

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Virtual Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, May 2, 2022

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:00 pm.

Trustees Present by Phone: Roll call vote: President Kenny, Trustee Petersen, Trustee Pappas, Trustee McGreevy, Trustee Livingston, Trustee Prudden

Trustees Absent: Trustee O'Neill

Also Present by Phone: Greg Blizzard, Chief Cates, Kevin Day, Theresa Loomer, Drew Lussow, Rick Manthy, Chief Nitsch, Scott Peterson, Terry Tavera, Dale Thorpe, Scott Vilona, Cynthia Wilson

Visitors Heard

None

General Business

Approval of Minutes

The minutes for the meetings held on April 4 (Open and Closed), April 14, April 19 (Open and Closed), and April 25, 2022 were distributed to board members via email.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the minutes from April 4 (Open and Closed), April 14, April 19 (Open and Closed), and April 25, 2022, as submitted, and the MOTION carried without negative vote.

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

Treasurer Vilona informed the Board that there was nothing new to bring to the Board's attention regarding his Treasurer's Report, the Vendor Report, or the Payroll Overtime Report.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for April, 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 McGreevy 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented including any late payables, and the MOTION carried without negative vote.

General Business – President Kenny

Adopt Ordinance Amending Chapter 14-65 Building Permit Fees

Administrator Loomer stated the board directed staff to prepare an updated building inspection fee ordinance at last month's meeting. The fees were recommended by SAFEbuilt and will bring the village's building inspection fees to a level comparable to other nearby municipalities.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 050222-01 Amending Chapter 14-65 for Building Permit Fees, and the MOTION carried without negative vote.

Adopt Revised Fee Schedule Resolution

The revised fee schedule resolution adds the Employee Parking Pass Fee, creates a \$10 fee for a temporary operators license since its costs the Village \$7 to run a background check plus staff time, removes the fee for Automobiles with Trailers, Recreational, or Commercial Bus or Vehicles, since it is no longer allowed via Chapter 54, adds a \$325 fee for a comprehensive plan amendment, and adds the occupancy permit fee of \$100 as listed in Chapter 14-65.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to adopt the revised Fee Schedule Resolution, and the MOTION carried without negative vote.

Approve Abbey Springs Tunnel Use Agreement

The tunnel use agreement was discussed in 2020 during the S. Lakeshore Drive construction and reconstruction of the bridge. The MOU and ordinance revision have been adopted by the village board and the tunnel use agreement is the last piece.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Abbey Springs Tunnel Use Agreement, as presented, and the MOTION carried without negative vote.

Consider Belvidere Park's Request for Use of Road Right of Way for New Fencing & Signage

Administrator Loomer explained that last August Belvidere Park replaced the old sign with a newer and bigger sign that was put in the road right of way. Belvidere Park never applied for a permit for the sign, which is located in the road right of way. Additionally, they have expressed interest in replacing the fence that is in the road right of way. Loomer stated the board should consider whether it wants to allow improvements to be made in the road right of way, but that she would like to see the village move toward compliance rather than move away from compliance. Attorney Thorpe mentioned that this is not uncommon for signage and other items to encroach on the road right of way and stated that the Village Board could consider adopting a permitting process to allow placement or replacement of encroachments. Zoning Administrator Schaffer stated she would contact Belvidere Park about moving the sign to the opposite side of the road. After some board discussion, Attorney Thorpe was directed to bring back policy language to allow encroachments in the road right-of-way on a case-by-case basis.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to direct Attorney Thorpe to bring back a policy that allows for placement or replacement of encroachments in the right-of-way, and the MOTION carried without negative vote.

Application for Permit to Display Fireworks for Abbey Springs on May 28, 2022

Administrator Loomer stated that Abbey Springs filed an application for a fireworks display on Saturday, May 28, 2022, however, staff is still waiting for receipt of the insurance certificate. In response to a question from Trustee Petersen, Loomer stated she had informed Abbey Springs that they must contact GLLEA and Water Safety Patrol in order to satisfy any requirements from their agencies.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the Permit to Display Fireworks for Abbey Springs on May 28, 2022 contingent on submission of the required insurance certificate, and the MOTION carried without negative vote.

Discuss Electric Car Charging Stations

President Kenny stated that with the potential repairs being made to some of the parking lots there has been discussion on including car charging stations for electric vehicles. He mentioned that the Abbey Resort as well as some places in Lake Geneva have designated spots for charging for electric vehicles. President Kenny then opened it up to the rest of the Board for more discussion. Trustee McGreevy questioned if they are truly needed just yet and then asked the cost to install as well as the cost for the electricity to the user or taxpayer. Trustee McGreevy suggested it might be best to do more research to investigate cost analysis and reach out to other organizations and municipalities to get an idea of benefits and any issues. Trustee Pappas agreed and added that if we add these spots it takes away two spots of potential paying parking spots and subjects them to only those with electric vehicles which would be fewer than those without electric vehicles. The Village Board then agreed to table this discussion for a future meeting once more research has been done on the topic.

Approve 2022 GLLEA 2022 Officer Appointments

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the 2022 GLLEA Officer Appointments, and the MOTION carried without negative vote

Operator's License Application filed by Jayne A. Coyne (CCE)

Chief Cates stated that there were no issues when performing the background check.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the Operator's License Application filed by Jayne A. Coyne for Country Club Estates (CCE), and the MOTION carried without negative vote Trustee McGreevy abstained.

Accept Resignation of Police Officer Christopher Brunning

Trustee Livingston/Trustee Prudden 2nd made a MOTION to accept the resignation of Police Officer Christopher Brunning, and the MOTION carried without negative vote

Accept Resignation of Tourism Commission Member Michael Lucero

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to accept the resignation of Tourism Commission Member Michael Lucero from the Tourism Committee, and the MOTION carried without negative vote

Reschedule June Village Board Meeting to Thursday, June 2, 2022

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the rescheduling of the June Village Board Meeting date to Thursday, June 2, 2022, and the MOTION carried without negative vote

Reschedule July Village Board Meeting to Tuesday, July 5, 2022

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the rescheduling of the July Village Board Meeting date to Tuesday, July 5, 2022, and the MOTION carried without negative vote

Reschedule September Village Board Meeting to Tuesday, September 6, 2022

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the rescheduling of the September Village Board Meeting date to Tuesday, September 6, 2022, and the MOTION carried without negative vote

Plan Commission --Trustee Petersen

Amend Plan Commission Deadline from 20-days to 30-days

Trustee Petersen stated the proposed change would afford staff more time to review applications prior to the staff meeting, and potentially provide more time to applicants to fix any errors before the monthly plan commission meeting.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the recommendation from the Plan Commission to amend the Plan Commission Deadline from 20-days to 30-days, and the MOTION carried without negative vote

Public Works --Trustee O'Neill

Adopt Ordinance Section 78-92 Location Meter

Attorney Thorpe explained the proposed change to the village code and stated this will require relocation of the meters from the pit and place them in a structure (i.e., house) for easier access and safer conditions for all. Public Works Director Day mentioned it would be easier for his workers to access and estimated that there are approximately 80 pits that this will affect. Attorney Thorpe then opened it up for all to discuss the timeframe for the work to be completed for these pits. After discussion with the Board and Public Works Director Day they all agreed to a two-year timeframe for compliance with this newly adopted ordinance, or require it to be moved prior to issuance a building permit.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to adopt Ordinance 050222-02 amending section 78-92 for the relocation of meter pits, and the MOTION carried without negative vote.

Adopt Ordinance Section 14-96(f) Approval of Plans

Attorney Thorpe explained that this ordinance is to tie in the relocation of the meter pits into the approval of building permits.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 050222-03 amending section 14-96(f) for the approval of plans, and the MOTION carried without negative vote.

Repeal and Replace Ordinance Section 18-249 Zoning Permit – Set Public Hearing

The ordinance will require that a meter in a pit is relocated prior to issuance of a zoning permit. Since it is in the zoning code it must be set for public hearing before the plan commission.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to set a public hearing to repeal and replace Section 18-249 for Zoning Permits, and the MOTION carried without negative vote

STP Grant Application Approval – Shabbona Drive

Village Engineer Terry Tavera presented a proposal for his firm to apply for an STP grant which would fund a road project at 80%. Tavera stated this grant would be most beneficial to the Village if applied to the repairs/work to be made on Shabbona Drive. If the grant is approved work would be required to be contracted through the Department of Transportation.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to Approve the STP Grant Application for Shabbona Drive, and the MOTION carried without negative vote

Approve TID Work for Fall of 2022

Village Engineer Terry Tavera stated that the Village Board Members have all reviewed the list of TID projects before and have already approved the work to be done. Administrator Loomer stated she has worked with DPW Director Day and recommends the work is completed either this fall or fall of 2023. She then asked for any preferences from the Board. Tavera mentioned if work is started in the fall of 2022, then work would need to be fast-tracked. Pappas stated he thought it would be wise to pursue the projects for this fall in case there are any delays then the village would still have another year to expend the funds.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to Approve the TID Work for the Fall of 2022, and the MOTION carried without negative vote

Park Commission – Trustee Livingston

Approve Resolution amending Resolution 040306-01 Tree Removal Replacement Fee

Trustee Livingston stated that the amended section for the resolution would change the tree size from 8' to 6' to match the newly adopted tree ordinance.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to Approve the Resolution 050222-01 amending Resolution 040306-01 for the Tree Removal Replacement Fee, and the MOTION carried without negative vote.

Consider “No-Mow May”

Trustee Livingston stated that this is a new trend happening in other nearby communities where residents have the option not to mow their lawns during the month of May to encourage the growth of natural grass and encourage pollination. This helps promote healthy natural habitats and environments for bees and other animals. Trustee Livingston also stated that there would be no penalty for not participating. Something we could look at doing potentially next year. Administrator Loomer mentioned that we would not need a new ordinance for this, the village would just opt not to enforce our current ordinance for the month of May. After some discussion amongst the Village Board, they decided to table the topic until more research can be provided.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to table “No-Mow May” until a future meeting after more research and discussion on the topic can take place, and the MOTION carried without negative vote.

Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Bob Scaro for Accolade Cherry Tree

Trustee Livingston/Trustee Petersen 2nd made a MOTION to Approve the Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Bob Scaro for Accolade Cherry Tree, and the MOTION carried without negative vote.

Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Kimberly Genz for Accolade Cherry Tree

Trustee Livingston/Trustee Petersen 2nd made a MOTION to Approve the Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Kimberly Genz for Accolade Cherry Tree, and the MOTION carried without negative vote.

Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Carol Zajimi for Eastern Redbud Tree

Trustee Livingston/Trustee Petersen 2nd made a MOTION to Approve the Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Carol Zajimi for Eastern Redbud Tree, and the MOTION carried without negative vote.

Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Richard A. Casciaro for Eastern Redbud Tree

Trustee Livingston/Trustee Petersen 2nd made a MOTION to Approve the Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Richard A. Casciaro for Eastern Redbud Tree, and the MOTION carried without negative vote.

Approve Park Permit Application Filed by Kelly Hayden for Duck Pond Pavilion with Beer/Wine Permit on Saturday, June 11, 2022, From 10:00 AM to 6:00 PM

Administrator Loomer stated that the Park Commission recommended allowing the applicant, Kelly Hayden, the in resident rate for the park permit.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the application filed by Kelly Hayden for Duck Pond Pavilion with Beer/Wine Permit on Saturday, June 11, 2022, from 10:00 Am to 6:00 PM and allow them to pay the resident rate for the application, and the MOTION carried without negative vote.

Consider Issuance of License to sell Beer/Wine at Duck Pond Concessions Stand

Trustee Livingston stated that he has had a few ball clubs inquire about running concessions at the Duck Pond when hosting tournaments and have asked if it would be possible to sell beer and wine. Trustee Livingston opened it up to the Village Board for discussion and asked if it were something the village board would consider allowing. Attorney Thorpe stated from a liability standpoint, it would be in the Village's best interest if the clubs obtained the proper training and licensing themselves to limit the Village's involvement. Chief Cates added that from a law enforcement standpoint that he has not heard or seen many other places allowing this, especially at a public park and that it could be an issue if parents are overserved or consuming too many drinks while at these sporting events. Trustee Petersen and McGreevey agreed with that and stated that it may lead to unsafe situations for other parents, kids, or even officials if parents are over consuming at the events. After more discussion the Village Board voted to not allow the sale or consumption of alcohol at the ball fields.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to deny any issuance of a liquor license and to deny the selling of any alcohol at the Duck Pond Concessions Stand, and the MOTION carried without negative vote

Lakefront Committee – Trustee Pappas
Employee Parking Passes

Trustee Pappas spoke about due to the pandemic the Village was allowing employers to send a request for how many employee parking passes they needed, and village staff would fulfill that request to limit contact. Now that things are opening back up, employers are still sending their lists with how many passes needed but have greatly exceeded the number of passes issued prior to 2020. Trustee Pappas believes to make things simple we should go back to requiring the employer to write on letterhead to confirm an employee's employment and then they can come in and obtain their employee parking pass. In addition to this the GLLEA has also submitted an employee parking pass request and asked the fee to be waived. Nobody on

Village staff has their fee waived and it is believed that they too should pay the fee just like anyone else to obtain the passes. After discussion amongst the Village Board everyone agreed.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the recommendation from the Lakefront Committee and require all non-village employed lakefront staff to purchase employee parking passes at the rate set forth by the village board on the fee schedule, and require an employer written letter on letterhead detailing the employees name and expected term of employment prior to issuance of an employee parking pass. The MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Approve Amended EMS Billing Rates

Trustee Prudden mentioned that these newly amended rates are similar to what other state and local agencies are billing at and would bring us closer to the average amount.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the amended EMS Billing Rates, and the MOTION carried without negative vote.

Ordinance Repealing and Recreating Sections 34-76 through 37-78 and Repealing Sections 34-79 through 34-97 – Fire Department

Trustee Prudden stated that the big change for these sections is that we will be going from a volunteer fire department to a joint full time fire department. Attorney Thorpe stated that a number of sections needed to be adjusted to reflect the change in department status. The goal is to bring back a draft for adoption at the May 12, 2022 meeting.

Ordinance Repealing and Recreating Section 2-435 and Repealing Section 2-436 – Board of Police and Fire Commissioners

Attorney Thorpe explained that this coincides with what was previously discussed for the Fire Department and that these sections will also be adjusted similarly to reflect the changes for the Board of Police and Fire Commissioners as well. In line with the Section 34 ordinance, it is anticipated the updated draft will be brought back to the board for approval on May 12, 2022. Chief Nitsch gave some brief input of some things he would like added such as the ability to delegate certain powers of authority dealing with time sensitive matters, grievances, or some scheduling issues when himself or when Rick Manthy are on vacation or unavailable. Attorney Thorpe took note of this and will do his best to communicate with the Chief regarding any additional information to be added.

Human Resources Committee – President Kenny

General Update and Timeline on EMS/Fire Employment

Administrator Loomer stated that in regards to the EMS/Fire Employment that some of the topics such as sick time, holidays, and wages have all been agreed to but there are still other benefits they are working on figuring out to present everything all at once. Chief Nitsch stated that scheduling is still a concern that they are also working on as well. Administrator Loomer stated she has also contacted the President of PFC and they are trying to schedule a meeting for Monday, May 23rd.

Proposed EMS/Fire Employment Schedule and Benefits

Administrator Loomer stated that the EMS/Fire Employment Schedule and Benefits are on the same track as what was provided in the general update and timeline on the EMS/Fire Employment as a whole. Loomer is still working with Chief Nitsch to iron out all the details and hopefully will have everything ready to go at the next Village Board Meeting on May 12, 2022.

Closed Session – President Kenny

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to go into Closed Session at 5:47 pm pursuant to Wis. Stats. Chapter 19.85(1)(c), “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 WPPA Contract Amendment.

The roll call vote was as follows:

President Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee McGreevy – Aye

Trustee Petersen – Aye

Trustee Livingston -- Aye

The MOTION carried without a negative vote and Trustee O’Neill absent.

WPPA Contract Amendment

This item was discussed in closed session.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the proposed WPPA contract amendment and increase the rate of pay by \$2 per hour and reduce the length of time to reach the maximum pay from seven years to four years, and the MOTION carried without negative vote.

Adjourn Closed Session

Trustee Prudden/Trustee Livingston 2nd made a MOTION to go into open session at 5:54 pm, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee Petersen 2nd made a MOTION at 5:55 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: 06/02/2022