC – Tabled 7/9/12 & 8/6/12**

Spadoni stated that he talked to Steve Fairchild, the license agent and bar manager, and he requested additional information on the ownership of the upper level of the building; and for details on how the outdoor deck that is attached to the upper level will be monitored.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item until it is requested to be put back on the agenda by the applicant. The MOTION carried without negative vote.

**Operator's License Application Filed by Robert J. Gibson (Abbey Resort)**

There were no concerns in the required background check.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Robert J. Gibson, an employee at the Abbey Resort, and the MOTION carried without negative vote.

**ZOOMA Event Contract for Saturday, October 20, 2012 Event**

Hayden stated that the ZOOMA event contract for cost recovery of the Village expenses is the same terms as last year.

Trustee McGreevy/Trustee Wilson 2<sup>nd</sup> made a MOTION to approve the 2012 ZOOMA Event contract as presented, and the MOTION carried without negative vote.

**Park Commission Member Sharon O'Brien Resignation – Tabled 8/6/12**

Wilson stated that the Park Commission voted to reluctantly accept Sharon O'Brien's resignation. O'Brien's letter of resignation states: "Dear Cindy: Please accept my resignation from the VOF Park Commission. I had a blast during my tenure as a commissioner! The people and projects were always interesting and I shall miss everyone. It is time for younger people and new, fresh ideas and I know that both are out there in abundance. Thank you, Sharon O'Brien." O'Brien was appointed to the Park Commission in November 2001 to fill an open position.

Trustee Wilson/Trustee McGreevy 2<sup>nd</sup> made a MOTION to accept with regrets the resignation of Sharon O'Brien from the Park Commission, and the MOTION carried without negative vote.

**Park Commission – Trustee Wilson**

**Park Commission Appointment of New Member**

Wilson stated that the Park Commission recommended the appointment of Lynne Frost to fill the open position vacated by O'Brien.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the appointment of Lynne Frost to the Park Commission to fill the open position vacated by Sharon O'Brien, and the MOTION carried without negative vote.

**Park House Renovation Project Donor Recognition Plaque Approval**

Wilson stated that the Park Commission voted to recommend approval of spending an amount not to exceed \$150 to purchase a donor recognition plaque for the Park House renovation project.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Commission recommendation to purchase an "EPP24" walnut plaque for the Park House Renovation Project list of donors for an amount not to exceed \$150, and the MOTION carried without negative vote.

**Park Permit Applications Filed by Andy Wacker/Anna Baile, Reid Park Gazebo, September 22, 2012; Michael Bognar, Reid Park Gazebo, July 13, 2013; Chad Beth, Duck Pond Pavilion, September 22, 2012**

There are no conflicts with the events and approval was recommended by the Park Commission.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit applications as recommended, and the MOTION carried without negative vote.

**Porter Court Plaza Filter Rock Removal, Grass & Irrigation Project**

Wilson stated that the Park Commission held a special meeting on August 23, 2012 after a report was received about children slipping and falling on the filter rock that is located around the fountain in Porter Court Plaza. Wilson stated that the Park Commission recommended having the filter rock removed and replaced with grass, and Blackstone Landscaping has offered to provide the labor at no cost to the Village. Wilson stated part of the recommendation is to allocate unspent Park Commission budget funds to extend the irrigation system in Porter Court Plaza to cover the new grass areas, which includes reseeding the grassy area along the sidewalk where Farmer's Market exhibitors put up their displays.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve Matt Moore's offer for Blackstone Landscaping to remove the current filter rock in the fountain area at the Porter Court Plaza and to bring in top soil and straw and plant grass seed in the two areas as recommended by the Park Commission at no charge to the village; and to approve an amount not to exceed \$2,900 to fund the extension of the irrigation system to cover the new grass areas by the fountain and along the sidewalk adjacent to Porter Court by Ingersoll and Company, Williams Bay, as presented at the August 23, 2012 Park Commission meeting. The MOTION carried without negative vote.

### **Pig in the Park Report**

Wilson stated that the annual Park Commission fund-raising event was a great success thanks to the hard work of Administrator/Treasurer Kelly Hayden, and Park Commissioner Mary Green. Wilson stated that Mary Green poured her heart and soul into the event, which is now a memorial event honoring her husband and former Park Commissioner Dan Green. Hayden stated that the DPW crew also deserves recognition for its hard work in setting up the park before the event and cleaning up the park after the event, which netted \$12,000 with the alcohol invoice yet to be paid.

### **Plan Commission – Trustee Spadoni**

#### **Certified Survey Map Filed by Roger Stedronsky, 532 Sauk Trail**

The Plan Commission tabled the CSM at its meeting held earlier in the evening.

Trustee Pappas/Trustee Gage 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Protection Committee – President Petersen**

#### **Deer Hunting Resolution Recommendation**

The Protection Committee recommended approval of the resolution that authorizes bow hunting on certain parcels in the Village and designates who can hunt on each parcel after it was presented at the last monthly meeting by Britt Isham. A 1.33-acre parcel owned by John O'Neill and O'Neill Builders, Inc., was requested to be added after the Protection Committee meeting was held; however, the Village Board members were in consensus that the parcel could not be authorized because it is not at least 5 acres in total size. New to the resolution this year is the allowance of weekend and holiday hunting on all the parcels with the exception of the Country Club Estates Association land and the Village of Fontana land. The Country Club Estates Association parcel also contains the prohibition of hunting prior to October 15, 2012. Pappas asked if the end date was the same as the DNR hunting season, and Britt Isham stated yes. The state bow hunting season ends January 6, 2013. Also new this year is the requirement for all property owners to provide written authorization to the Village to allow for bow hunting on their parcel of land. Martin stated that all the property owners have submitted written authorization.

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to approve Resolution 09-04-12-01 as recommended, without the O'Neill Builder's Inc. parcel included, and the MOTION carried without negative vote.

### **Antique Boat Show Request for Sheriff's Dept. Personnel for Pedestrian & Traffic Safety**

Larry Larkin, organizer of the annual Antique Boat Show staged at the Abbey Harbor by the Blackhawk Chapter of the ACBS, requested that they be allowed to solicit the Walworth County Sheriff's Department to provide an officer for pedestrian safety at the entrance to the harbor parking lot on Fontana Boulevard from 10:00 am to 5:00 pm on Saturday, September 29, 2012 and from 10:00 am to 3:00 pm on Sunday, September 30, 2012. Hayden stated that the Village usually charges for expenses when police officers or DPW crew members are brought in for special events, unless the events are being staged by nonprofit organizations. Spadoni stated that providing traffic safety on

the streets of the Village is something that the Village should supply at no additional cost. Gage stated that the annual event has very little impact on the village and it should not be a big problem for one of the on-duty officers to provide pedestrian safety assistance when necessary on September 29 and 30, 2012.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to direct Chief Olson to schedule adequate staff to provide a pedestrian safety officer at the Abbey Harbor parking lot entrance and Fontana Boulevard on Saturday and Sunday, September 29 and 30, 2012, and the MOTION carried without negative vote.

#### **Fireworks Display Application for September 14, 2012**

Trustee Pappas/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the Fireworks Display Application for Friday, September 14, 2012 as recommended, and the MOTION carried without negative vote.

#### **Recommendation for Three-Year Terms for Elected Fire Officers**

The Protection Committee recommended approval of the proposal to change the elected fire department officer terms from one year to three years; however, the amendment was not put into ordinance form because other amendments to the Fire Department Chapter 34 of the Municipal Code are being considered. There is also a reference in Section 2-435 that refers to the annual election of the fire chief that will have to be amended if the recommendation is approved by the Village Board.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item and to direct staff to put the proposed amendment into Ordinance format with the other changes to be considered to Chapter 34 of the Municipal Code. The MOTION carried without negative vote.

#### **Rescue Squad Responses & Back Up Plan**

Rescue Squad Captain Jennifer Special stated that the Protection Committee recommended approval of their proposal to authorize Paratech Ambulance Service, Inc. to respond to local calls 24 hours a day, seven days a week. Special stated that Paratech will respond when there are no members of the Fontana Rescue Squad available to respond, which is often during daytime hours when all the volunteers are out of town working at their fulltime jobs. If Paratech is not needed, the local responders will notify them. Special stated that mutual aid arrangements also have been verified with the Village of Walworth Rescue Squad and Walworth County. The Protection Committee also requested that the response plan and the backup plan be drafted into a written document to be reviewed by the committee at a future meeting.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Protection Committee recommendation to authorize Paratech Ambulance Service, Inc. to provide emergency response service 24 hours a day, seven days a week if necessary, and for the Village of Walworth and Walworth County to provide backup service. The MOTION carried without negative vote.

#### **Lakefront & Harbor – Trustee Pappas**

##### **Mooring Waiting List Priority Language Amendment Recommendation – Tabled 6/4/12, 7/9/12 & 8/6/12**

Pappas stated that the village attorney's office suggested minor amendments to the mooring waiting list priority language and the mooring lease application that state a current driver's license must be used for proof of residency.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the amendments to the mooring waiting list and mooring lease application as recommended, and the MOTION carried without negative vote.

#### **Pier Permit Application Filed for Addition for Paul Burke, Burke Wisconsin LLC, 495 N. Lakeshore Drive**

Pappas stated that the committee recommended approval of the application with the condition it is approved by the Wisconsin DNR.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Pier Permit application as recommended, with the conditions that the application is approved by the Wisconsin DNR and the Village of Fontana Building and Zoning Department, and that an as-built survey is filed when the new pier is installed. The MOTION carried without negative vote.

### **2013 Village Mooring Fees Recommendation**

The committee recommended a 4 percent increase in the mooring lease fee for the pier slips, which is a total of \$88 more per year for the resident/property owner rate and \$176 for the non-resident rate. The committee recommended leaving the lease fees for the ramp spaces and the buoys the same as last year. Ray Fitzgerald, one of the pier slip lease holders, submitted an emailed message that was forwarded and distributed to the Village Board members, that states: "I do not see that anything has gone up 4 percent in this past year. That would bring the net revenue to the village to over \$50,000 from 30 the pier slip holders. My suggestion is put in 60 more slips to make us comparable to Lake Geneva and Williams Bay, or raise all Fontana residents' taxes to raise extra dollars."

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve Resolution 09-04-12-02, establishing fees and charges for mooring facilities, as recommended, and the MOTION carried without negative vote.

### **Public Works – Trustee McGreevy**

#### **New Utility Crew Member Hiring Recommendation**

Workman stated that interviews were conducted and the committee selected Matt Koehn to recommend for the open position on the Utility Department crew.

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the hiring of Matt Koehn as a union employee, subject to the background check being completed by the Village Police Department. The MOTION carried without negative vote.

#### **Tarrant Drive Storm Sewer Contract Bid Award**

Workman stated that bids were submitted by four firms, with the lowest base bid of \$772,290 coming from S&L Underground and Trucking, Inc., Merrimac. Reeseman's Excavating & Grading, Inc., submitted a base bid of \$896,451; Dorner, Inc., submitted a base bid of \$952,020; and Willkomm Excavating & Grading, Inc., submitted a base bid of \$930,334. Workman stated that the base bid is within the project budget; however, the village engineer is recommending approval of adding the installation of a storm manhole mechanical separator to help slow down stormwater, for an additional \$61,597, which is not in the budget. Workman stated that although the project budget does not include the additional stormwater management device, the Village has borrowed the funds for the project in the 2012 bonding.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the low base bid of \$772,290 submitted by S&L Underground and Trucking, Inc., Merrimac, and to approve the additional \$61,597 for the purchase and installation of a storm manhole mechanical separator, and the MOTION carried without negative vote.

#### **Utility Truck Purchase**

Workman stated that bids were submitted by five dealerships for the 2013 Ford F-350 truck cab and chassis; by three dealerships for the service body; and by three dealerships for the plow. The low bids total \$41,746, and there is \$45,000 in the budget for the purchase.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the purchase of a 2013 Ford F-350 cab and chassis from Tom Peck Ford for \$26,396; and the \$9,077 purchase of an 8-foot utility box/service body, and a \$6,273 plow from Monroe Truck Equipment. The MOTION carried without negative vote.

#### **Construction Projects Updates**

Workman stated that there was no other construction news to report.

### **CDA – President Petersen**

#### **Highway 67 Construction Contract Final Wisconsin DOT Payment Recommendation**

Hayden stated that the initial final payment invoice the Village received from the Wisconsin Department of Transportation several months ago for the Highway 67 reconstruction contract increased to \$257,000 from the \$37,247 level that had been reported since 2006 by the DOT to the Village. Hayden stated that after she contacted the DOT about the error, that turned out to be caused by a DOT employee, the final invoice amount was reduced by the DOT to \$110,000. Hayden stated that she again contacted the DOT last month as directed by the CDA Board, and the DOT

has now offered to split the remaining \$110,000, leaving the Village a \$55,000 invoice to settle the contract. Hayden stated that the DOT submitted the distributed Highway 67 construction contract amendment to reflect the final payment settlement agreement. The CDA Board and Finance Committee both have recommended approval of the contract amendment and final payment settlement agreement.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Highway 67 construction contract amendment and the \$55,000 final invoice settlement agreement with the Wisconsin Department of Transportation, as recommended, and the MOTION carried without negative vote.

### **Finance Committee – Trustee Kenny** **2013 Budget Guidelines and Schedule**

The 2013 budget planning guidelines and meeting schedule were reviewed by the Finance Committee and recommended for approval.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2013 Budget guidelines letter to the village department heads, and the 2013 budget meeting schedule as recommended, and the MOTION carried without negative vote.

### **Sewer Utility Replacement Fund**

Hayden stated that one of the recommendations in Auditor Patrick Romenesko's annual management letter was for the Village to establish a separate account for the Sewer Utility Equipment Replacement Fund. Hayden stated that a separate account was set up at Talmer Bank in Walworth and \$327,374 in sewer funds were transferred to the account. Hayden stated that another bank account was created for the borrowing proceeds for construction projects, which totals \$4 million. Hayden stated that the account was created to separate the borrowing proceeds for the sewer and water utility portions of the reconstruction projects from the roadway construction portions of the projects.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to authorize the new accounts at Talmer Bank, and the MOTION carried without negative vote.

### **Working Capital Report**

Hayden stated that the report was included in the meeting packets.

### **F/W WPCC – President Petersen**

#### **Update**

Petersen was unable to attend the meeting.

### **GLLEA Board – President Petersen**

#### **Update**

Petersen was unable to attend the meeting.

### **Adjournment Village Board**

Trustee McGreevy/Trustee Gage 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 8:58 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: 10/01/2012 – VB & PC