

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, April 5, 2021

Village President Pat Kenny called the virtual meeting of the Village Board to order at 4:00 pm.

Trustees Present by Phone: Roll call vote: President Kenny, Trustee Pappas, Trustee Prudden, Trustee O'Neill (4:05 pm), Trustee Livingston, Trustee McGreevy (4:07 pm), Trustee Petersen

Also Present by Phone: Steve Beers, Lance Cotton, Kevin Day, Christina Green, Craig Henninger, Theresa Loomer, Wolfgang Nitsch, Mike Puttrich, Mike Slavney, Stephanie Smith, Terry Tavera, Dale Thorpe, Scott Vilona, Randi Wille, Cindy Wilson

Visitors Heard

Steve Beers asked if there was any plan to open Village Hall.

General Business

Approval of Minutes

The minutes for the meeting held on March 1, 2021 (open and closed) were distributed to board members via email.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the minutes from March 1, 2021, meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the Treasurer's Report, Vendor Report and Payroll Overtime Report as distributed for February, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Livingston/Trustee Pappas 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, along with the additional payables submitted earlier in the day, and the MOTION carried without negative vote.

General Business – President Kenny

Quotes for Installation of Fence on Small Beach

Public Works Director Kevin Day stated he had obtained quotes from B & M Fence and Lemke Fence. The quote from Lemke Fence included aluminum fencing for a price of \$19,146 and when Day inquired about steel fencing, he was told it would be more expensive. The quote from B & M Fence is \$18,400 and included steel fence that would be black in color like what the Village currently has. Day explained the quote does include the big gate as well as the smaller pedestrian gate.

Trustee Livingston /Trustee Petersen 2nd made a MOTION to approve the quote from B & M Fence in the amount of \$18,400, and the MOTION carried without negative vote.

Access Agreement with Glenwood Springs for Fence on Small Beach

President Kenny stated this access agreement is a simple straight forward document. Attorney Thorpe explained it is an unrecorded licensed agreement that gives the Village the legal right to be there. The Village is currently still waiting on the approval from Glenwood Springs.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the access agreement with Glenwood Springs for Fence on Small Beach, and the MOTION carried without negative vote.

Abbey Springs Golf Course Stormwater Management Initiative

President Kenny stated that Abbey Springs is going to be redoing their golf course in August of this year and they are offering the Village an opportunity to utilize their ponds for stormwater retention. President Kenny explained he feels this is an excellent opportunity for the Village. The two holes that are most important are hole number seven and hole number eighteen and the approximate cost of the project is \$300,000. The Finance Committee recommended paying half now using working capital funds and budgeting for the remaining half in 2022. President Kenny stated this is a unique opportunity to help solve a huge problem for the Village.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve paying half of the Abbey Springs Golf Course Stormwater Management Initiative now from working capital funds and budget for the remaining half in 2022, and the MOTION carried without negative vote.

2021 4th of July Fireworks Contract Proposal

Loomer stated this is the same contract as in previous years and asked if this the fireworks are something the Board wants to move forward with this year. After a brief discussion the item was tabled until next month.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to table the 2021 4th of July Fireworks Contract Proposal until the May meeting, and the MOTION carried without negative vote.

Update on 2021 Triathlon

President Kenny stated they are going forward with things but no definite answer if it is a go or not yet. Loomer stated she received an agreement on Friday of last week and noticed some errors. As of today, no formal corrected agreement has been received. Loomer stated she would reach out and make sure they are aware of what they need and bring an agreement back to the May meeting.

Approval of Operator's License Application for Alyssa N. Gray (Fontana Shell)

No concerns with background check and fees have been paid.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Operator's License application filed by Alyssa N. Gray, the MOTION carried without negative vote.

Accept Resignation of Jill Wegner from Park Commission

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to accept the resignation of Jill Wegner from Park Commission, and the MOTION carried without negative vote.

Discuss Rental of Village Meeting Room (COVID Restrictions)-Tabled 3/1/21

Loomer stated this was tabled in March and the meeting room is mainly rented for association meetings and chamber meetings.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION deny rental of Village Hall Meeting Room due to COVID restrictions, and reconsider once village meetings go back to in-person, and the MOTION carried without negative vote.

Reconsider Village Hall Office Hours

Loomer stated she would recommend opening Village Hall back up to normal hours Monday through Friday and would caution opening on Saturdays for the present time due to the large crowd that typically gathers during the first few weekends.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to open Village Hall Monday – Friday 8 am – 4 pm, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Reconsider Resolution Initiating Comprehensive Plan Amendment Process for 132 and 144 W. Main Street

Trustee Petersen questioned Attorney Thorpe on the procedure for bringing this back to the board after it was denied once. Attorney Thorpe stated there are no established procedures and the Board is free to do as they want. Loomer stated that she received two requests from trustees asking for it to be added back on the

agenda. Attorney Christina Green stated she was speaking on behalf of her client CALC Holdings, LLC. Attorney Green stated they are asking the Board to reconsider scheduling a public hearing, so the public can be heard. Green explained that the public hearing is just the first step in the lengthy process of amending the comprehensive plan. Letters of support have been included in the packet from neighbors. Green stated the applicant is proposing to build a six-unit townhome adjacent to the townhomes that were just completed. The zoning for the townhome would need to be changed to multi-family residential. Trustee Pappas stated he believes the Village already has a density problem. President Kenny stated he has received many calls with concerns that Fontana is being over built.

Trustee Pappas/President Kenny 2nd made a MOTION to not reconsider a public hearing for the comprehensive plan amendment process for 132 and 144 W. Main Street, and the MOTION was as follows:

Trustee O'Neill – Aye

Trustee Petersen – Nay

Trustee McGreevy – Aye

Trustee Livingston – Aye

President Kenny – Nay

Trustee Prudden – Aye

Trustee Pappas - Nay

The MOTION failed on a 3-4 vote.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve Resolution 040521-01 Establishing public participation procedures for the 2021 amendments to the Village of Fontana Comprehensive Plan, and the MOTION was as follows:

Trustee Pappas – Nay

Trustee Prudden – Aye

President Kenny – Nay

Trustee Livingston – Aye

Trustee McGreevy – Aye

Trustee Petersen – Nay

Trustee O'Neill - Aye

The MOTION carried on a 4-3 vote.

Consider Utility Easement for the property located at 495 N. Lakeshore Drive

Attorney Dale Thorpe stated the Village Board adopted a code section that stated if a Village utility is found during construction with no proper easement an easement must be recorded before a permit can be issued. The easement document before the Village Board tonight is to memorialize the old utility line that was found, and Attorney Thorpe stated he would recommend Village Board approval.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Utility Easement Agreement for the property located at 495 N. Lakeshore Drive, and the MOTION carried without negative vote.

Update on Proposed Amendments to Chapter 18-56(g) Regarding Outdoor Entertainment

Village Planner Mike Slavney stated he has been working with staff to address concerns with commercial outdoor entertainment. Slavney explained the goal is to take one broad category and subdivide into three subcategories. This would allow the low impact uses to be permitted by right and same rules that have been in place for the more intensive commercial entertainment. Slavney stated he has constructed code amendments and the draft form is in front of the Board tonight. This item is on the agenda to set for public hearing.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to Set a Public Hearing on the Proposed Amendments to Chapter 18-56(g) Regarding Outdoor Entertainment, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

S. Lakeshore Drive Reconstruction Change Order No. 7

Village Engineer Terry Tavera stated this change order was made to help collect stormwater runoff prior to going over curb line and utility conflicts.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve S. Lakeshore Drive Reconstruction Change Order No. 7 for an increase in price of \$15,645.00, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction Payment Recommendation No. 9

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve S. Lakeshore Drive Reconstruction Payment Recommendation No. 9 in the amount of \$481,141.35, and the MOTION carried without negative vote.

Update on S. Lakeshore Drive Project

Village Engineer Terry Tavera stated public water main work has been completed and storm sewer work should be completed next week. Wanasek is on schedule to be done and have roads opened by Memorial Day.

Update on Surface Water Grant Application

Tavera stated the Village applied for a DNR grant for storm water erosion and unfortunately did not receive the grant. Only one grant was awarded per county.

Adopted Resolution Modifying Resolution 040609-03 Leaf and Brush Removal

Day stated a few changes have been made to the leaf and brush removal resolution. The hours for dumping have been removed and the fine has been adjusted to reflect \$1,000 for dumping used building materials. Chipping services will be provided on the first and third week of each month April through October. Guidelines for chipping will be placed on the Village website. Day mentioned the resolution does state that all contractors are responsible for the removal of debris and waste and should not leave anything. Trustee McGreevy questioned if there was a time limit on chipping. Day explained the first fifteen minutes are free and after that it is three dollars per minute.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve Resolution 040521-02 Regarding Leaf and Brush Removal, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Medical Billing Service Proposal – Andres Medical Billing

Chief Nitsch stated the original medical billing service sold to Andres. Nitsch has spoke with Andres and Metro and they both down to four percent on billing, however he would recommend staying with Andres as they will be utilizing the same billing software. The cost savings of not having to purchase the software is approximately \$7,000.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to approve the Medical Billing Service Proposal from Andres, and the MOTION carried without negative vote.

Quote for Concrete Floor Repair at Safety Building

Chief Nitsch explained this problem has been talked about for awhile and he received a quote from Barden & Son Concrete. The quote includes cutting out the pad by the ladder truck which is currently close to scraping at the top and bottom due to the shape of the building. By cutting out the pad of concrete it will be leveled off and hopefully buy some more time. Chief Nitsch indicated that after the concrete work is complete, Halverson Door may need to come out and make some minor adjustments to the overhead door.

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to approve the quote from Barden and Son Concrete in the amount of \$6,800 and include any extras necessary such as dewatering, and the MOTION carried without negative vote.

Fontana Municipal Court Pre-Trial Agreements

Trustee Prudden stated that as Chief Cates indicated in his letter to the Board of Trustees it appears by doing the pre-trials within the Village staff this would save the Village a sizeable amount of money. Attorney Dale

Thorpe stated he first heard about this last week and before changing the fundamental operations of the court he would ask the Board to give him an opportunity to look at ways to economize and save on prosecutions. Thorpe stated his office bills monthly so if the Board is willing to table for three months, his office will work on the problem. Trustee Prudden stated that three months is a long time. Attorney Thorpe explained he is going to work internally on ways to economize and save and possible reduce the amount of time spent on files.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to table Fontana Municipal Court Pre-Trial Agreements until July and revisit, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application filed by Katie Ryan for Reid Park Gazebo on Saturday, July 24, 2021 from 10:00 am to 4:30 pm for Wedding Ceremony

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve the application filed by Katie Ryan for Reid Park Gazebo on Saturday, July 24, 2021 from 10:00 am to 4:30 pm for Wedding Ceremony, and the MOTION carried without negative vote.

2021 Movie on the Beach Dates

Trustee Livingston stated he has no concerns they did a great job social distancing in 2020.

Trustee O’Neill/Trustee Pappas 2nd made a MOTION to approve the 2021 Movie on the Beach Dates, and the MOTION carried without negative vote.

Discuss Beach Restrictions for the 2021 Season – Tabled 3/1/21

Trustee Livingston stated he would recommend tabling 2021 beach operations until May and see what is happening.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to table Beach Restrictions for the 2021 Season till May meeting, and the MOTION carried without negative vote.

Update on Attaching Signs to Light Poles along Fontana Boulevard

Day stated they are trying to clean up Fontana Boulevard and attaching signs to light poles with a bracket, which is shown in the pictures included in the packet. Day explained he believes most will be happy with how nice it looks.

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve attaching signs to light poles along Fontana Boulevard, and the MOTION carried without negative vote.

Suspend Memorial Tree and Bench Program

Trustee Livingston stated they are running out of space and the Park Commission has recommended suspending the Memorial Tree and Bench Program until further notice. Trustee Pappas questioned if a couple more trees could be placed at Duck Pond.

Trustee McGreevy/Trustee O’Neill 2nd made a MOTION to allow memorial trees on a case-by-case basis depending on the type of tree till the few spots are filled and suspend the memorial bench program until further notice, and the MOTION carried without negative vote.

Arbor Day Proclamation

The annual Arbor Day Proclamation is required in order for Fontana to continue as a Tree City.

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to approve the Village of Fontana Arbor Day Proclamation, as presented, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Adopt Ordinance Amending Section 78-254 Regarding Sewer Use Rates

Loomer stated the sewer rate increase was approved at last months meeting and this is just the Ordinance amending the sewer rates.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Ordinance 040521-01 Regarding Sewer Use Rates, and the MOTION carried without negative vote.

2021 LWMMI Insurance Renewal Proposal

Loomer stated this is the yearly insurance renewal proposal for 2021. The two major increases are in equipment breakdown and workman’s comp. The Village is working hard to reduce workman’s comp claims and hosted a training for all department heads at the end of 2020. Loomer explained the Finance Committee had directed staff to obtain a quote for a cyber liability policy, which has been included in the Board packet. President Kenny stated he feels it is a good idea to include a cyber liability policy for the cost.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve the insurance renewal proposal for the total amount of \$146,892 and include a \$1,000,000 cyber liability policy with a \$10,000 deductible, with the League of Wisconsin Municipalities Mutual Insurance, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas

Non-Payment of Slip Lease

Trustee Pappas stated all slips have now been paid for.

FW/WPCC – Trustee O’Neill

Approve Phosphorus Removal Payment Recommendations in the amount of \$148,325.11

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$148,325.11, and the MOTION carried without negative vote.

Closed Session

Trustee Livingston/Trustee Petersen 2nd made a MOTION at 4:58 pm to go into closed session pursuant to Wis. Stats. Chapter 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically Professional Building Inspections, Inc., Contract Amendment

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen - Aye

The MOTION carried on a 7-0 vote.

Adjournment

Trustee Livingston/Trustee O’Neill 2nd made a MOTION at 5:28 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

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: 05/03/2021