

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

**(Official Minutes)**

**RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
Thursday, April 4, 2019**

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: President Kenny, Trustee McGreevy, Trustee O’Neill, Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen

**Also Present:** Skip Bliss, Suzy Brady, Maryanne Bruss, Jeff Cates, Kevin Day, Theresa Loomer, Joe Mesler, Mike Misch, Pete Novak, Kathie Perkins, Wally Perkins, Ted Peters, Chad Pollard, Jim Privoznik, Todd Reschke, Bonnie Schaeffer, Chris Schultz, Dale Thorpe, Scott Vilona, Doug Wheaton

**Visitors Heard**

Mike Misch from Munson Marine stated he disagreed with the draft minutes from the March 5, 2019 Village Board meeting which stated, “flutter signs and sandwich board signs... were displayed last summer and without the proper permits.” Misch stated that per his interpretation of the zoning code the premise is allowed a flutter sign and Munson’s had a permit for the sandwich board sign.

**Approval of Minutes**

The minutes for the meetings held on March 5 and 29, 2019 were distributed.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the minutes from the March 5 and March 29, 2019 meetings, as submitted, and the MOTION carried without negative vote.

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

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

**Approval of Village and Utility Payables**

Three additional payables were added and include Tom Marek - \$1,500 refund for boat slip, USIC Locating Service - \$289.85 for March electric locates, and US Post office - \$56.00 for Municipal Court PO Box rental.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list, including the three additional payables, as presented, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Jim Origer Initial Presentation on Proposed Highlands Development**

Jim Origer is the owner of the previously approved Highlands of Fontana Planned Development located off of Brick Church Road. At the plan commission meeting that took place immediately prior to the Village Board meeting, Origer gave an overview of his conceptual plan and restated to the Board that his idea is to provide affordable housing starting around \$250,000 with small lots and grassland or conservancy abutting the backs of houses. Trustee Pappas stated he did not want to reduce the setback requirements but did not see an issue with the small lot sizes. Trustee O’Neill asked about the direction the garages would face since sometimes it seems with small houses all you see is the garage.

**Fourth of July Fireworks Contract Approval**

The board previously approved the same fireworks show as in past years but the cost will go up by 10%. Loomer spoke to Chamber of Commerce Executive Director Cherie Setteducate who said fundraising efforts have fallen short in the past few years and have only raised \$23,000 on average. She stated there is a reserve fund, but that would be depleted in two years if the Chamber continues

to only raise \$23,000 per year.

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the fireworks contract for \$27,500, and the MOTION carried without negative vote.

**Accept Resignation of Chief Election Inspector and Finance Committee Member Duane Ratay**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to regretfully accept the resignation of Chief Election Inspector and Finance Committee Member Duane Ratay, and the MOTION carried without negative vote.

**Accept Resignation of Election Inspector and Library Board Member**

The name on the agenda item should have appeared as Sally Ratay.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to accept the resignation of Election Inspector and Library Board Member Sally Ratay, and the MOTION carried without negative vote.

**Approve Temporary Liquor License Applications for Mary Kreite-Green for Dan Green's Touch a Life, Heal a Heart for Pig in the Park and The Farm Way Rock N 2 the Rescue Events**

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the temporary liquor license applications filed by Mary Kreite-Green for Dan Green's Touch a Life, Heal a Heart for Pig in the Park event on July 13, 2019, and The Farm Way Rock N 2 the Rescue event on August 31, 2019, and the MOTION carried without negative vote.

**Consider Action on Letter of Support for Starry Stonewort Management**

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to adopt the letter of support for the Starry Stonewort Management, and the MOTION carried without negative vote.

**Consider Non-Renewal of Novak's Liquor License Pursuant to Municipal Code Section 6-9(c)(1) and 6-12(b)(2)**

Attorney Thorpe stated there is a potential qualification issue with Novak's of Fontana liquor license. A copy of a complaint was received by Maryanne Bruss's attorney, Chad Pollard, regarding the qualifications of the Novak's of Fontana, LLC, liquor license. Attorney Pollard stated he would like to make the liquor license available and urged the Board to move forward in a timely manner. He stated there are two main issues: 1. the municipal code requires a licensed party to operate for 90-days continuously, and 2. the lack of a licensed premise. Attorney Thorpe stated the non-renewal process involves a formal hearing in front of the Board as an impartial body. He stated the Board will need to move forward and draft documents and then set a hearing date.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to move forward to initiate the process for non-renewal of the license held by Novak's of Fontana, LLC. The MOTION carried without negative vote.

**Operator's License Application filed by Alec McGreevy (Abbey Resort)**

There were no concerns with the background check and the \$60 fee has been paid.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the operator's license application filed by Alec McGreevy for the Abbey Resort, and the MOTION carried without negative vote. Trustee McGreevy abstained.

**Plan Commission – Trustee Prudden**

**Tourist Rooming House Ordinance Amendments**

A public hearing was held at the plan commission meeting immediately before the Board meeting. The plan commission recommended in favor of the ordinance amendments that alleviate the requirement of Abbey Springs, Abbey Villas and Abbey Ridges planned developments to meet the minimum parking requirements. In addition, the fee schedule, which is listed for adoption later on the agenda with other amended fees, modifies the administrative fee to \$250, occupancy permit fee to \$75 and fire inspection fee to \$50. The \$20 room tax permit application fee will remain the same. Trustee O'Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve ordinance 040419-01, as presented and recommended, and the MOTION carried without negative vote.

### **Protection Committee – Trustee Prudden**

#### **2020 Half Marathon Approval**

Carlie Blackman is organizing a half-marathon fundraiser in 2020. The race will begin at Big Foot High School and end in downtown Lake Geneva. All of the race participants should be out of Fontana prior to 8:00 am. Chief Cates stated he had no concerns.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Fontana portion of the race event organized by Carlie Blackman, as presented, and the MOTION carried without negative vote.

#### **Consider Paramedic Level EMS Staffing**

At the last Protection Committee meeting, the committee opted to recommend paramedic level staffing of the Village's contracted EMS employees. The Board previously approved ending the EMS contract with Paratech and approving a contract with Metro PSI. The cost savings will be approximately \$20,000 and would cover the cost of upgrading the level of staffing to Paramedics from Basic.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve advancing the Metro EMS staffing to the paramedic level, and the MOTION carried without negative vote.

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

#### **Geneva Lake Conservancy Proposal to Establish Permanent Conservation Protection for Fontana Fen, Prairie and Oak Savanna**

Karen Yancey from the Geneva Lake Conservancy attended the meeting and asked the board to approve a permanent conservation easement through the Geneva Lake Conservancy. Yancey summarized a letter that was distributed to the board regarding the recommendation of a conservation easement on the 10-acres of the Fontana Fen property and 9-acres of the Prairie/Oak Savanna property. Sharon O'Brian spoke in favor of the conservation easements for the property. The Board agreed they would like additional time to consider the proposal.

#### **Approve 2019 Movies Under the Stars Dates**

The proposed dates are all on Fridays: June 14, June 28, July 12, July 26, August 9, and August 23, 2019. These are the same weekends as last year and there are no scheduling conflicts.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2019 Movies Under the Stars dates, as presented, and the MOTION carried without negative vote.

#### **Special Event Permit and Temporary Liquor License Application Filed by Dan Green's Touch a Life, Heal a Heart, Inc., for Pig in the Park at Reid Park on Saturday, July 13, 2019**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the special event permit and temporary liquor license application filed by Dan Green's Touch a Life, Heal a Heart, Inc., for Pig in the Park at Reid Park on Saturday, July 13, 2019, and the MOTION carried without negative vote.

#### **Special Event Permit Application Filed by Dan Green's Touch a Life, Heal a Heart, Inc., for the Farm Way Event, Rock N 2 the Rescue at Reid Park on Saturday, August 31, 2019**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the special event permit and temporary liquor license application filed by Dan Green's Touch a Life, Heal a Heart, Inc., for the Farm Way Event, Rock N 2 the Rescue at Reid Park on Saturday, August 31, 2019, and the MOTION carried without negative vote.

#### **Park Permit Application Filed by the Community Church of Fontana for Sunday, April 21, 2019 for Reid Park Gazebo from 6:00 am to 7:00 am**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the park permit application filed by the Community Church of Fontana for Sunday, April 21, 2019 for Reid Park Gazebo from 6:00 am to 7:00 am, and the MOTION carried without negative vote.

#### **Park Permit Application Filed by Betty Shay for Duck Pond Pavilion and Rec Area with Beer/Wine Permit for Saturday, August 3, 2019 from 1:00 pm to 7:00 pm**

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Betty Shay for the Duck Pond Pavilion and Rec Area with a beer/wind permit for Saturday, August 3, 2019 from 1:00 pm to 7:00 pm, and the MOTION carried without negative vote.

### **Finance Committee Meeting – President Kenny**

#### **2019 LWMMI Insurance Renewal Proposal**

The renewal proposal is about \$14,000 higher than last year due to an additional full-time police officer, an appraisal completed by MPIC the property insurance which caused the assessment of property values to rise, an increase in the workers compensation mod rating from 1.15 to 1.26, and an increase in pier and wharf coverage.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the insurance renewal proposal for the total amount of \$138,068, with the League of Wisconsin Municipalities Mutual Insurance, and the MOTION carried without negative vote.

#### **2019 Plan Modification Recommendation**

Due to the lighting options for Lake Street being approved after the 2019 bonding, the Finance Committee recommended cutting other projects to make up for the cost. After discussion, the committee recommended cutting Indian Hills Rd and Brickley Drive resurfacing for a total estimated savings of \$239,000. If the Village does begin work on South Lakeshore Drive next year, the heavy trucks will damage Indian Hills Road anyways, and Brickley Drive can easily be resurfaced with South Lakeshore Drive.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve removing the Indian Hills Road and Brickley Drive resurfacing projects from the 2019 projects, for an estimated savings of \$239,000, and adding them to the 2020 project list, and the MOTION carried without negative vote.

#### **Sewer Connection Fee Study**

Vilona presented the sewer connection fee study that he has worked on with the help of Doug from FWWPCC and Jon Cameron from Ehlers. Vilona recapped the methodology used to come up with the connection fees which vary depending on the meter size. The proposed charge based on a 5/8" or 3/4" water meter is \$1,720 and the cost increases as the size of the water meter increases.

Trustee Prudden/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the sewer connection fee study, as prepared by Treasurer Vilona and presented, and the MOTION carried without negative vote.

#### **Approve Updated Fee Schedule Resolution**

The updated fee resolution amends the fees associated with short term rentals, commercial boat launch applications and sewer connection fees.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 040419-01, amending Resolution 120318-03 amending fees as presented, and the MOTION carried without negative vote.

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

#### **Water Credit Invoice Request for Robert Wisbey at 908 Duck Pond Road – Tabled 02/04/19, 3/5/19**

Bob Wisbey spoke on about his high water bill from the second quarter of 2018. Since the meter test passed, and the village already charges the lowest possible rate for water, the board denied issuing any water credit in accordance with Section 78-94 of the municipal code.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny giving water usage credit to Mr. Wisbey at 908 Duck Pond, and the MOTION carried without negative vote.

#### **Water Leak Rate Adjustment Policy**

The policy was recommended by the public works committee and reads that if a water meter tests out fine then the village will not issue any water credits. Sewer credits will only be issued if the customer makes the request in writing and within 90 days of locating the leak or receiving the high water bill, provides the appropriate information, and can provide proof the water did not enter into the sewer system. A limit of one credit can be received every three years. Trustee Pappas stated he would like to see the letter from a licensed plumber removed from the allowable sources of proof that can be used for a sewer credit.

Trustee Pappas/Trustee Livingston 2<sup>nd</sup> made a MOTION to adopt the policy and remove the sentence that states “a letter from a licensed plumber stating the water did not enter the sanitary sewer is also acceptable” (form of proof) and put into ordinance form, and the MOTION carried without negative vote.

#### **Recommend Purchase of Stearns Road Booster Pump**

Day explained that the Stearns Booster pump has been in service for eight years and he would like to replace it and use the old booster pump as a backup. Currently, the Village does not have a backup. He received a quote from L.W. Allen for a replacement pump for the cost \$9,981.00, and \$3,850.00 for installation.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve purchasing a booster pump from L.W. Allen at a cost of \$9,981.00, with installation at a cost of \$3,850.00 and the MOTION carried without negative vote.

#### **Mosquito Spray Costs and Procedures**

Day stated the Village sprays about 40 private driveways for mosquitos and each year additional homeowners request to be added to the list. He stated spraying private drives is cost prohibitive and public works does not have the manpower to continue adding homes. In addition, there is a concern regarding liability.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to direct the public works department to continue spraying public and private streets, but to discontinue spraying for mosquitos on private driveways, and the MOTION carried without negative vote.

#### **Terracon Change Order Approval**

The Terracon change order for the soil borings on the Lake St. project, and South Shore Dr. project. The change order was for an additional \$1,200 due to poor soils in several locations and the borings were extended to a further depth. Village Engineer Terry Tavera reviewed the change order and recommended approval.

Trustee O’Neill/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Terracon change order for an additional \$1,200, and the MOTION carried without negative vote.

#### **Lake Street Construction Street Light Extension and Change Order Approval**

Three lights were recommended by the public works committee for addition to the Lake Street project between Chucks and the boat launch.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the three additional street lights to the Lake Street Project, for an additional cost of \$21,325.00 to install the lights, and \$4,858.00 to purchase the light fixtures, and the MOTION carried without negative vote.

#### **Approval to Bid Streets Projects**

Village Engineer Terry Tavera proposed the following timeline for street project resurfacing: April 11 – Bid Ad No. 1, April 18 – Bid Ad No. 2, April 30 – Bid Opening at 10:00 am, May 2 – Recommendation of award to Village, May 6 – Village Board Approval, May 28 – Contractor can begin work, August 30 – Substantial Completion, September 13 – Final Completion date.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the street project bid proposal, as presented, and the MOTION carried without negative vote.

#### **Duck Pond Drainage Proposal**

The Duck Pond paving project is set to go out to bid with the other street projects. Prior to paving staff has recommended excavating between the north baseball fields to grade and install a 6” drainage pipe to help with water runoff. A quote was submitted by D&K Services in the amount of \$6,000.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the quote submitted by D&K Services, in an amount not to exceed \$6,000, to excavate and install drainage pipes at the Duck Pond Recreation area, and the MOTION carried without negative vote.

#### **Contractors Application for Payment No. 1 for S. Lakeshore Drive Easement Sanitary Sewer Rehabilitation**

The work has been reviewed by staff and the Village engineer and is recommended for approval.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the contractor's application No. 1 for the South Lakeshore Drive Sanitary Sewer Rehabilitation work for the amount of \$180,518.41, and the MOTION carried without negative vote.

**HR Committee – President Kenny**

**Treasurer/Deputy Clerk Hiring Recommendation**

This item was discussed in closed session

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve hiring a Deputy Clerk/Treasurer to cross-train with Treasurer Vilona, at a starting salary range of \$45,000 to \$60,000, and the MOTION carried without negative vote.

**Closed Session**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION at 6:52 pm to go into closed session 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 Treasurer/Deputy Clerk Hiring Recommendation.

The roll call vote was as follows:

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

The MOTION carried on a 7-0 vote.

**Adjournment**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to adjourn at 7:02 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Administrator/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: 05-01-2019