

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN  
(Final Minutes)  
Monthly Meeting of the  
VILLAGE OF FONTANA BOARD OF TRUSTEES  
Monday, April 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 Marek, Trustee O'Neill, Trustee Pappas, Trustee Livingston, Trustee Petersen

**Trustees Absent:** Trustee McGreevy

**Also Present:** Chief Cates, Liz Baumann, Remzy Bitar, Carlie Blackman, Kevin Day, Theresa Loomer, Drew Lussow, Chief Nitsch, Jim Origer, Jake Schmidt, Dale Thorpe

**Closed Session – President Kenny**

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to go into Closed Session at 5:01 pm, pursuant to Wis. Stats. Chapter 19.85(1)(g), “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” specifically Zoning Board of Appeals Case Regarding Lot 9, Club Unique. The roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Aye

Trustee Marek – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

Trustee Livingston – Aye

The MOTION carried 6-0 without a negative vote and Trustee McGreevy was absent.

**Adjourn Closed Session**

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to go into open session at 5:32 pm, and the MOTION carried without negative vote.

**Zoning Board of Appeals Case Regarding Lot 9, Club Unique**

This item was discussed in closed session.

**Visitors Heard**

None

**Approval of Village Board Minutes**

The Village Board minutes for the March 6 and 27, 2023 meeting were distributed.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Village Board minutes from the March 6 and 27, 2023 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for March, 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 Marek 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**

#### **Proposed Ordinance Amendments Repealing and Recreating Sections 18-28(o), 18-28(i) and Section 18-52(10) to Address the 620 S Lakeshore Proposal – Set Public Hearing**

Village Attorney Dale Thorpe explained that he has drafted a proposed ordinance for this matter and that they were looking to set the matter for a public hearing. However, after some feedback from Zoning Administrator Schaeffer and Plan Commission Staff, he is asking that the matter be tabled until next month. Mr. Origer was present and asked what this meant. Attorney Thorpe addressed Mr. Origer and stated that staff just needed more time to review what was being proposed.

Trustee O’Neill/President Kenny 2<sup>nd</sup> made a MOTION to table setting the proposed ordinance amendments repealing and recreating sections 18-28(o), 18-28(i), and section 18-52(10) for hearing to address the 620 S Lakeshore Proposal, as presented, and the MOTION carried without negative vote.

#### **Proposed Amendments to Ordinance 050321-01 Due to Numbering Errors – Set Public Hearing**

Attorney Thorpe gave a brief background on the proposed amendments to Ordinance 050321-01 and stated that they are asking this matter be set for hearing to clean up the ordinance regarding some numbering errors found throughout the ordinance.

Trustee O’Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to set Ordinance 050321-01 for public hearing to resolve number error, as presented, at the next available plan commission meeting, and the MOTION carried without negative vote.

#### **Update on Firefighter Unionization Election Request**

Administrator Loomer stated that a request was made by the firefighters to unionize their staff. Loomer stated that they need at least a 51% of their vote to approve the unionization. The process is run through the state and typically takes about 45 days to complete. Trustee Petersen asked Chief Nitsch who was in attendance if this is something that he supports. Chief Nitsch stated he has no issues with the request and that the staff is within their rights to proceed.

#### **Discussion or Action on Updating Village of Fontana Logo**

Administrator Loomer relayed to the Village Board that the Village has been looking to update their logo from the previous one. She stated that the Village has begun using the “Fontana” logo with its letterhead, envelopes, and other office items and Fontana wear and would like the Board to approve moving forward with this logo.

Trustee O’Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the use of the updated logo for the Village of Fontana moving forward, as presented, and the MOTION carried without negative vote.

#### **Discussion or Action on Letter Request from City of Burlington Regarding Liquor License Support**

Administrator Loomer explained that the Village received a letter from the City of Burlington asking for the Village of Fontana’s support to allow transferring of liquor licenses throughout the county rather than only allowing transfers when they are within two contiguous miles. Loomer stated they are working with an attorney out of Racine who is drafting a resolution to be presented. Chief Cates said he had no issues with what they are asking for and that it likely won’t impact us since we don’t have any licenses to offer but could see the benefits of communities being able to seek others out when needed.

Trustee Livingston/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve supporting the City of Burlington’s efforts in pursuing a resolution to allow for the transferring of liquor licenses throughout the county, as presented, and the MOTION carried without negative vote.

#### **Operator License Application filed by Kinzie Millar (Kimkasi Pub)**

Chief Cates stated he had no issues with the applicant’s application and that everything came back clear all was in order. In addition, all fees have been paid.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Operator License Applications filed by Kinzie Millar for Kimkasi Pub, and the MOTION carried without negative vote.

### **GLEA – President Kenny**

#### **Accept Donation of CD3 Roadside Waterless Cleaning System**

Administrator Loomer stated that GLEA is donating a CD3 Roadside Waterless Cleaning System to be used down by the boat launch. Jake Schmidt from GLEA was present and stated he will coordinate with the Fontana Public Works Department for pickup of the system.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to accept the donation of the CD3 Roadside Waterless Cleaning System, and the MOTION carried without negative vote.

### **Discussion or Action on Proposed Ordinance Amendments to Section VII – Preventing the Spread of Aquatic Plants and Invasive Animals in Geneva Lake & Surrounding Bodies of Water**

Jake Schmidt from GLEA was present to explain the proposed ordinance amendment to Chapter 30 Section VII regarding preventing the spread of aquatic plants and invasive animals in Geneva Lake and surrounding bodies of water. Mr. Schmidt explained that the request has been sent out to all communities along the lakefront to see if they would be in favor of adding it to their own ordinances and that what is currently being presented is just a rough draft. He further explained that Village Attorney Thorpe would need to look over it and draft it to be compliant with the Village of Fontana's ordinance if the Board is in favor of adding it. Mr. Schmidt added that this ordinance would allow for local lakefront staff to turn away boaters who don't follow rules for preventing the spread and they can also write down the boaters' information to supply to the DNR for potential tickets and fines to be levied against them.

Trustee Pappas/President Kenny 2<sup>nd</sup> made a MOTION to direct Village Attorney Thorpe to proceed with drafting a version that is fit to the Village of Fontana Code using what was presented as an outline, and the MOTION carried without negative vote.

### **Public Works Committee – Trustee O'Neill**

#### **Discussion or Action on Public Works Committee's Recommendation on Glenwood Springs' Request for Additional Equipment to be Added to Help Collect/Prevent Sediment**

Public Works Director Day stated that he and Village Engineer Tavera have looked over adding the equipment being requested by Glenwood Springs and that after investigating the storm sewer manhole for adding the Preserver, there is not a deep enough sump to collect debris and sediment, which would cause the Preserver not to function correctly. Public Works Director Day also added that the estimated costs for the Preserver are \$9,000.00. Public Works Director Day stated that he and Village Engineer Tavera have come up with another option which is to build a small brick wall in the manhole, which would work as a sump to catch the debris and sediment from entering Glenwood Springs. Public Works Director Day stated this could be built in-house by the Public Works Department. Due that that Public Works Director Day stated that he believes it would be best for the Village to deny Glenwood Springs' request and handle the issue internally as stated.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny Glenwood Springs' Request for additional equipment to be added to help collect/prevent sediment and approve the Public Works Department to go forward with the internal plans to alleviate the issue, as presented, and the MOTION carried without negative vote.

### **Update on Village of Fontana Visual Tower Inspection Report and Recommendations**

Public Works Director Day stated that the visual inspection of the tower was completed by Higgins Tower Service, Inc. The inspection noted no major deficiencies with the structure of the tower. Public Works Director Day stated there are some minor issues with the tower and is waiting for costs for those repairs. Public Works Director Day stated that we will need to budget for these minor issues in the future for repairs and will most likely be included in the 2024 budget.

### **Discussion or Action on S. Lakeshore Drive Change Order - \$7,600**

Public Works Director Day stated this change order is for two additional items. First, adding drainage pipe behind the curb near 1048 S. Lakeshore Dr. for approximately 120 feet of pipe. Second is adding a drainage pipe at 1157 S. Lakeshore Dr. to help drain the ditch in front of the house. This would drain into the dry well installed during the S. Lakeshore Dr. project. Public Works Director Day stated the approximate cost from Wanasek Corp. is \$7,600.

Trustee Petersen/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the S. Lakeshore Drive Change Order for Wanasek Corporation in the amount of \$7,600.00 for the work, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Village obtaining a Temporary or Permanent VFD for Well No. 4**

Public Works Director Day spoke to the Board regarding the purchase of a temporary or permanent VFD for Well No. 4. Director Day stated that by purchasing either a temporary or permanent VFD it would allow the Public Works staff to control the motor of the well's pump. Director Day stated that there is also a rebate offer if the Village decides to go with the permanent option although it is more expensive than the temporary.

Trustee O'Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the purchase of a permanent VFD for the Village of Fontana in the amount of \$25,877.00, as presented, and the MOTION carried without negative vote.

**Finance Committee – President Kenny**

**Discussion or Action on “OpenEdge” Card Processing Service for TylerTech Utility Access – Tabled 03/06/23**

Administrator Loomer stated that this item had been previously tabled back on March 6, 2023, however the Village is now pursuing a different type of card processing service and now wishes to have this matter denied.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to deny the “OpenEdge” card processing service for TylerTech Utility Access that was tabled on 03/06/23, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Contracting with Tyler Payments for Processing Utility Payments Through the Utility Access Portal**

Administrator Loomer explained that the Village is working with Tyler Payments to set up a new portal for the processing of any utility payments made online. This portal would also handle the card processing service as well.

Trustee Livingston/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve contracting with Tyler Payments for processing utility payments through the new utility access portal, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Purchasing the “Content Manager” and “Project Accounting” Modules for Tyler Tech Incode**

Treasurer Baumann informed the Village Board that staff are looking to purchase a “Content Manager” and “Project Accounting” module for the Incode software. The Content Manager would allow the Village to attach invoices and other documents to the financials within the software for quick access viewing on statements and other transactions. The Project Accounting module would allow for tracking of funds to be coded for easy identification such as tracking purchases with grant funding or donations and seeing how they were spent.

Trustee Petersen/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the purchase of the Content Manager and Project Accounting Modules for Tyler Tech Incode in the amount of \$17,831.00 to cover both modules, training, and service fees, as presented, and the MOTION carried without negative vote.

**Discussion or Action on New Bank Service Agreement with First National Bank**

Treasurer Baumann stated that this is just to renew the service Agreement with First National Bank. Not much has changed except adding Treasurer Baumann as the contact person as well as now needing to maintain a balance of \$250,000.00 in the account which the Village already accomplishes. A target balance has also been included to trigger a money market sweep of the account as well.

Trustee O'Neill/Trustee Marek 2<sup>nd</sup> 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 Chamber of Commerce Room Rental Agreement – Tabled 03/06/23**

Administrator Loomer stated that she spoke with the Executive Director regarding the room rental. She stated that President Kenny and the Executive Director will be swapping offices. Administrator Loomer stated she and President Kenny are recommending to not charge rent for the remainder of the year since the Chamber did not

budget for the expense, but charge \$400 per month beginning in 2023. The Village Board also thought it would be good to send a letter to the Chamber to advise them of these changes in writing.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the room rental agreement, as presented, the MOTION carried without negative vote.

#### **Park Commission – Trustee Livingston**

##### **Approval of 2023 Arbor Day Proclamation**

Administrator Loomer explained that this is an annual proclamation that is made in order to keep the Village of Fontana's designation as a "tree city".

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the 2023 Arbor Day Proclamation, as presented, and the MOTION carried without negative vote.

##### **Discussion or Action on Park Permit Application Filed by Semper Running Foundation, Bigger Than The Trail, & Fontana Elementary by Carlie Blackman for Walk for Wellness Event at Duck Pond Pavilion and Duck Pond Recreation Area on Friday, May 19, 2023, From 8:00 AM To 2:00 PM With Request for Fees to be Waived**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Carlie Blackman on behalf of Semper Running Foundation, Bigger Than The Trail, & Fontana Elementary for Walk for Wellness Event on Friday, May 19, 2023, at Duck Pond Pavilion and Duck Pond Recreation Area From 8:00 AM to 2:00 PM with Fees to be Waived, and the MOTION carried without negative vote.

##### **Discussion or Action on Park Permit Application Filed by Semper Running Foundation & Fontana Elementary by Carlie Blackman for Big Foot Middle School XC Classic Event at Duck Pond Pavilion and Duck Pond Recreation Area on Monday, September 18, 2023, From 8:00 AM To 6:00 PM**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Carlie Blackman on behalf of Semper Running Foundation & Fontana Elementary for Big Foot Middle School XC Classic Event on Monday, September 18, 2023, at Duck Pond Pavilion and Duck Pond Recreation Area From 8:00 AM to 6:00 PM with Fees to be Waived and Previous Payment Refunded, and the MOTION carried without negative vote.

##### **Approval of 2023 Movies on the Beach Dates of: June 16, June 30, July 14, July 28, August 11, and August 25 at Fontana Beach**

Trustee O'Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the 2023 Movies on the Beach Dates of: June 16, June 30, July 14, July 28, August 11, and August 25, as presented, and the MOTION carried without negative vote.

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

##### **Discussion or Action on Lifejacket Program Bin Proposal at Boat Launch**

Trustee Pappas stated we received an email from a resident who is suggesting a lifejacket program. This program would establish a bin at the boat launch for people to donate lifejackets so that if someone forgot to bring theirs or needed an extra, they could use one from the bin and return it to the bin after use. Administrator Loomer explained that in the past programs like this that have good intentions have been brought up and lasts for a little while, but it usually ends up with the Village assuming the role of having to supply the lifejackets, maintenance to the bin, and replacing lifejackets that are lost or stolen. Overall, it ends up being something additional that the Village would then have to manage. The Village Board members agreed and felt that although this proposal has good intentions, they did not want the Village to have to manage another project and be stuck with the upkeep of the project.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve deny the request for a lifejacket program bin at the boat launch, as presented, and the MOTION carried without negative vote.

##### **Discussion or Action on Temporary Mooring Buoys for X-Boat Regatta**

Trustee Pappas stated that he received a letter from Marek Valasek making a request to add temporary mooring buoys for the X-Boat Regatta event. Included in the letter from Mr. Valasek was also a site map of the event that

indicated where the mooring buoys plan to be set up. The location of the mooring buoys looked to be placed in front of the Lake Geneva Yacht Club and this site map was included in all the meeting packets for review. Trustee Pappas then stated the event is looking to be held around July 30th, 2023 and approximately 23 moorings would be placed into the water. The moorings would then be removed after the events on August 2, 2023. He lastly explained that this event has been previously held in Fontana in the past and they have had no issues.

Trustee O'Neill/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the 2023 Movies on the Beach Dates of: June 16, June 30, July 14, July 28, August 11, and August 25, as presented, and the MOTION carried without negative vote.

### **Adjournment**

Trustee O'Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION at 5:53 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: 05/01/2023