

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Tuesday, January 3, 2023

Village President Pat Kenny called the meeting of the Village Board to order at 5:00 pm.

Trustees Present: Roll call vote: President Kenny, Trustee Petersen, Trustee Marek, Trustee Livingston, Trustee O'Neill (arrived at 5:03)

Trustees Absent: Trustee McGreevy, Trustee Pappas

Also Present: Liz Baumann, Chief Cates, Kevin Day, David Donaldson, Richard Donner, Erik Johnson (Lake Geneva Regional News), Sonja Kruesel, Sarah Lobdell, Larry Larkin, Theresa Loomer, Drew Lussow, Beth Michels, Chief Nitsch, Brian Owens, Kathy Perkins, Wally Perkins, Andrea Price, Dale Thorpe, Tom Whowell, Cindy Wilson

Visitors Heard

Resident Tom Whowell appeared and asked if Protection item number 2 (stop signs) on the Village Board agenda could be addressed first since he wanted to speak on the matter. Mr. Whowell advocated for the removal of the stop signs since they were negatively impacting his business that is near the location of the stop signs. He said it makes it hard for some of the boats and trailers to maneuver when they constantly need to stop at the stop signs and then get going again. The Village Board thanked Mr. Whowell for his thoughts on the topic and then decided to proceed with that agenda item and asked for any additional comments from any residents present.

Approval of Village Board Minutes

The Village Board minutes for the December 5, 2022 meeting were distributed.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Village Board minutes from the December 5, 2022 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee O'Neill/Trustee Marek 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for November, and to place the Vendor and Payroll Overtime Report on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Livingston/Trustee Petersen 2nd 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

Approve Closeby Text Marketing Contract

Administrator Loomer stated the concept of the texting contract was discussed at the last Village Board meeting. The proposed contract is to allow residents to receive instant notifications of events happening in the village, or emergencies, or anything the Village wishes to push to the residents.

Trustee Marek/Trustee O'Neill 2nd made a MOTION to approve the Closeby Text Marketing Contract, as presented pending attorney review, for an annual contract amount of \$1,350.00 per year, and the MOTION carried without negative vote.

Concept Review of Abbey Provident Proposed Planned Development, Proposed Condominium Declaration and Discussion of Comprehensive Plan Conformity

Attorney Thorpe stated the agenda item is not for an approval of the project tonight, but for the Abbey Provident to show they have listened to the feedback of the Village officials and residents and want to show the changes that have been made. Attorney Thorpe gave a brief background on the matter. He stated the applicant

filed a comprehensive plan amendment which was denied by the plan commission and the denial acts as a veto. The Abbey Provident has since modified their plan to be more consistent with the comprehensive plan and include retail space.

Attorney Thorpe then asked Attorney Donner if there was anything he would like to add. Attorney Donner explained that he appreciated Attorney Thorpe's summation but also wanted to expound on the changes the Abbey Provident made after the feedback from the last meeting. Attorney Donner went on to explain that although the paid market analysis study they had completed for the property suggested retail is not viable, he felt that they could come up with some space in the project for commercial purposes. Therefore, the amended application now reflects a compromise of some residential and commercial now which totals an approximate 4,600 sq ft of retail space all together. Attorney Donner stated that this would reduce the total residential units from 19 to 17. Attorney Donner presented some of the conceptual drawings of the plan to show how the commercial and retail space would look. Village Planner Sonja Kruesel spoke to the matter and stated that while there is not a perfect set ratio for retail to residential when a property is zoned as mixed-use, she expressed that it would be beneficial for first floor retail space rather than having it located on the second floor. Resident Sarah Lobdell and Cindy Wilson asked questions regarding the density and parking for the proposed plan and felt that it would cause people to have to park on the street. Additionally, residents Kathie Perkins and Wally Perkins made a point to state that they still believe that commercial spaces can be possible and cited that the local businesses in the area are thriving and tend to help one another and support each other. Additional questions regarding zoning and density came up several times. Attorney Thorpe and Village Planner Kruesel clarified that the proposal will only need to have enough parking for staff and residents as required by code. Additional investigation regarding density and parking will be reviewed by staff. Village Planner Kruesel also stated that issues such as volume, storm water management, and setbacks would raise other issues down the line that the plan commission staff would review before the application comes before the Plan Commission and Village Board. After a lengthy discussion the Village Board thanked Attorney Donner and the Abbey Provident for bringing the update to the meeting. They felt the project was heading in the right direction and left it up to the Abbey Provident on how they wished to proceed based on the resident and Village Board feedback.

Ordinance Repealing Ordinance Repealing and Recreating Figures 18-336, 18-337, 18-339, 18-340, 18-341, 18-342, 18-343, 18-344, 18-345, 18-346 of the Village of Fontana Municipal Code – Set Public Hearing

Attorney Thorpe stated the proposed ordinance is to amend height chart figures in the sections listed. This matter would need to be set for a public hearing in front of the Plan Commission and Joint ETZ Committee for their approval first and then brought back before the Village Board.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve setting a public hearing for the next scheduled Plan Commission meeting on January 30, 2023, and the MOTION carried without negative vote.

Ordinance Repealing and Recreating Article XVI, Extraterritorial Zoning Sections 18-300 through 18-399 of the Village of Fontana Municipal Code – Set Public Hearing

Attorney Thorpe stated that this proposed ordinance is to readopt article XVI in the Village's municipal code. This would also need to be set for a public hearing in front of the Plan Commission and Joint ETZ Committee for approval and then brought back before the Village Board.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve setting a public hearing for the next scheduled Plan Commission meeting on January 30, 2023, and the MOTION carried without negative vote.

Ordinance Repealing and Recreating Sections 18-27(c)(29), 18-28(c)(5), 18-29(c)(3), 18-30(c)(3), 18-31(c)(3), 18-32(c)(3), 18-33(c)(3), 18-34(c)(8), 18-35(c)(6), 18-36(c)(9), 18-37(c)(10), 18-38(c)(3), 18-39(c)(15), 18-40(d), 18-41(c)(8), 18-42(c)(18), 18-54, 18-59(e), 18-217(a-s), 18-331 A-1 (c)(6), 18-332 A-2 (c)(6), 18-333 A-3 (c)(6), 18-334 A-4 (c)(52), 18-335 A-5 (c)(6), 18-336 RCE (c)(2), 18-338 C-1 (c)(8), 18-339 C-2 (c)(12), 18-340 C-3 (c)(6), 18-341 P-1 (c)(22), 18-342 P-2 (c)(20), 18-343 B-1 (c)(14), 18-344 B-2 (c)(24), 18-345 B-3 (c)(29), 18-346 B-4 (c)(32), 18-347 M-3 (c)(13) of the Village of Fontana Municipal Code – Set Public Hearing

Attorney Thorpe stated that this ordinance is for amending the zoning code sections as written to bring the village code and ETZ in compliance with the 2013 wireless siting law. Attorney Thorpe stated that the current code is not in compliance with what is recommended by the County and State. If changes are approved, it would

bring the village's ordinances into compliance and would allow cell towers under a CUP. The ordinance would also exempt emergency services towers and would allow the construction of the Walworth County emergency communication tower currently proposed in the Town of Linn ETZ. Lastly this would need to be set for public hearing in front of the Plan Commission and Joint ETZ Committee for approval and then brought back before the Village Board for final approval.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve setting a public hearing for the next scheduled Plan Commission meeting on January 30, 2023, and the MOTION carried without negative vote.

Consider Action to Impose a License Condition on Tourist Rooming Houses Whereby the Rental shall not be Advertised as Available for Periods of Less than Seven Days

Attorney Thorpe said in lieu of adopting an ordinance he felt it would be best to incorporate the license conditions into the applications that the applicant submits. That way it could be imposed as a condition of the license that is issued, and if violated, allows the Village to take enforcement action and potentially issue citations and/or revoke the license. Chief Cates asked that the maximum 180 rental period be included in the license conditions as well.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the license condition on tourist rooming houses whereby the rental shall not be advertised as available for periods of less than seven days, or over the maximum 180-day rental period, and license conditions would be incorporated into the tourist rooming houses rental applications, as presented, and the MOTION carried without negative vote.

Discussion or Action on Code Enforcement Services Contract

Administrator Loomer stated the proposed contract is for services in 2023 and reflects the boards previous direction to allow for up to 20 hours per week of code enforcement services. The hourly rate has increased from \$50 per hour to \$52 per hour.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the Code Enforcement Services Contract with Municipal Code Enforcement at a rate of \$52.00 per hour not to exceed 20 hours per week, as presented, and the MOTION carried without negative vote.

Operator License Applications filed by Albaro Gomez and Balwinder Kaur for Fontana Shell

Chief Cates stated that the background checks came back clear and the fees have been paid.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve operator license applications filed by Albaro Gomez and Balwinder Kaur, and the MOTION carried without negative vote.

Protection Committee – Trustee Petersen

Discussion or Action on Proposed Semper Running Half Marathon on July 8, 2023

Administrator Loomer explained this event has taken place the last two years in the Village. The applicant is requesting to host the event and have another half marathon run on July 8, 2023. There have been no issues with this event in the past.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the proposed Semper Running Half Marathon event on July 8, 2023, and the MOTION carried without negative vote.

Discussion or Action on Stop Sign Locations on Third Avenue and at S. Lakeshore Drive & Indian Hills Road

Trustee Petersen presented the discussion or action on potentially removing stop signs on Third Avenue and at S. Lakeshore Drive & Indian Hills Road. The Village Board then heard from residents in attendance. Residents Brian Owen, David Donaldson, Beth Michels and Andrea Price spoke in favor of keeping the stop signs in their current locations either due to speeding issues or accidents they have witnessed. Since the implementation of the stop signs, they felt that safety has increased and that overall, the stop signs were a good addition to these areas. Chief Cates stated since the stop signs have been in place for a while now, it may create a hazard to remove the stop signs now that residents are used to having them. President Kenny added that the stop signs at S. Lakeshore Drive were initially placed due to construction in the area and were not meant to stay, however he has no issues leaving them due to the added safety they bring. Trustee Marek spoke in favor of keeping the stop signs at both locations.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to take down the stop signs that were installed on S. Lakeshore Drive at Indian Hills Road, and the MOTION failed on a 3-2 vote against the taking down of the stop signs.

Trustee Petersen then made a MOTION to remove the stop signs at Third Avenue and S. Lakeshore Dr and Indian Hills Road, and the MOTION failed for lack of a 2nd.

Discussion or Action on Safety Building Status and Future Planning

Administrator Loomer updated the Village Board to the status and future planning of a new safety building as the current building is not adequate for the Village's needs. She requested direction from the board to speak with Williams Bay officials along with President Kenny, to discuss whether Williams Bay is interested in moving forward with a joint building.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to direct Administrator Loomer and President Kenny to meet with Williams Bay officials to discuss moving forward with a new joint safety building, and the MOTION carried without negative vote.

Discussion or Action on Amended Shared Services Agreement with Williams Bay

Administrator Loomer stated that Williams Bay recently approved an amended EMS contract, but Attorney Thorpe has some concerns with the document. The concerns are non-substantive and Loomer would like direction to work out the details with Williams Bay.

Trustee Petersen/Trustee Marek 2nd made a MOTION to approve the amended shared services agreement with Williams Bay, subject to non-substantive amendments, and the MOTION carried without negative vote.

Approve Purchase of X Series Monitor and Defibrillator \$30,000

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the purchase of an X Series Monitor and Defibrillator in the amount not to exceed \$30,000.00, and the MOTION carried without negative vote.

Update on EMS/Fire Hiring Process

Chief Nitsch gave a brief update on the EMS/Fire Hiring Process to the Village Board. Chief Nitsch stated that they currently have six applicants that he and Deputy Chief Manthy will do a pre-interview with, and then interviewed by the PFC for a recommendation to the Board.

Discussion or Action Regarding Flex Grant Award

Chief Nitsch submitted a Flex Grant in which he had asked for \$142,000.00 in funding from the state and was awarded \$61,415.00. This was an item specific grant and since the full amount was not awarded, Chief Nitsch amended the items requested in the grant to fit with the amount awarded. Some of these items include laptop tablets, a suction machine, some rescue task force items, water surface suits.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to accept the Flex Grant Award in the amount of \$61,415.00 and authorized Chief Nitsch to use the funds as he presented, and the MOTION carried without negative vote.

Authorize Sale of 2014 Ford Explorer

Chief Nitsch explained the department was awarded \$50,000.00 for the purchase of a vehicle from FAP funds. Chief Nitsch stated they are currently using an old squad car from the Police Department, and it needs to be replaced. Chief Nitsch was able to find a chase vehicle off the state bid which was \$2,000 lower than the state bid. In addition, the funds must be spent by the end of 2023 and vehicles on the state bid that would be invoiced in 2023 have been difficult to find. Once the vehicle is received, Nitsch requested the authorization to sell or trade in of the 2014 Ford Explorer that is currently being used.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to authorize the sale or trade in of the 2014 Ford Explorer to use towards the new car being built, as presented, and the MOTION carried without negative vote.

Update on Investigator Position

Aaron West has been appointed to the Investigator position and is currently undergoing training. Officer West will continue to work his normal rotation but will also take any case of significance or need an in-depth investigation.

Update on Coyote Trapping

Chief Cates explained that the Village contracted with Bob Rights out of Eagle, Wisconsin for the coyote trapping. The contract was for 14-15 days straight, and traps were set up on the high traffic areas where they believed the coyotes to be moving from. Rights managed to trap one coyote, but also noticed there were clear signs that more are present. Cates stated it may be beneficial to look into additional trapping if there continues to be a problem.

Proposed Fireworks Letter to Village of Walworth to Disallow Fireworks Sales

Administrator Loomer stated that the letter was sent to the Village of Walworth and once a response is received, if any, the Board will be notified.

Public Works Committee – Trustee O’Neill

Change Order No. 1 – Wolf Paving 2022 Street Program and Fontana Boulevard irrigation System

Public Works Director Day stated that the sewer inlets have been fixed and a few other items have been addressed with Wolf Paving, and the change order reflects those updates.

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to approve Change Order No. 1 for Wolf Paving of the 2022 Street Program & Fontana Boulevard Irrigation System, as presented, and the MOTION carried without negative vote.

Pay Application No. 2 – Wolf Paving 2022 Street Program and Fontana Boulevard irrigation System

Public Works Director Day stated the committee discussed some of the issues with Wolf Paving on some of the projects they are currently working on in the Village, with completion of these projects being the biggest concern. Day stated that roughly 95% of all the work has been completed so there is no need to withhold the payment, but he stated there has been a lack of communication overall.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION for approval of the 2022 Street Program & Fontana Boulevard Irrigation System Contractors Application for Payment No. 2, as presented, and the MOTION carried without negative vote.

Payment Recommendation No. 1 – Beach House Roof Repairs

Public Works Director Day stated that he noticed there are still a few items to be corrected on the beach house roof repairs, but overall, the work is complete and there is no need to withhold payment.

Trustee Livingston/Trustee O’Neill 2nd made a MOTION for approval of the Beach House Roof Repairs Contractors Application for Payment No. 1, as presented, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Consider Action on Estimate for Pier Repairs from Austin Pier Service Inc.

Administrator Loomer explained to the Village Board that she received an estimate from Austin Pier Service Inc. for the pier repairs in the amount of \$30,102.60. The repairs invoice last year was approximately \$30,000.

Trustee Marek/Trustee O’Neill 2nd made a MOTION to approve the estimate in the amount of \$36,102.60 for the pier repairs by Austin Pier Service Inc., and the MOTION carried without negative vote.

Approve Invoice from Austin Pier Service Inc for Pier Removals

Administrator Loomer also presented an invoice from Austin Pier Service Inc in the amount of \$30,915.00 for the removal of the Village Piers, which is the contracted cost.

Trustee Marek/Trustee O’Neill 2nd made a MOTION to approve the invoice in the amount of \$30,915.00 for the pier removals by Austin Pier Service Inc., and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Proposed Modification for EMS/Fire Officer Stipend and Pay Schedule

Chief Nitsch explained that along with transitioning to a full-time department, he is proposing to eliminate officer pay stipends and instead increase the hourly rate for the individuals that hold those positions. The assistant chief's pay is proposed to increase by \$2.50 per hour and the captains pay by \$1 per hour. Staff reviewed past years officer stipends expenses and the proposed rates will stay within the 2023 budget. Any large projects or unanticipated work that would cause the officers to go over budget would be brought back for Committee and Village Board approval.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the proposed modification for the EMS/Fire officer stipend and pay schedule, as presented, and the MOTION carried without negative vote and Trustee Livingston abstaining.

Proposed Handbook Clarification for Fire/EMS Funeral Leave Policy

Administrator Loomer stated the Funeral Leave Policy in the employee handbook calls for up to three days off but should be clarified for Fire/EMS staff who work 24-hours on 48-hours off. The committee proposed to allow Fire/EMS staff 24 hours of funeral leave which can be taken at once or broken up into no more than three 8-hour intervals of time off.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve clarifying the Funeral Leave Policy for Fire/EMS staff for up to 24 hours off, which can be broken up into no more than three 8-hour shifts upon the Fire Chief's approval. The MOTION carried without negative vote.

Proposed Handbook Clarification for Fire/EMS Holiday Pay

Administrator Loomer recommended clarification in the employee handbook so that it matches the way Fire/EMS staff are paid when they work overtime on a holiday. Staff that works holidays are paid 1.5x their normal hourly rate and staff that work overtime on a holiday earn 2x their normal hourly rate.

Trustee Marek/Trustee O'Neill 2nd made a MOTION to approve clarifying the pay rate for EMS/Fire employees that work overtime on a holiday in the employee handbook, as presented, and the MOTION carried without negative vote.

Recommend Action on Revisions to Vacation Schedule

Administrator Loomer that according to the current vacation schedule, staff must wait more than two years to earn two weeks' vacation; four additional years to earn three weeks' vacation; six additional years for four weeks' vacation; and eight additional years for five weeks' vacation. She recommended offering two weeks' vacation during the second year of employment and implementing additional vacation accrual of one or two days after years 4, 10, 15 and 17. Based on the proposed village vacation schedule, an additional schedule for Fire/EMS with 12-hour or 24-hour increment steps was proposed to match.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the revised vacation schedule for regular full-time staff and Fire/EMS staff, as presented, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee Petersen 2nd made a MOTION at 6:18 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow, 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: 02/06/2023