

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, March 6, 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 Marek, Trustee McGreevy, Trustee Pappas

Trustees Absent: Trustee Livingston, Trustee Petersen, Trustee O'Neill

Also Present: Liz Baumann, Joel Bikowski, Kevin Day, Eric Hurkman, Erik Johnson (Lake Geneva Regional News), Mike Larson, Mark Lubberda, Theresa Loomer, Drew Lussow, Chief Nitsch, Jim Origer, Chris Polkow, Bonnie Schaeffer, Bob Schorsh, Terry Tavera, Dale Thorpe, Cindy Wilson

Visitors Heard

Walworth County Administrator Mark Lubberda addressed the Village Board and introduced himself. He stated that he has been the Walworth County Administrator for about three years now but has resided in Walworth County for over 20 years and currently lives in Williams Bay. Mr. Lubberda stated he wanted to get out and introduce himself when he first became the County administrator, however, shortly after he started the position Covid hit. The Village Board thanked Mr. Lubberda for coming out and for the introduction and looks forward to working with him in his capacity as Walworth County Administrator.

Resident Chris Polkow (907 Sauganash Drive) asked to speak regarding the water quality issue he was experiencing at his home. Mr. Polkow addressed the Village Board and brought used water filters with him to show the Village Board the accumulation of biofilm and discoloration from the water. Public Works Director Kevin Day stated that after Mr. Polkow initially raised concerns a few months ago, the Village hired Water Quality Investigations (WQI) to determine where the issue is stemming from. WQI has since tested many water samples from different locations and at different intervals and has released a draft report which recommended taking Well No. 4 offline due to increased levels of biofilm and ammonia. Director Day stated the water from Well No. 4 has continually passed DNR and EPA drinking water tests, however, to avoid discoloration and obtain clear water, affected residents should run water in their home for a few minutes prior to drinking. Since the draft report was received, Well No. 4 was taken offline, and chlorine feed was added to Well No. 2. Once the final report from WQI is released with final results and recommendations, the Village will determine next steps on rehabbing Well No. 4. In the meantime, Director Day stated the Village will be routinely flushing the hydrants in the affected areas. He also stated that biofilm occurs naturally, but too much of it is not a good thing. Mr. Polkow said that based on his research and contacts, he feels the Village will not only need to treat the Well, but also each individual home that has been affected by the biofilm. Director Day in response stated that we need the final report first to make sure that the Village is handling this delicate issue properly. Resident, Mike Larson (211 Wauban) who is a neighbor to Mr. Polkow, stated that he has experienced similar water conditions in his home and has so for years. Bob Schorsh (211 Pottawatomie Dr) stated that the poor water conditions have been known for years within the Village and at one point his wife had an injury to her foot that did not heal properly due to using the water and the poor water conditions. President Kenny stated that the Village will do whatever it has to make things right. President Kenny said he was not aware that this many people were affected, and that up until recently, Mr. Polkow was the only resident to raise any concerns. President Kenny reiterated that the Village would continue to work to solve this issue and will be in touch with affected residents to keep them informed of the ongoing efforts. The Village Board then thanked all the residents for their time and for their comments on this matter.

Approval of Village Board Minutes

The Village Board minutes for the February 6, 2023 meeting were distributed.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Village Board minutes from the February 6, 2023 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for February, 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 McGreevy/Trustee Pappas 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

Discussion or Action on 620 S. Lakeshore Drive Concept Plan

Village Attorney Dale Thorpe said this matter has been brought back before the Village Board for the Board to review the concept plan that was provided by Mr. Origer. If the Board finds the concept plan is acceptable then he would ask the Village Board to direct staff to further work on the code changes, zoning, and any other things that need to be addressed to allow the development of the property to continue. Trustee McGreevy inquired if the Origers could seek a variance instead of taking this route. Attorney Thorpe informed the Board that they could, but they would have to prove that there is a unique enough circumstance to allow for it. Trustee Pappas also made a comment that he is ok with what is being presented however he would like to create a limited avenue to allow this to take place, so other properties don't see this as an invitation to develop on the lakefront as well. In addition, Pappas stated that renting and subdividing of the property should be prohibited if allowing this request to further develop. Attorney Thorpe also stated that a non-conforming study could be done to limit properties from requesting a similar thing for their properties since the study would pinpoint which properties could fall under this limited category. Attorney Thorpe stated that additional factors would also need to be researched such as emergency access to the separate properties, green space, setbacks, and other items.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to direct staff in an adequate and guarded way to proceed and pursue with the necessary code changes to help move forward with the Origer's request, as presented, and the MOTION carried without negative vote.

Ordinance Amending Section 18-165(b) Exterior lighting standards – Set Public Hearing

Attorney Thorpe gave a brief background on Ordinance 18-165(b) which the Village is seeking to amend regarding exterior lighting standards. Attorney Thorpe relayed that the change is being made in reference to the public and private streetlights since a fair amount of the roadways and streetlights in the Village of Fontana can be considered "private". Trustee Pappas made a comment that he felt the ordinance change was a little broad and didn't do enough to regulate the lights. Attorney Thorpe stated that the lights will still have to satisfy and be approved by the public safety requirements for lights and that in the past there didn't seem to be any issues with abiding by these requirements. Attorney Thorpe stated staff is looking to set the ordinance for public hearing where more discussion could take place with the Plan Commission and staff.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to set Ordinance Amending Section 18-165(b) Exterior lighting standards for public hearing, as presented, at the next available plan commission meeting, and the MOTION carried without negative vote.

Consider Action: Transfer Control of Glenwood Springs Private Streetlights

Attorney Thorpe explained that the Village shouldn't be paying or managing private streetlights in Glenwood Springs. Attorney Thorpe made a recommendation that control of the private streetlights be turned over to the Glenwood Springs Association and that the electric bill for those lights be put in the associations name as well. Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve transferring control of Glenwood Springs private streetlights to the Glenwood Springs Association, as presented, and the MOTION carried without negative vote.

Park Permit and Temporary Class "B"/Class "B" Retailers License Applications filed by Dan Green Touch a Life, Heal a Heart, Inc. for Pig in the Park on Saturday, July 8, 2023 at Reid Park

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Park Permit and Temporary Class “B”/Class “B” Retailers License Application filed by Dan Green Touch a Life, Heal a Heart, Inc. for Pig in the Park on Saturday, July 8, 2023 at Reid Park, and the MOTION carried without negative vote.

Park Permit and Temporary Class “B”/Class “B” Retailers License Applications filed by Dan Green Touch a Life, Heal a Heart, Inc. and The Farm Way for Rock-N-2-The Rescue on Saturday, September 2, 2023 at Reid Park

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve Park Permit and Temporary Class “B”/Class “B” Retailers License Application filed by Dan Green Touch a Life, Heal a Heart, Inc. and The Farm Way for Rock-N-2-The Rescue Event on Saturday, September 2, 2023 at Reid Park, and the MOTION carried without negative vote.

Temporary Operator License Applications filed by Mary Kriete-Green, Chad Beth, and Michael Kriete for Pig in the Park on Saturday, July 8, 2023 and Rock-N-2-The Rescue on Saturday, September 2, 2023

Although Chief Cates was not present at the meeting, all the applicants had previously been ok’d through background checks which came back clear for everyone. In addition, all fees have been paid.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve Temporary Operator License Applications filed by Mary Kriete-Green, Chad Beth, and Michael Kriete for Pig in the Park on Saturday, July 8, 2023 and Rock-N-2-The Rescue on Saturday, September 2, 2023, and the MOTION carried without negative vote.

Temporary Class “B”/Class “B” Retailers License Applications filed by Big Foot Lions Club for Annual Lobster Boil and Steak Fry on Saturday, July 29, 2023 at Reid Park

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve Temporary Class “B”/Class “B” Retailers License Application filed by Big Foot Lions Club for Annual Lobster Boil and Steak Fry on Saturday, July 29, 2023 at Reid Park, and the MOTION carried without negative vote.

Temporary Operator License Applications filed by Anders W. Pearce, Daniel A. Pearce, Kevin M. Racky, and Patrick J. Kenny for Big Foot Lions Club Annual Lobster Boil and Steak Fry on Saturday, July 29, 2023

Although Chief Cates was not present at the meeting, all the applicants had previously been ok’d through background checks which came back clear for everyone. In addition, all fees have been paid.

Trustee Marek/Trustee McGreevy 2nd made a MOTION to approve Temporary Operator License Applications filed by Anders W. Pearce, Daniel A. Pearce, Kevin M. Racky, and Patrick J. Kenny for Big Foot Lions Club Annual Lobster Boil and Steak Fry on Saturday, July 29, 2023, and the MOTION carried without negative vote. President Kenny abstained.

Operator License Application filed by Gurinder Singh (Fontana Shell) and Tricia Van De Bogert (Kimkasi Pub)

Although Chief Cates was not present at the meeting, he had previously ok’d the background checks which came back clear. All fees have been paid.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve operator license applications filed by Gurinder Singh for Fontana Shell and Tricia Van De Bogert for Kimkasi Pub, and the MOTION carried without negative vote.

Declaration of Municipal Disaster for Ice Storm February 21-23, 2023

Administrator Loomer stated that the proposed Declaration of Municipal Disaster for the ice storm that took place in February allows the Village of Fontana to be eligible for funds from the Wisconsin Disaster Fund (WDF) for reimbursement for costs expended during the storm. This would include pay (regular and O.T.), cleanup costs, payment for use of equipment, and replacement costs for items damaged during storms (guard rails, signs, posts, etc.).

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Declaration of Municipal Disaster for the Ice Storm on February 21-23, 2023, as presented, and the MOTION carried without negative vote.

Discussion or Action on Village Hall Saturday Summer Hours

Administrator Loomer suggested that this year's Village Hall Saturday Summer Hours begin the first weekend in May and run through the last weekend in July.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the proposed Village Hall Saturday Summer Hours, as presented, and the MOTION carried without negative vote.

Approval of 4th of July Fireworks Agreement with J&M Displays

Administrator Loomer explained that this agreement is like past agreements with J&M Displays that have been approved by the Village for the 4th of July Firework show. The total cost of this year's fireworks show is \$27,500.00.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the 4th of July Fireworks Agreement with J&M Displays in the amount of \$27,500.00, as presented, and the MOTION carried without negative vote.

Discussion or Action on Short Term Rental Guest Requirements Form

Administrator Loomer explained that the Short-Term Rental home sections of the zoning code require a Short Term Rental Guest Requirements Form. The form included in the packet was put together by the Village Planner. These forms will be distributed to all tourist rooming houses and vacation rental homes renters going forward. This is so all renters are aware of all the parking, site appearance, neighborhood, and house advertising requirements in the Village.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve the Short-Term Rental Guest Requirements Form, as presented, and the MOTION carried without negative vote.

Discussion or Action on Revisions to Section 2-66 Protection Committee

Administrator Loomer informed the Village Board that the last update regarding the responsibilities of the Protection Committee was made approximately 10 years ago, and many things have changed since then including hiring a full-time Fire/EMS department. Administrator Loomer would like to revise the current responsibilities and look at what other communities/municipalities have for their respective Protection Committees to update ours.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve looking into revisions and updates to Section 2-66 regarding the Village's Protection Committee, as presented, and the MOTION carried without negative vote.

Accept Resignation of Public Works Committee Member Todd Reschke

The Village Board members thanked Todd Reschke for his years of dedicated service as a Public Works Committee Member.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to accept the resignation of Public Works Committee Member Todd Reschke, and the MOTION carried without negative vote.

Accept Resignation of Full Time Firefighter/Paramedic Tyler Krepelen

Trustee Marek/Trustee Pappas 2nd made a MOTION to accept the resignation of full time Firefighter/Paramedic Tyler Krepelen, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Recommendation of Approval of Zoning Code Ordinance Amendments Repealing and Recreating Figures in Sections 18-331 through 18-337 and 18-339 through 18-347

Attorney Thorpe provided a brief background on the changes behind the zoning code ordinance amendments to Sections 18-331 through 18-337 and 18-339 through 18-347. Attorney Thorpe stated this ordinance originally had references to a height change that he has since removed from the ordinance since the ETZ committee had concerns. The only changes proposed in the current version of the amendments are language cleanups and corrections of prior drafting mistakes that were presented at the Joint ETZ and Plan Commission public hearings. The changes would also make the sections consistent with what Walworth County has in their

ordinances. Attorney Thorpe lastly stated that both the Joint ETZ and Plan Commission have unanimously voted to recommend approval of the current version of the changes to the zoning code ordinance.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Ordinance 030623-01 based on the Plan Commission and Joint ETZ Committee's recommendation for the zoning code ordinance amendments to Repeal and Recreate Figures in Sections 18-331 through 18-337 and 18-339 through 18-347, as presented, and the MOTION carried without negative vote.

Recommendation of Approval of Site Plan Application filed by Erik Hurkman for Fontana Jewelers/State Farm Office, 547 Valley View Drive, for Façade Improvements

Attorney Thorpe stated that based on the Plan Commission recommendation they asked the applicant to provide a rendering of the façade improvements as well as a picture of the stucco the applicant plans on using. The applicant complied with the request and Mr. Hurkman was present at the meeting to address any question the Village Board may have. The Village Board had no questions for Mr. Hurkman and stated that they like the concept renderings and had no issues with what was presented.

Trustee Marek Wilson/Trustee McGreevy 2nd made a MOTION to recommend approval of the Site Plan Application filed by Fontana Jewelers at 547 Valley View Drive for Façade Improvements, as presented subject to the following staff recommendations:

- a) Façade materials must all be natural including stucco and/or stone per McCormack & Etten plans dated 12/21/2022.
- b) All cost recovery invoices must be paid prior to issuance of building permits.

The MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Discussion or Action on Change Order No. 2 – 2022 Streets Rehabilitation Project Power Tech Electrical Charges

Village Engineer Terry Tavera stated when Wolf Paving was removing the curbing on Fontana Boulevard, they repeatedly hit the electrical conduit lines which needed repair. The electrical conduit feeds the Village light poles along Fontana Blvd. Public Works Director Day stated he called the Village electrician, Power Tech for the repairs. Director Day stated there were numerous times the electrical conduit was damaged during the project, even after the contractor knew where the electric lines were. Village staff and Village Engineer Tavera had a meeting with Wolf Paving explaining they would be responsible for most of these damages. Village Engineer Tavera stated that the agreement was that the Village would cover 1/3rd of the damage and the rest would be covered by Wolf Paving.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve Change Order No. 2 regarding the 2022 Streets Rehabilitation Project Power Tech Electrical Charges, as presented, and the MOTION carried without negative vote.

Discussion or Action on Bid Proposal for Village of Fontana Visual Tower Inspection and Complete Light Change – Wild Duck Road

Administrator Loomer stated the proposal is for the Village owned tower located at the Department of Public Works on Wild Duck Road. The proposal is for complete inspection of the tower, along with a report and photos of the inspection. The last inspection was completed in 2019 and it is something the Village should consider having done annually to ensure the tower can continue to be used by the cellular services that rent space on it. The expected cost for the inspection by Higgins Tower Service, Inc. is approximately \$4,680.00. In addition, a charge of \$925.00 is also needed for a light change to be done on the tower as well by Higgins Tower Service, Inc. If the light change and inspection are done at the same time, the Village can deduct \$380.00 from the light change amount.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the Bid Proposal for the Village of Fontana Visual Tower Inspection and Complete Light Change at Wild Duck Road Tower in the total amount of \$5,225.00 with both the inspection and light change to be completed at the same time, as presented, and the MOTION carried without negative vote.

Update on Well No. 4

The update was discussed and referenced in detail under the Visitor Heard section of the minutes when Mr. Polkow asked to be heard.

Finance Committee – President Kenny

Update on Ambulance and Fire Truck Replacement

Administrator Loomer and Chief Nitsch gave an update on the ambulance and fire truck replacement. Chief Nitsch stated that that replacement ambulances and fire trucks are two to four years out upon ordering. He also stated that the current build time for an ambulance is 4-5 years out. The Fire department would look to replace the current two engines with one and replace the 2012 ambulance. The village can expect to spend approximately \$400,000 on a new ambulance and between \$750,000 and \$1,000,000 on a fire truck but also can see about splitting costs with Williams Bay. Between Williams Bay and Fontana, there will be three ambulances, two engines and a ladder truck.

Discussion or Action on 2023 LWMMI Insurance Renewal Proposal

Administrator Loomer explained the overall insurance premium increased by 30.5% or \$43,216. The majority of the increase is due to the in-house Fire/EMS employees which increased the work comp premium by 59.8% due to adding code 7710 and payroll increase. In addition, the last of the three-year rolling average for work comp includes year 2019, and there were several claims that year. The addition of the new Fire/EMS employees also caused the majority of the \$6,232 increase in Public Official Liability and a portion of Cyber liability insurance increase. Although it is a large jump in the premium, some of that will be offset because Williams Bay is responsible for half of the costs in relation to the Fire/EMS staff. Loomer stated she is working with the insurance agent to accurately determine Williams Bay's share of the premium and they will be invoiced accordingly.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the 2023 LWMMI Insurance Renewal Proposal, as presented, and the MOTION carried without negative vote.

Discussion or Action on Town Bank ACH and Sweep Agreement

Treasurer Baumann informed the Village Board that currently the Village does not have ACH services with Town Bank. To generate the autopayments for utility billing, the transactions are created at First National Bank and then the money is transferred to Town Bank where the utility funds are held. Treasurer Baumann presented the option of utilizing ACH services at Town Bank for these utility auto payments. She suggested then using an automatic sweep feature to move the funds from the utility checking once it reaches \$100,000 into the Money Market account, so the funds earn interest at the Money Market Account rate. Baumann was able to get Town Bank to waive the ACH service fee and reduce the monthly sweep fee from \$50 to \$35. In order to move forward she asks that the Village Board approve to authorize the contract.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve ACH services with Town Bank and the Sweep Agreement for moving funds to a Money Market account, as presented, and the MOTION carried without negative vote.

Discussion or Action on First National Bank Positive Pay Agreement

Treasurer Baumann reported that ACH debit blocks have been put in place for First National Bank accounts. This will alert staff to any ACH debit transactions that do not fall within their preset parameters. With this in place, Baumann stated she is comfortable with moving forward paying all vendors through ACH. The Village currently has an ACH relationship with First National Bank so there would be no contract or fees. To start paying vendors via ACH each vendor would fill out a form to authorize the Village to pay them via ACH. This form would also authorize the Village to reverse the payment if there was ever an error. Positive Pay is an additional fraud protection feature that is available at First National Bank for no charge. This feature would direct the bank to only pay paper checks that the Village staff have notified them of being issued. Staff would submit a file to First National of all paper checks that were issued, preferably the day they are issued. Treasurer Baumann has worked with Tyler Tech to generate a file that can be used to meet the bank's requirements. Treasurer Baumann is asking the Village Board to proceed with approving the First National Bank Positive Pay Agreement now that everything is in place.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the First national Bank Positive Pay Agreement, as presented, and the MOTION carried without negative vote.

Discussion or Action on Paying Vendors by ACH (All Banks)

Treasurer Baumann explained to the Village Board that as stated in the First National Bank Positive Pay Agreement that ACH blocks have been put in place and with these blocks in place that she is now comfortable with moving forward with paying all vendors through ACH. A form was recently created for vendors to fill out and submit to the Village if they wish to be paid through ACH. Treasurer Baumann will work on processing the requests as they come into the Village.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve paying all vendors by ACH (at all banks) upon receiving the proper form from the vendors, as presented, and the MOTION carried without negative vote.

Discussion or Action on “OpenEdge” Card Processing Service for TylerTech Utility Access

Treasurer Baumann asked that this matter be tabled to next month when it could be ready for the Village Board to discuss.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to table the discussion or action on “OpenEdge” Card Processing Service for TylerTech Utility Access until the next Village Board Meeting, as presented, and the MOTION carried without negative vote.

Discussion or Action on Fee Schedule Resolution for Village Hall Meeting Room Rentals and Terms of Agreement

Administrator Loomer explained that the Village Board Meeting Room has seen an increase in groups more frequently requesting to use the meeting room and the Village does not currently charge a fee unless the room is rented while Village Hall is not staffed. Administrator Loomer expressed that she would like to stay away from requiring staff to come in during unstaffed hours on the weekends. However, the Village Hall is already staffed in the early summer months on Saturdays and can be rented then. With the increase in rentals, there sometimes is additional supplies used at the Village’s expense and some groups have not been good at cleaning up after themselves. It was the Finance Committee’s recommendation to charge \$100 during the week for the room rental, and \$200 on the weekends, and only allowing groups to rent the room when Village Hall is staffed. Additionally, staff was directed to create an agreement form which outlines expected conduct of renters and prohibits food or drink in the meeting room.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve Fee Schedule Resolution 030623-01 for Village Hall Meeting Room Rentals and the Terms of Agreement Form, as presented, and the MOTION carried without negative vote.

Discussion or Action on Chamber of Commerce Room Rental Agreement

Administrator Loomer asked that this matter be tabled to next month when it could be ready for the Village Board to discuss since they were not able to meet with the Chamber of Commerce on the date they intended to.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to table the discussion or action on Chamber of Commerce Room Rental Agreement until the next Village Board Meeting, as presented, and the MOTION carried without negative vote.

Adjournment

Trustee McGreevy/Trustee Marek 2nd made a MOTION at 5:44 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: 04/03/2023