

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

**(Official Minutes)**

**RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
Monday, February 12, 2018**

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

**Trustees Present:** Roll call vote: Trustee McGreevy, Trustee O'Neill (arrived at 6:01), Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny

**Also Present:** Joe Abell, Charles Coleman, Jim Frost, Elisa Gerrish, Charles Golman, Aaron Guilbault, Jon Kemmett, Administrator/Clerk Theresa Loomer, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Fire & Rescue Dept. Chief Wolfgang Nitsch, Andy Pearce, Attorney Dale Thorpe, Treasurer Scott Vilona

**Visitors Heard**

Elisa Gerrish distributed a picture of a monument plaque located along the shore path in Buena Vista which describes the Potawatomi Indians. Gerrish stated the indigenous people deserve better representation and recommended another plaque be placed near the first sign to address the points on the plaque. Gerrish was provided information to contact the historical society and was invited to bring up the idea at a Park Commission meeting once she has gathered more information, although it is believed the plaque is located on private property.

**Approval of Minutes**

The minutes for Meeting held on January 8, 2018 were distributed.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes from the Monthly Meeting held on January 8, 2018, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Treasurer's Report, Vendor Report and Payroll Overtime Report as distributed, and to place them on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

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

**General Business – President Kenny**

**Temporary Operator's License Applications Filed by Anders Pearce (Big Foot Lions Lobster Boil); Mary Kriete-Green and Chad R. Beth (Pig in the Park)**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the temporary operator's license applications filed by Anders Pearce (Big Foot Lions Lobster Boil); Mary Kriete-Green and Chad R. Beth (Pig in the Park), and the MOTION carried without negative vote.

**Operator's License Application Filed by Shahzad Thind (Fontana Shell)**

The background check was completed and the \$60 fee has been paid.

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Shahzad Thind (Fontana Shell), and the MOTION carried without negative vote.

**BKS Proposal for Continued IT Services – Tabled 1/8/18**

BKS proposed continued IT services for \$3,900 per month for all-inclusive service.

**RFP For IT Services**

IT services have not been put out for RFP in a reported seven to eight years and the Board stated they want to ensure the Village is receiving the best service for a competitive price.  
Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to direct staff to publish an RFP for IT services, and the MOTION carried without negative vote.

**Accept Resignation of Library Board President Genie Murphy**

President Kenny thanked Murphy for her many years of service to the Village.  
Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to accept the resignation of Library Board President Genie Murphy, and the MOTION carried without negative vote.

**Appoint Sally Ratay as Library Board President**

Ratay will be appointed as a library board member, and the Library Board will elect their next president.  
Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to appoint Sally Ratay as a member to the library board, and the MOTION carried without negative vote.

**Human Resources Committee – President Kenny**

**Ordinance Amendment Regarding Village Administrator Residency Requirement**

An ordinance amendment was presented that allows the Village Board to waive the residency requirement of the Village Administrator.  
Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Ordinance 021218-02, amending the Village Administrator Residency Requirement, and the MOTION carried without negative vote.

**Waive Residency Requirement for Village Administrator/Clerk Theresa Loomer**

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to waive the residency requirement for newly appointed Administrator/Clerk Theresa Loomer, and the MOTION carried without negative vote.

**Employment Agreement for Administrator/Clerk Theresa Loomer**

This item was discussed in closed session.  
Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the employment contract for Administrator/Clerk Theresa Loomer, and the MOTION carried without negative vote.

**Employment Agreement for Street Foreman Ron Adams**

This item was discussed in closed session.  
Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the employment contract for Street Foreman Ron Adams, and the MOTION carried without negative vote.

**Hiring Recommendation and Employment Agreement for Building Inspector/Zoning Administrator Terrance “T” Welsh**

This item was discussed in closed session.  
Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the probationary hiring of Building Inspector/Zoning Administrator Terrance “T” Welsh and the corresponding employment agreement, subject to Attorney Thorpe’s review, and the MOTION carried without negative vote.

**Amendment to Payroll Resolution**

This item was discussed in closed session.  
Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve payroll resolution 021218-01, and the MOTION carried without negative vote.

**Hiring Recommendation for Part-Time Deputy Clerk**

This item was discussed in closed session.  
Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the hiring of a part-time deputy clerk, and for the final candidate to be brought back for Village Board approval, and the MOTION carried without negative vote.

## **Finance Committee – President Kenny**

### **2018 Utility Budget**

The Utility budget was approved as presented.

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the 2018 Utility budget, as presented and recommended, and the MOTION carried without negative vote.

### **PSC Water Rate Study Increase Update**

Vilona presented the results of the 2018 water rate study conducted by Wegner CPA's in accordance with the Public Service Commission. The overall increase is 44% of 2018 forecasted revenues, for the total amount of \$475,727. Vilona provided history on water rate increases and stated the last full rate increase was completed ten years ago in 2008 and at that time there was a 37% increase from the previous increase five years earlier in 2003. Since 2008 there have been three simple rate increases of 3% in 2011, 2012 and 2016, which are basically only used to keep up with inflation. Additionally, for every \$1 of infrastructure put into the ground the PSC requires there is \$.10 in the bank to cover maintenance, depreciation and upkeep of the facilities. Any future work completed on the water system will require an additional rate increase as well, which will be taken into consideration now that staff is aware of the correlation between construction of water facilities and the water rate as determined by the PSC. Vilona explained the water fund operates like an enterprise fund and has to be self-sustaining. He stated that water consumption has dropped by 20% since the last full rate increase which can be attributed to conservation, wet summers, and low flow water fixtures, but also means an increased rate for water since the construction cost is required to be spread amongst all account holders. There was discussion about whether the increase could be allocated as part of the fixed rate of water billing, rather than simply the usage, which Vilona confirmed is an option.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to accept Wegner CPA's water rate study results, as presented, and the MOTION carried without negative vote.

### **Water Hook-Up Fee Increase Recommendation**

After the discussion on the significant water rate increase, staff stated that due to a separate recommendation by the auditors and PSC, the water hookup fee for new construction was reduced to \$50 plus time of actual labor and materials. It was discussed that many nearby municipalities have much higher charges for water and sewer hookup fees and impact fees. Staff was directed to contact nearby municipalities to find out what they charge for similar services.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to direct staff to contact surrounding municipalities to determine what they charge for new construction fees, and the MOTION carried without negative vote.

### **Recommendation for New Village Website Provider**

Four quotes for website providers were submitted and presented to the Tourism and Finance Committee. A majority of the funds to finance the website will come from the Tourism Commission budget. Signalfire came in at \$16,000 and was recommended for approval by staff and the Tourism and Finance Committee. They are a local company and have done work for businesses within the community as well as have designed websites for other municipalities.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve a contract between the Village and Signalfire for Village Website design services, and the MOTION carried without negative vote.

### **Paratech 3-Year Contract Extension Approval**

Paratech offered the Village a three-year contract in 2017 for 2018-2020, but last year only the one-year contract was accepted. The yearly price increases for a three-year contract are relatively small and rather than renegotiate a new contract each year it was recommended to approve a three-year contract which will still contain a 90-day out clause.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve a three-year contract with Paratech, at the rates presented in the 2017 contract, and the MOTION carried without negative vote.

### **Update on Outstanding Cost Recovery Invoice**

Loomer stated that there is an outstanding cost recovery invoice in the amount of \$6,271 from a CSM approved in early 2017. The applicant was able to produce an email from the former administrator which stated he would have the Board waive the remainder of the fees owed for legal and engineering services. There was discussion on how to prevent from this situation from occurring in the future and Thorpe recommended adding a disclaimer to the cost recovery form which would require Board approval for any cost recovery amount to be waived.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to direct Attorney Thorpe to modify the cost recovery form to include a statement which allows only the Village Board to waive any fees.

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

#### **Austin Pier Service Inc. 2018 Proposal**

The annual maintenance and repairs proposal came in at \$23,454.60. Pappas stated there is nearly \$3,600 worth of repair charges for the pier used by Gage Marine, which is comparable to the amount of rent they pay the Village each year for use of the pier.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2018 Austin Pier Service proposal for maintenance and repair, for the amount of \$23,454.60, and the MOTION carried without negative vote.

#### **Consider Revision to Pierhead Line in Pierhead Ordinance**

The Board held a very lengthy discussion about whether the Village has jurisdiction beyond the 100-foot pier headline on Geneva Lake, or whether piers that extend further than 100-feet fall strictly under the direction and scope of the DNR. The pierhead line is determined by an application submitted to the DNR, and to date, no municipalities have received approval for a pierhead line beyond 100-feet. Pappas explained the history between the Village and Club Unique and the pier permit application they submitted to the DNR to exchange buoys for pier slips and extend their pier out to 214-feet. Concerns were expressed about the possibility of not having control beyond 100-feet because the DNR is approving nearly every application that comes to them, regardless of information presented at the public hearing they are required to hold. Board members expressed fears that by not having local control, piers will become unreasonably long, and encroachment will become an issue as well as the 12.5-foot setback required by the Village of Fontana Code, which may not be enforceable if the pier extends beyond 100-feet. Staff asked questions about whether the pier would have to meet code up to for the first 100-feet even if it extends further, and Thorpe replied it would. Thorpe stated he contacted the town of Linn's attorney and Williams Bay's attorney regarding the 100-foot pierhead line statute, and they stated their municipalities are facing the same issues. Thorpe posed contacting those two municipalities to enquire if they would be interested in submitting a joint pierhead line application to the DNR to petition for control of the pier permitting process beyond 100-feet which would give the Village the ability to approve or deny piers of a longer length, although Thorpe stated he is not aware that the DNR has ever approved a pierhead line application beyond 100 feet. Thorpe suggested requiring signed cost recovery with any Village pier permit applications and becoming more aggressive in requiring riparian surveys. Lake Geneva Conservancy Board member Charles Coleman stated the issue applies mostly to associations and he is in favor of Thorpe's idea to involve multiple communities to promote local control. There was discussion about the conservancy spearheading a movement amongst the communities with lake frontage with the goal of tackling the issue together.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to direct Attorney Thorpe to look into the best way to obtain local control of the pier permitting process and direct staff to write letters to all property owners with piers that are being altered within the 100-foot pierhead line and invite them to immediately submit applications to the Village, and the MOTION carried without negative vote.

### **Plan Commission**

#### **Consideration of Implementing Impact Fees**

This item was discussed in conjunction with the water and sewer hookup fees. Staff was directed to contact surrounding municipalities to obtain a schedule of their fees.

#### **Update on Abbey Hills Association Deck Violations**

The blanket violations on the Abbey Hills Association decks has been lifted.

**Protection Committee – Trustee Prudden**  
**Winter Parking Ordinance Amendment**

The Protection Committee recommended amending Section 74-301 which prohibits parking for longer than 30 minutes between 2:00 am and 6:00 am from November 1 through April 1 of any year. The proposed ordinance exempts the parking prohibition from the angled parking stalls located on the north side of Third Avenue and between Reid Street and Lake Street, and the perpendicular parking stalls located on the west side of Mill Street between Fontana Avenue and W. Main Street. Trustee Petersen/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 021218-01, amending Section 74-301 regarding all night parking, as presented and recommended, and the MOTION carried without negative vote.

**Cot Purchase Approval for New Ambulance**

The ambulance purchased last month did not come with the required cot. The Protection Committee recommended purchasing a cot for \$18,000. Trustee Petersen/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve the purchase of a cot for the new ambulance for the amount of \$18,000, and the MOTION carried without negative vote.

**Consideration of BlinkerSign Flashing LED Enhanced Pedestrian Crossing Sign at Fontana Boulevard and Highway 67**

Protection Committee member Jim Frost and Aaron Guilbault from TAPCO presented a pedestrian crosswalk sign with flashing LED lights for the proposed location of Hwy 67 and Fontana Boulevard. The sign is approximately 30” and will only light up when the activation button is pushed. Guilbault stated there would be one double-sided sign in the median and one facing each direction on the sides of the road, and although installation is not included, he contended the set-up is easy and it is something the public works dept. should be able to do. Trustee Petersen stated the intersection had been reengineered to accommodate pedestrians and the pedestrian crossing signs are not needed. Pappas stated he believes it will help the flow of traffic. There was discussion about whether, since the sign is located on a highway and near a school, there are public safety grants available which Chief Cates was directed to look into. The cost of the sign is quoted at \$9,698.11. Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to install the BlinkerSign Flashing LED Enhanced Pedestrian Crossing sign at Fontana Boulevard and Highway 67, for an amount not to exceed \$11,000, subjected to DOT approval. The MOTION carried on a 6-1 vote with Trustee Petersen opposed.

**Park Commission – Trustee Livingston**

**Special Event Permit and Temporary Liquor License Approval for Big Foot Lions Club Lobster Boil/Steak Fry for Reid Park on Saturday, July 28, 2018**

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Special Event Permit and Temporary Liquor License Application filed by the Big Foot Lions Club for its Saturday, July 28, 2018 Lobster Boil and Steak Fry event in Reid Park, and the MOTION carried without negative vote.

**Special Event Permit and Temporary Liquor License Approval for Dan Green’s Touch a Life, Heal a Heart, Inc., Pig in the Park for Reid Park on Saturday, July 14, 2018**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Special Event Permit and Temporary Liquor License Application filed by Mary Kriete-Green for Dan Green’s Touch a Life, Heal a Heart, Inc., Pig in the Park event in Reid Park on Saturday, July 14, 2018, and the MOTION carried without negative vote.

**Park Permit Application Filed by GTS for use of Ball Fields at Duck Pond Recreation Area on Wednesday Nights, May through June, 2018**

Livingston reported that he received a \$700 check for use of the fields from the baseball league. Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Park Permit Application Filed by GTS for use of the Ball Fields at Duck Pond Recreation Area on Wednesday Nights, May through June, 2018, and the MOTION carried without negative vote.

**Public Works Committee – Trustee McGreevy**

### **Ordinance Amendment Regarding High Water Usage Complaints**

The amended ordinance provides direction to staff on how to handle high water usage complaints which entails having the Water. Dept. reread the meter for accuracy and test the meter if requested by the homeowner. If the meter tests out fine, then staff has fulfilled their duty to resolve the problem and it is up to the homeowner to find out where or how the water is being used. If the homeowner has additional questions, they will be directed to contact the Public Service Commission. The ordinance also addresses that any repairs needed due to normal wear and tear will be handled by the Village, but any repairs required due to carelessness or negligence will be the homeowner's responsibility.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 021218-03 Amending Section 78-94 of the Municipal Code of the Village of Fontana regarding Water service rates; general service – metered, as presented and recommended, and the MOTION carried without negative vote.

### **Authorize Sioux Drive Catch Basin**

The catch basin was included in the original plans but due to an oversight it was not installed. The cost to install the catch basin is \$4,500.

Trustee O'Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to authorize the construction of the Sioux Drive catch basin, for an amount not to exceed \$4,500, as recommended, and the MOTION carried without negative vote.

### **Authorize Odsila Way Storm Sewer Drain**

The storm sewer drain for Odsila Drive was also included in the original construction plans but was not installed. The cost to install the storm sewer drain is \$6,500.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to authorize the construction of the Odsila Way storm sewer drain, for an amount not to exceed \$6,500, as recommended, and the MOTION carried without negative vote.

### **Authorize Sale of Western Plow from Truck No. 1**

Public Works Director McCollum stated he would like to sell the plow on his truck because the bolts on the plow blade vibrate loose and he has lost the plow blade three separate times while snow plowing. For the rest of this winter he will use Utility Director Dennis Barr's plow, which Barr does not use for plowing.

Trustee Prudden/Trustee O'Neill 2<sup>nd</sup> made a MOTION to authorize the sale of Western Plow from Truck No. 1, and the MOTION carried without negative vote.

### **2017 Road Reconstruction and Drainage Improvements – Change Order No. 3**

The Change Order for the increased amount of \$11,579.20 is due to the Village adding additional water main work on Brickley Drive and delays caused by the utility company.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2017 Road Reconstruction and Drainage Improvement Change Order No. 3, submitted by Super Excavators, Inc., for the increased amount of \$11,579.20, and the MOTION carried without negative vote.

### **2017 Road Reconstruction and Drainage Improvements – Payment Recommendation No. 5**

The \$80,409.19 pay request was submitted by Super Excavators, Inc., for the work completed on the Road Reconstruction & Drainage Improvements Project. The work has been reviewed by staff and the Village engineers and is recommended for approval.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the 2017 Road Reconstruction and Drainage Improvements project Application for Payment No. 5, submitted by Super Excavators, Inc., for the amount of \$80,409.19, and the MOTION carried without negative vote.

### **Tarrant Drive Lift Station Replacement – Payment Recommendation No. 6**

The \$35,912.50 pay request was submitted by Super Excavators, Inc., for the work completed on the Tarrant Drive Lift Station Replacement. The work has been reviewed by staff and the Village engineers and is recommended for approval.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Tarrant Drive Lift Station Project application for Payment No. 6, submitted by Super Excavators, Inc., for the amount of \$35,912.50, and the MOTION carried without negative vote.

**Closed Session**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 7:21 pm pursuant to Wis. Stats. Chapter 19.85(1)(c), “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” specifically Employment Agreement for Administrator/Clerk Theresa Loomer, Employment Agreement for Street Foreman Ron Adams, Hiring Recommendation and Employment Agreement for Building Inspector/Zoning Administrator Terrance “T” Welsh, Amendment to Payroll Resolution and Hiring Recommendation for Part-Time Deputy Clerk.

The Roll Call Vote was as follows:

Trustee O’Neill – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to adjourn Closed Session and go into Open Session at 7:28 pm, and the MOTION carried without negative vote.

All motions made in Closed Session are listed under the Human Resources heading in Open Session.

**Adjournment**

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to adjourn at 7:29 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 03/05/18