

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

(Official Minutes)

RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, April 9, 2018

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: Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill, Trustee Pappas, Trustee Prudden

Trustees Absent: Trustee Livingston

Also Present: Dennis Barr, Jeff Cates, Theresa Loomer, John Maier, Bridget McCarthy, Ed Snyder, Dale Thorpe, Scott Vilon, Steele Whowell, Tom Whowell

Visitors Heard

None

Approval of Minutes

The minutes for March 5, 2018 meeting were distributed.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from the March 5, 2018 meeting, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Trustee McGreevy/Trustee Prudden 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

J&M Fireworks Contract Approval for July 4th

This is the third year of a three-year contract between the Village and J&M Fireworks. Last year the Village paid for the fireworks early in order to get a percentage of free fireworks and the Chamber of Commerce reimbursed the Village shortly after the 4th of July once their fundraising efforts were complete. If the Village pays for the fireworks 70 days in advance, which would be April 24th, the Village will receive 8% free fireworks for paying early, on top of the 15% bonus for participating in a multiple year agreement. The Chamber will reimburse the Village for the cost less the \$2,500 donation the Village makes to the Chamber for the fireworks.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the 4th of July fireworks contract between the Village and J&M Fireworks for the amount of \$25,000, and agree to pay the amount up front prior to April 24, 2018 in order to receive an additional 8% free fireworks, with the condition the Chamber of Commerce reimburse the Village \$25,000 less the \$2,500 donation, and the MOTION carried without negative vote.

Ordinance Amending Section 14-65 Sewer Hook-Up Fees

The updated ordinance removes the \$800 sewer hook-up fee and states the required amount will be placed on the fee schedule and updated by the Village board as necessary. The hook-up fee will require a separate payment.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Ordinance 040918-01 Amending Sewer hook-up fees and other housekeeping items in Section 14-65, and the MOTION carried on a 5-1 vote with Trustee O'Neill opposed.

Ordinance Amending Building Sewers and Connection Fees

The ordinance amends section 78-202(e) and clarifies the required fee is a sewer connection fee and shall be paid separate from the permit fee.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Ordinance 040918-02, amending section 78-202(e), as presented, and the MOTION carried without negative vote.

Resolution Amending Fee Schedule – Sewer Hookup Fee Amendments

At the last monthly meeting, staff presented sewer hook-up fees from surrounding entities and municipalities in Walworth County. The board voted to match WALCOMET's fees which are progressive based on the size of the sewer pipe. The amended fees were included in the updated fee schedule. The charge for a 5/8 inch sewer pipe is \$4,497. McCarthy stated that staff was informed the average size pipe in a new home is 1" which is an \$11,242.50 hook-up fee. There was discussion amongst the board members on the actual size of the pipe used, and whether it is possibly larger than one-inch, which would incur a much larger fee. Thorpe stated there might be a legal standard in setting sewer fees and it might not be as simple as setting an arbitrary fee amount. There was some confusion on whether the updated fee include water hook-up, however Vilona stated that the PSC sets the rules on water hook-up and the Village is only allowed to charge \$50 plus time and materials. After discussion, the board elected to set the sewer hook-up fee at \$1,500 and bring the fee schedule back next month for further discussion.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution 040918-01 and amend the sewer hook-up fee to \$1,500, and bring the resolution back for further discussion at next month's meeting, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Site Plan Filed by Gordy's Lakefront Marine

Steele Whowell filed a site plan application for Gordy's located at 320 Lake Street for a new above ground fuel tank with underground lines which will be located in front of the building facing the lake and the fuel lines will run underground out to the pier. The new tank replaces the old tanks which have been filled in and abandoned and the old lines will be removed this spring. The 6,000 gallon tank will be enclosed by a chain link fence and a second 8-foot perimeter fence will be painted to match the building. The new tank will be double walled with a layer of concrete in-between and the removable fuel lines will also be double walled and have leak detection sensors. Building and zoning staff and fire department staff have reviewed the plan and have recommended approval with conditions. The plan has also been reviewed and approved by the Department of Agriculture, Trade and Consumer Protection.

Trustee Peterson/Trustee McGreevy 2nd made a MOTION to approve the site plan application filed by Gordy's Lakefront Marine Located at 320 Lake Street for new above ground fuel tank, as recommended by the Plan Commission, subject to the following conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this approved project. Site Plan approval shall NOT alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved permits.
2. Applicant shall adhere to and comply with all approvals and recommendations described in the February 19, 2018 correspondence from Environmental Engineering Specialist Erik Otterson, Wisconsin Department of Agriculture, Trade, and Consumer Protection.
3. Applicant shall adhere to and comply with all recommendations and requirements described in the March 12, 2018 correspondence from Assistant Fire Chief Scott Peterson, Fontana Fire/Rescue Department.
4. Applicant shall install an 8' privacy fence around the proposed fuel tank to shield from public view the tank and required chain link fencing. Decorative privacy fencing shall be of cedar, embossed or like material and shall be complimentary to existing buildings, in compliance with Design Standards.
5. Project shall remain consistent with the narratives and plans submitted by the applicant for this review.
6. The Village and the Applicant will work together on a mutually acceptable arrangement with regards to the Lake Street passage of the pipe and the Village owned property nearby.

7. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
8. Any future proposed modifications shall require Village of Fontana approval in the form of an Amendment to the approved Site Plan and its conditions.

The MOTION carried on a 5-1 vote with Trustee Pappas opposed and Trustee Livingston absent.

Finance Committee – President Kenny

USIC Contract Proposal

The company that provides water and sewer locates for the Village submitted an updated contract that would increase the worth of the Village's account from \$25,500 to nearly \$50,000. After negotiation, USIC agreed to instead raise the contract by a total of 78% over the course of three years beginning in December, 2018. Staff contacted other locating companies to compare prices and all of the companies in the area either already contract with USIC or charge significantly higher prices. The benefit to contracting with a service provider is they are responsible for any liability and also provide the locating equipment which runs tens of thousands of dollars. Pappas questioned whether staff could provide locates in-house and whether the locating company has actually saved the Village money since its initial inception in 2013. After discussion, the board agreed to extend the locate service contract for an additional three-years at the rates proposed.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to accept the three-year contract between the Village and USIC as presented, and the MOTION carried on a 5-1 vote with Trustee Pappas opposed.

Overpayment Refund Resolution

There were several small refunds issued after tax payments were collected in December and January; some as small as .01 cent. Considering the time it takes Village staff to prepare the refunds, print the checks, and the cost of the envelope, a resolution was presented to the Finance Committee to only issue refunds over a certain dollar amount as to not incur additional costs to the Village. The Finance Committee recommended issuing refunds for payment discrepancies in any amount that exceeds \$5. Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve Resolution 040918-02, Establishing a Policy for the Refund of Overpayments to the Village in excess of \$5.00, and the MOTION carried without negative vote.

LWMMI Insurance Package Renewal Recommendation

The 2018 insurance renewal proposal was received from LWMMI and the total premium went down slightly by 3.7%. While a majority of the costs for coverages stayed similar to 2017, workers comp coverages decreased slightly due to class code calculations performed at the state level. In addition, the law changed last year and municipalities are no longer required to maintain public officials bonds as long as they hold the proper insurance coverage. Since the treasurer and clerk bond requirements are written into the Charter Ordinances, it is a more complicated and lengthy process to change the ordinances and they will not be codified for several months, so the Village will need to renew the public officials bonds for an additional year.

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the 2018 LWMMI Insurance renewal package, as presented and recommended, and the MOTION carried without negative vote.

Ordinance Amending Charter Ordinance Section 1-4 Bond of Village Clerk and Section 1-29 Bond of Village Treasurer

The charter ordinance amendments will eliminate the need for public officials bonds but will require a waiting period of 60 days after publication to see if a demand for referendum is filed by citizens. After the passage of 60 days, a certified copy of the adopted ordinance must be mailed to the Wisconsin Secretary of State with a letter asking to file the ordinance per Section 66.0101 state statutes.

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve Ordinance 040918-03, Amending Charter Ordinance Section 1-4 Bond of Village Clerk and Section 1-29 Bond of Village Treasurer, and the MOTION carried without negative vote.

Ordinance Amending Section 26-1 Municipal Judge

The proposed ordinance eliminates the requirement of a public officials bond for the municipal judge so long as the Village maintains the required insurance coverage.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Ordinance 040918-04, Amending Ordinance 26-1, Municipal Judge, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application Filed by the Community Church of Fontana for Duck Pond Pavilion & Recreation Area on Sunday, June 3, 2018 from 12:00 pm to 3:00 pm

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Park Permit Application filed by the Community Church of Fontana for Duck Pond Pavilion & Recreation Area on Sunday, June 3, 2018 from 12:00 pm to 3:00 pm and the MOTION carried without negative vote.

Park Permit Application Filed by Fontana PTSO for Color Run at Duck Pond Pavilion & Recreation Area on Friday, April 27, 2018 from 3:30 pm to 6:30 pm

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Park Permit Application filed by the Color Run at Duck Pond Pavilion & Recreation Area on Friday, April 27, 2018 from 3:30 pm to 6:30 pm, and the MOTION carried without a negative vote.

Park Permit Application Filed by Betty Shay for Duck Pond Pavilion & Recreation Area with Beer/Wine Permit on Saturday, August 4, 2018 from 2:00 pm to 7:00 pm

Trustee McGreevy/Trustee O’Neill 2nd made a MOTION to approve the Park Permit Application filed by Betty Shay for Duck Pond Pavilion & Recreation Area with Beer/Wine Permit on Saturday, August 4, 2018 from 2:00 pm to 7:00 pm, and the MOTION carried without negative vote.

Park Permit Application Filed by Viola Tucker for Birthday Party at Reid Park Pavilion on Monday, May 28, 2018 from 12:00 pm to 8:00 pm

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to approve the Park Permit Application filed by Viola Tucker for Birthday Party at Reid Park Pavilion on Monday, May 28, 2018 from 12:00 pm to 8:00 pm, and the MOTION carried without negative vote.

Special Event Permit and Temporary Liquor License Application Filed by Mary Green, Dan Green’s Touch a Life, Heal a Heart, Inc., for The Farm Way Event on Saturday, September 1, 2018 from 6:00 pm to 11:00 pm

Green plans to host a band at the Reid Park Pavilion to raise money for the Dan Green Foundation along with a second non-profit organization on Saturday, September 1, 2018.

Trustee O’Neill/Trustee McGreevy 2nd made a MOTION to approve the Temporary Liquor License and Park Permit Application filed by Mary Green for Dan Green’s Touch a Life, Heal a Heart, Inc., for the Farm Way Event (Rockin to the Rescue) on Saturday, September 1, 2018 from 6:00 pm to 11:00 pm, and the MOTION carried without negative vote.

Park Permit Application Filed by Maryanne Bruss for Farmers Market at Porter Court Plaza on Saturdays Between May 26 Through September 29, 2018 from 7:00 am to 12:30 pm

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Park Permit Application filed by Maryanne Bruss for Farmers Market at Porter Court Plaza on Saturdays between May 26 and September 29, 2018 from 7:00 am to 12:30 pm, and the MOTION carried without negative vote.

Arbor Day Proclamation Approval

The annual Arbor Day Proclamation is required in order for Fontana to continue as a Tree City. This year’s Arbor Day Program at the Fontana Elementary School will be held on Monday, April 30, 2018.

Trustee McGreevy/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.

Big Foot Rec. Dept. Movies Under the Stars Proposed Dates for 2018

The 2018 dates for Movies Under the Stars are as follows: June 8, June 22, July 6, July 20, August 3 and August 17. The movies have been scheduled for Fridays this year.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the dates for the Big Foot Rec. Dept. Movies Under the Stars, as presented, and the MOTION carried without negative vote.

Park House Roof Repair Bid Approval

Two bids were received to repair the Park House roof; the first bid from NIR roof care was received in the amount of \$11,480 and the second bid was received from Luna Roofing for the amount of \$3,640.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the bid submitted by Luna Roofing in the amount of \$3,640 to repair the Park House roof, as presented and recommended, and the MOTION carried without negative vote.

Reid Park Fence Repair Proposal

The portion of the fence between Chuck and Gordy's near Reid Park has been damaged due to delivery trucks colliding with the fence. Park Commission considered two bids to repair the fence, one from Lemke Fence of Jefferson in the amount of \$2,098 and the second from B&M Fence Company for the amount of \$2,050. There was discussion on the portion of the fence to be fixed and also how to prevent further damage. Ron Adams previously stated he could put up guard rail along the area where the delivery trucks have historically hit the fence to prevent any further damage.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the bid submitted by B&M Fence Company to repair 100-feet of fence near the Reid Park parking lot, as recommended, and the MOTION carried without negative vote.

Consider Quotes for Repainting Beach House & Roof

The beach house has had very little maintenance since it was constructed over ten years ago and now there is noticeable mildew and deterioration of the roof and siding. Two quotes were received to power wash portions of the beach house, and prime, stain or paint siding and posts as needed. The first quote was received from Lakeside Painting in the amount of \$12,480 and the second quote was received from Gotcha Covered in the amount of \$12,340.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the bid submitted by Gotcha Covered in the amount of \$12,340, as recommended, and the MOTION carried without negative vote.

Consider Purchasing Additional Sand for Volleyball Courts

The Park Commission is seeking washed mason sand for the two volleyball courts at Duck Pond. The volleyball courts require an estimated 188 tons of sand. Three quotes were received; the first from Witte Supply in the amount of \$19 per ton, High Prairie Landscape Supply for \$25 per ton, Thelen for \$21.20 per ton, and Terra Yard Creations for \$7.50 per ton plus \$100 per truck load (22 tons per truck) but only if the Village also purchases mulch for \$27 per yard delivered.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the bid submitted by Thelen, for an amount not to exceed \$3,985.60 for 188 tons of mason washed sand, as recommended, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Accept Resignation of Dennis Barr

Barr thanked the board members for the opportunity to work for the Village and noted the infrastructure progress made over the past several years.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to accept the resignation of Dennis Barr effective May 1, 2018, and thank him for his many years of service to the Village, and the MOTION carried without negative vote.

Approve Benefit Accrual and Payouts for Dennis Barr

This item was discussed in closed session.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the payout to Dennis Barr for lost vacation and sick time in the amount of \$30,623.01 for 37 years of service to the Village, and pay out his current accrued benefit time upon the date of retirement, and the MOTION carried without negative vote.

Consulting Contract for Dennis Barr

This item was discussed in closed session.

Trustee O’Neill/Trustee Prudden 2nd made a MOTION to contract with Dennis Barr as a consultant on a one-year term for an amount of \$24,400, and the MOTION carried without negative vote.

Closed Session

Trustee Petersen/Trustee McGreevy 2nd made a MOTION at 6:42 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 Approval Benefit Accrual and Payouts for Dennis Barr and Consulting Contract for Dennis Barr; and 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 Consulting Contract for Dennis Barr.”

The Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy - Aye

Trustee O’Neill – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Petersen - Aye

The MOTION carried on a 6-0 vote with Trustee Livingston absent.

Adjourn Closed Session

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to adjourn Closed Session and go into Open Session at 6:55 pm and the MOTION carried without negative vote.

Adjournment

Trustee McGreevy/President Kenny 2nd made a MOTION to adjourn at 6:56 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: 05/07/18