

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, June 12, 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 O'Neill, Trustee Pappas, Trustee Petersen,

Trustees Absent: Trustee McGreevy, Trustee Marek, Trustee Livingston

Also Present: Liz Baumann, Chief Cates, Kevin Day, Christina Green, Eric Johnson (Lake Geneva Regional News), Robert LaRoque, Theresa Loomer, Drew Lussow, Josh Madigan, Rick Manthy, Chief Nitsch, Kathy Perkins, Alison Schwark, Terry Tavera, Dale Thorpe

Visitors Heard

None

Approval of Village Board Minutes

The Village Board minutes for the May 1, 16, and 25, 2023 meetings were distributed.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the Village Board minutes from the May 1, 16, and 25, 2023 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for May, 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 Petersen/Trustee O'Neill 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

Annual Liquor Licenses Renewals

Abbey Provident Hotel Manager, LLC for the premises located at 269 Fontana Boulevard, d/b/a The Abbey Resort & Avani Spa, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Timothy G. Somerville.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License, with the condition that any concerns noted in the annual inspections are addressed and that the Seller's Permit is active and in good standing. The MOTION carried without negative vote.

Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Lance Cotton.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: E. Paul Keith.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Chuck's Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Carol J. Whowell.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Country Club Estates Golf Association, located at 365 Pottawatomi Drive, RENEWAL CLASS "B" BEER and "CLASS C" WINE license. Agent: Erich Lange.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Fontana Gas, Inc., for the premises located at 286 Valley View Drive, d/b/a Fontana Shell, RENEWAL CLASS "A" BEER and "CLASS A" LIQUOR license. Agent: Jason S. Gill.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class A" Liquor License. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 320, 336 & 342 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Thomas W. Whowell.

Chief Cates had no issues or concerns with application. Administrator Loomer also added that Gordy's has included within their application 4 additional dates for events they hold that would alter the premise map of where they will serve and store liquor and alcohol. They have held these events in the past and no issues or concerns have been raised.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 341 Lake Street, d/b/a Gordy's Bait Shop, RENEWAL CLASS "B" BEER and "CLASS C" WINE license. Agent: Thomas W. Whowell.

Chief Cates had no issues or concerns with application. Administrator Loomer also added that Gordy's has included within their application 4 additional dates for events they hold that would alter the premise map of where they will serve and store liquor and alcohol. They have held these events in the past and no issues or concerns have been raised.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Harbor House Club, LLC, located at 271 Fontana Boulevard, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Ethan M. Harris.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS "B" BEER license. Agent: Michael P. Moore.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the renewal of the Class "B" Beer and "Class B" Liquor License. The MOTION carried without negative vote.

Kimkasi Pub, LLC, located at 441 Mill Street, Suite 102, RENEWAL CLASS “B” BEER and RESERVE “CLASS B” LIQUOR license. Agent: Michael Trainor.

Chief Cates had no issues or concerns with application.

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License. The MOTION carried without negative vote.

Novaks’ of Fontana, LLC for the premises located at 138 Fontana Boulevard, d/b/a Little Bar, RENEWAL CLASS “B” BEER and “CLASS B” LIQUOR license. Agent: Wallace Perkins.

Chief Cates spoke on behalf of an email he received from Wally Perkins who couldn’t attend tonight’s meeting. The original application and site map that was submitted for the liquor license did not include the adjustments such as addition of the port-a-potty and other changes that staff has been working on with the establishment for the last few months. Mr. Perkins was able to email a new site map to Chief Cates who presented it to the Board at the meeting. Kathy Perkins arrived near the end and did support the changed site map that was presented.

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to approve the renewal of the Class “B” Beer and “Class B” Liquor License, with the condition that any concerns noted in the annual inspections and other staff reports and concerns are addressed. The MOTION carried 3-1 with Trustee Petersen opposed.

Approval of Operator’s Licenses for 2023-2024

Chief Cates stated all applicants except for two were recommended for approval. Two applicants did not meet the necessary qualifications and recommended denying the licenses for Tiffany Miller and Ethan Marunde. The remaining applicants met all requirements including passing their background checks and paying the \$60 fees.

Trustee O’Neill / Trustee Petersen made a MOTION to deny the operator license applications of Ethan Marunde and Tiffany Miller based on failing to have the necessary qualifications for approval and the recommendation from Police Chief Cates, as presented, and the MOTION carried without negative vote.

Trustee O’Neill/Trustee Pappas 2nd made a MOTION to approve the new and renewal operator license applications filed for the 2023-24 license year by the Abbey Provident Resort employees Jack Beals, Michelle Bezares, Deborah Bolster, David Casillas, Julia Chupich, Lisa Chupich, Heather Detloff, Juliette Finn, Jorge Garcia, Kristine Granahan, William Grundl, Austyn Jordan, Harjoy Kaur, Irena Kazaniwskys, Samuel Knorr, Toni Koutnik, Penny Martin, Laura Montemayor, Juan Rosales, Michael Seaver, Cody Smith, Matthew Sokol, Malyren Somerville, Ridge Tenney, Kristen Wilson, Donald Winkler; Abbey Springs employees; Isabella Almeida, Jordyn Balduf, Tamalee Biging, Brian Braun, Brooke Brown, Becky Brunner, Madeline Butters, Charlie Carroll, Daniel Dlabal, Oscar Hernandez, Jared Hocker, Ashley Hoogland, Ashley Kanak, Austin Korba, Lauren Massen, Michael Mavronicles, Megan Moore, Katie Nagel, Dejanira Ortiz-Hernandez, Boiana Pegau, Jacqueline Radtke, Ally Ries, Molly Schilling, Cierra Schinto, Leo Stanton, Katelyn Wagner, Madison West; Big Foot Country Club employees Lonni Gellerman, Pamela Keeler, Eric Stauffacher, Scot Wild, Rodney Wright; Chuck’s employees Kaelyn Anderson, Michael Brown, Kyle Cairns, Daniel Dusik, Elizabeth Edwards, John Friestad, Julie Friestad, Anne Gump, Roy Hanson, Julie Ieronimo, Casey Kirchsclager, Elyssa Ross; Country Club Estates employees Julie Biskis, Jayne Coyne, Emalynn Gaylord; Fontana Shell employees Albaro Gomez, Gurinder Singh, Ranvir Singh; Gordy’s employees Quentin Arnold, Noelle Bydalek, Megan Clifford, Nathan Halverson, Presley Hodges, Ricardo Huerta, Robin Nuzzo, Lauren Oliver, Kathleen White; Harbor House Club LLC employees Mary Davenport, Nicholas Freymiller, Elijah Gerdes, Ethan Harris, Morgan Rego, Abigail Sonnentag, Charis Wechet, Kyra Wolworth; Lake Geneva Yacht Club employees Stephanie Akright, Kayla Loos, Jennifer Miller, Zachary Miller, Lindsay Valasek; Little Bar employees Abigail Diercks, Morgan Donath, Emily Hertel, Alexandra Lesser, Madison Nourigat; Kimkasi Pub employees Rebecca Millar and Kim Minette with the condition all fees have been paid and servers permits have been submitted. The MOTION carried without negative vote.

Discussion or Action on Zoning code Ordinance Amendment 18-108(i) regarding Tree Cutting and Shrubbery Clearing Limited – Set Public Hearing

Administrator Loomer stated that this provision is to remove the condition of clear cutting as a conditional use and asked that the matter be set for public hearing at the August Plan Commission meeting.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to set the zoning code ordinance amendment 18-108(i) regarding tree cutting and shrubbery clearing for public hearing, as presented, and the MOTION carried without negative vote.

Park Commission Recommendation on Amending Tree Resolution 050222-02 to Address Clear Cutting

Administrator Loomer again stated the resolution corresponds with ordinance 18-108(i) which was just set for public hearing. The amendment to the resolution removes the reference to clear cutting.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve amending the Tree Resolution 050222-02 to address clear cutting and enact resolution 061223-01, as presented, and the MOTION carried without negative vote.

Appointment of Al Kaminski to Public Works Committee Vacancy

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the appointment of Al Kaminski to the Public Works Committee vacancy, and the MOTION carried without negative vote.

Discussion or Action on Code of Conduct/Ethics Ordinance for Elected Officials

Attorney Thorpe stated that in discussions with staff and the village president there is desire to adopt a code of conduct/ethics policy for village officials. If the board recommends moving forward, he will bring a draft back to next month's meeting for review.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to direct Attorney Thorpe to draft a written policy for a Code of Conduct/Ethics ordinance for elected officials and bring it back for review at the next Village Board meeting, as presented, and the MOTION carried without negative vote.

Discussion or Action on Village Board Accepting Employee Resignations

Administrator Loomer stated that with the addition of several full-time and part time positions, and the nature of the labor market, there have been more frequent resignations than in the past. Administrator Loomer asked whether the board wants to continue accepting full-time and part-time employment resignations. The board indicated they do want to continue accepting resignations and are also interested in the results of the exit interviews that are conducted.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the procedure on handling and accepting employee resignations, as presented, and the MOTION carried without negative vote.

GLEA – President Kenny

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

President Kenny gave a brief description of what the proposed ordinance intentions are, which is to allow for fines to be levied against boaters who fail to clean boats prior to entering the lake or allowed for seaweed and other contaminants to be present on boats upon entering the water. Attorney Thorpe added that he is still working with GLEA's attorney on drafting up a proper ordinance to reflect our Village and be entered into our code. Attorney Thorpe asked to have one more meeting with the GLEA attorney for final touches before bringing it back to the board for final approval at next month's meeting.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to direct Attorney Thorpe to continue drafting the ordinance amendment regarding preventing the spread of aquatic plants and invasive animals in Geneva Lake and surrounding bodies of water and bring it back for approval at next month's Village Board meeting, as presented, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Discussion or Action on Well No. 4 Rehabilitation and Recommendation of Award

Village Engineer Terry Tavera spoke and stated that the winning bid was from CTW Corporation. His recommendation is to approve the bid from them in the amount of \$234,201.04. Tavera stated that while this is higher than the Village initially anticipated, only \$101,000.00 is for rehabilitation. The remaining amount is estimated for equipment repairs should they need to be replaced. If no equipment needs to be fixed or repaired the bid will be closer to the \$101,000.00 amount.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve the recommendation of award for the Well No. 4 rehabilitation bid in the amount of \$234,201.04 to CTW Corporation, as presented, and the MOTION carried without negative vote.

Update on TID Projects

Public Works Director Day explained that all that is left of the project is the red paint for the crosswalk from the 2022 street project. He hopes that that should be completed sometime in the next couple of weeks.

Discussion or Action on Material for Path at Porter Court Plaza and Project Bid

Public Works Director Day and Village Engineer Tavera explained that three potential surface options were discussed at the Public Works Committee meeting, and he has brought all the options to the Village Board for consideration. Tavera also noted that all of these options would have no issues impacting the drainage at the location. The first option was to do a complete concrete surface by the fountain and all the path, the next would be to do just the fountain with concrete and leave the rocks for the path, the final option would be to do concrete at the fountain but to install a porous permeable rubber material for the path and different colors and options were include in the packet for the Village Board to review. President Kenny asked a question regarding the longevity of the rubber material. Village Engineer Tavera stated that it is made from rubber recyclable tire material so he believes it is quite durable but was sure on an exact timeline for how long it would last.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve moving forward with a base bid for just the concrete and an alternate bid to include the permeable rubber material, as presented, and the MOTION carried without negative vote.

Discussion or Action on Proposed Pioneer Park Bathroom Building and Approval to Publicly Bid Project

Village Engineer Tavera explained that the project needs to be underway by September to qualify for the use of TID funds. Due to the short timeline Village Engineer Tavera believes that it would be best to go with a prefabricated bathroom building. He has included two different styles and layouts of such buildings. After some discussion amongst the Trustees most felt the design should include two unisex bathrooms which meant going with the "Sugar Maple" style of bathroom. Village Engineer Tavera also recommended combining the bid for the concrete pad with the Porter Court Plaza concrete bid in order to save on expenses.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve moving forward with the plans on the proposed Pioneer Park Bathroom Building and to publicly bid for the project for the prefabricated two unisex bathrooms provided by Huffcutt, as presented, and the MOTION carried without negative vote.

Discussion or Action on Geotechnical Proposal Work from PSI for the Pioneer Park Restroom and Fontana Ave Work in the Amount of \$3,450

Village Engineer Tavera and Public Works Director Day explained that the proposal and quote for the soil borings are included in the meeting packet and the cost is \$3,450.00.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the Geotechnical Proposal work from PSI in the amount of \$3,450.00 for the Pioneer Park Restroom and Fontana Ave work, as presented, and the MOTION carried without negative vote.

Discussion or Action on Beach House Roof Repairs Application for Payment No. 2

Village Engineer Tavera stated that all the work has been completed for the project besides a few touch up items. He recommends approval of the application for payment No. 2.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the beach house roof repairs application for payment No. 2, in the amount of \$2,768.25, as presented, and the MOTION carried without negative vote.

Discussion or Action on 2022 Street Projects Application for Payment No. 3

Public Works Director Day and Village Engineer Tavera stated that all work for this project has been completed except for striping and some traffic control issues. Tavera still recommended in favor of approving application for payment No. 3.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve the 2022 Streets Project application for payment No. 3, in the amount of \$43,167.25, as presented, and the MOTION carried without negative vote.

Discussion or Action on S. Lakeshore Drive Change Order No. 10

Village Engineer Tavera stated that the project has been completed and recommends approval of the change order.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve S. Lakeshore Drive change order No. 10, as presented, for a total decrease in price of \$115,159.31, and the MOTION carried without negative vote.

Discussion or Action on S. Lakeshore Drive Application for Payment No. 14

Village Engineer Tavera again reiterated that the project is now complete and recommends making final payment in the form of application for payment No. 14.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve S. Lakeshore Drive application for final payment No. 14, for \$39,224.13, as presented, and the MOTION carried without negative vote.

Discussion or Action on CMAR Resolution

Public Works Director Day explained that the Village received an A grade once again this year and that the annual resolution is ready for Village Board approval.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve resolution 061223-02 for the 2023 annual CMAR filing, as presented, and the MOTION carried without negative vote.

Discussion or Action on 644 S. Lakeshore Drive Sign Replacement

Public Works Director Day explained that the property owner at 644 A. Lakeshore Drive has asked the village to replace the sign that was knocked down during a heavy snowstorm. Public Works Director Day stated that during one of the last heavy snowstorms, snow from the plow truck took down the sign at 644 S. Lakeshore Drive. The homeowner is asking for the cost of the replacement sign which is \$574.98. Administrator Loomer stated this sign is on Village's right-of-way. The recommendation from the Public Works Committee was to deny the request based on the sign being located in the Village's Road right-of-way.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to deny the homeowner at 644 S. Lakeshore Drive sign replacement request in the amount of \$574.98, as presented, and the MOTION carried without negative vote.

Discussion or Action on Sale of Two Generators

Public Works Director Day explained that currently there are two generators that sit up in the Public Works shop and are not used. Public Works Director Day stated they are still serviced each year to keep up with maintenance but would like to sell them since we don't have a use for them, and it is an added expense to have the maintenance done every year. Public Works Director Day stated he was going to list them on the Wisconsin Surplus website he has used in the past, and based on a quote he received for the larger generator, he will not accept less than \$20,000.00 for it.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve listing both generators for sale and setting a base limit amount for the larger generator at \$20,000.00, as presented, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Discussion or Action on Approving Contract for Caselle Accounting Software (ARPA Funds)

Administrator Loomer stated staff would like to convert from InCode as the principal accounting software to Caselle which is software provided by CivicSystems, LLC. Staff has been researching the options available for nearly nine months, and recommends moving forward with Caselle. Administrator Loomer explained that the Village has been using InComonths andd by TylerTech but it is not very user friendly. Administrator Loomer explained that Treasurer Baumann recently had a showcase at the Village for the new Caselle software and based on this showcase the software seemed much more user-friendly and could support the Village's day-to-day tasks much better and increase efficiency. Administrator Loomer also stated that the Caselle software would also be a less costly option after the initial setup and merger for annual service fees. Caselle is also used in approximately 200 other Wisconsin municipalities and the feedback has been very positive. Administrator Loomer stated the

initial investment amount would be approximately \$76,469.00 to get set up however, there are three additional desired modules that when added brings the total of the whole project to \$108,161.00. Administrator Loomer recommended using ARPA funds for the initial cost.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve entering into a contract with CivicSystems, LLC, for Caselle Accounting Software for an amount not to exceed \$108,161.00, and to use ARPA funds, as presented, and the MOTION carried without negative vote.

Discussion or Action on Well No. 4 Rehab Financing

Administrator Loomer informed the Village Board that staff are unsure whether the utility fund can support the Well No. 4 rehab work until the actual numbers come back. Staff will continue to monitor the work and will come back to the board if additional funds are needed.

Discussion or Action on Simple Water Rate Increase

Treasurer Baumann stated the Finance Committee recommended moving forward with the Simple Water Rate increase of 8%. Staff checks each year if the village is eligible for the simple rate increase, and this is the first year since the full rate increase in 2019 that the village is eligible. The timeline for approval requires the first notice to be published in the paper on June 22, 2023. The new rate will take effect later this year on September 5, 2023.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the simple water rate increase, as presented, and the MOTION carried without negative vote.

Discussion or Action on Purchasing Village Board Meeting Tablets

Village Clerk Lussow gave a brief breakdown of pricing of Microsoft Surface Pro 9 tablets for purchase for Village Board Members to use for their meeting packets. The pricing ranged from \$950.00 to \$1,200.00 for a tablet. Plus, an estimated additional \$1,500.00 for cases, extended warranties, keyboard, mouse, and other add-ons. Village Clerk Lussow explained at this time it might be best to wait until near the end of the year or will monitor if any sales should happen before then especially since the prices have gone up for a lot of the items currently and usually near Cyber Monday/Christmas better deals can be found.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the purchasing of tablets for Village Board meeting packets to be purchased near the end of the year or when it is more likely prices will be low, as presented, and the MOTION carried without negative vote.

Discussion or Action on Accepting Payments via ACH

Treasurer Baumann explained to the Board that currently we allow ACH payments to the Village but now vendors are looking to pay us via ACH. Treasurer Baumann stated this would mean we would share some of our banking information with the vendors to allow this but stated that same information is usually found on checks anyways. Trustee Petersen asked if we would potentially open a separate account for these payments to come through so they don't have access to the main one and can transfer the funds between the two daily. The Board and Treasurer Baumann liked the idea and agreed to proceed with his suggestion.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve accepting payments via ACH and the opening of a second account to allow for the transfer of funds between this account and the main accounts receivable account, as presented, and the MOTION carried without negative vote.

Update/Discussion or Action on Centennial Celebration Committee's Request to use Park Commission 501(c)3 for Donations and Proceeds

Treasurer Baumann stated that recently the Park Commission has approved working with and allowing the Centennial Celebration Committee access to the Park Commission 501(c)3 account to accept donations on their behalf. However, the Centennial Committee has also begun selling items, which require remittance of sales tax and separate record keeping. Staff contacted the village auditor who recommended keeping Centennial Committee funds separate from the Tourism Commission and village funds. Staff made the recommendation to the Centennial Committee to open their own 501(c)3 or LLC to maintain their funds. Additionally, there are legal requirements for use of 501(c)3 funds, and it was not clear whether the donations coming in from the Centennial Committee met those requirements. Treasurer Baumann stated that the Centennial Committee has been informed of this and are looking to work with another local non-profit entity in the village. In the meantime,

President Kenny stated that the Centennial Celebration Committee remains committed to being involved and briefly spoke on how they have their book they are planning on releasing as well as being at as many local events possible this being held this year.

Park Commission – Trustee Livingston

Discussion or Action on Plantings Outside of Village Hall Building

Public Works Director Day stated that they are pulling out the Juniper trees and some of the other dead plants and will be adding some newer plantings to spruce up the Village Hall Building. Public Works Director Day stated that the Park Commission will be paying for the upgrades.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the new plantings outside the Village Hall Building in the amount of \$6,360.00, as presented, and the MOTION carried without negative vote.

Discussion or Action on Pullup Bar for Reid Park

Administrator Loomer stated that this pull-up bar was recommended by resident Dr. Peter Diamond and was suggested to the park commission to promote heart health and as part of the Murph Challenge. This item was included in the park commission 2023 budget. The recommendation of the park commission is to install the pull-up bar at the Reid Park playground near the swing set.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the installation and location of the pull-up bar in Reid Park, as presented, and the MOTION carried without negative vote.

Discussion or Action on Purchase of Tree for the Little Beach

Public Works Director Day stated that the winter storm damaged the birch tree on the little beach and was cut down due to the damage. The request is to replace that tree by planting a birch tree at that location.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the planting of a birch tree to replace the tree that was taken down at the Little Beach, as presented, and the MOTION carried without negative vote.

Discussion or Action on Designating Tree at Little Beach a Memorial Tree for Carol Lobdell

Public Works Director Day stated the village received a request outside of the Memorial Tree Program to dedicate the replacement birch tree to Carol Lobdell who recently passed away. Lobdell was an active part of the community for many years and spent a lot of time at Little Beach.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve designating the replacement birch tree at Little Beach a Memorial Tree for Carol Lobdell, as presented, and the MOTION carried without negative vote.

Discussion or Action on Purchase of Bushes Near the Hildebrand Sign

Public Works Director Day stated they are looking to add bushes near the Hildebrand Sign since the area is empty and bare. Public Works Director Day stated he is still working with Harvard Nursery on other projects and will see if there is anything they can offer at an affordable price.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the purchase of the bushes near the Hildebrand Sign, as presented, and the MOTION carried without negative vote.

Discussion or Action on Sale of Old Christmas Decorations

Public Works Director Day requested permission to sell the old Christmas decorations which were recently replaced with new decorations. He will list on the Wisconsin Surplus website.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the sale of the old Christmas decorations, as presented, and the MOTION carried without negative vote.

Park Commission Recommendation for Approval of Park Permit Application Filed by Michelle Kahl on Behalf of SPX Flow Company for a Company Picnic Event to be Held at Duck Pond Pavilion and Duck Pond Recreation Area on Saturday, July 15, 2023, From 9:00 AM To 4:00 PM

Village Clerk Lussow informed the Village Board that the applicant emailed him the day of the Village Board meeting and requested that their application be withdrawn and that they were no longer interested in renting out the space.

Plan Commission – Trustee Petersen

Discussion or Action on Zoning Ordinance Amendment Application filed by LaRocque Farms LLC, 515 W. Belden Ave., Unit 15, Chicago, IL 60614, to Amend Section 18-13 Regarding Definitions and 18-63 Regarding Agricultural Land Uses and 18-332(c) Regarding A-2 ETZ Agricultural Land District

Josh Madigan, resident from the Village of Walworth, spoke regarding the zoning ordinance amendment application. Mr. Madigan said he opposes the application due to how this will negatively impact the neighborhood near the proposed Farm Family Wedding Business site. He stated that it will increase the number of drunk drivers, trash, and noise in their quiet neighborhood and will negatively impact property values for their homes. Attorney Christina Green spoke on behalf of the applicant and stated that when working with staff, neighborhood protections were considered and are more restrictive here than what exists in the County code. In addition, her client is looking to make this zoning compliant with what the County would provide for. Ms. Green also specified that some additional protections that were considered and added include limiting the Farm Family Wedding Barn Business to only 12 events per year.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the Zoning Code Ordinance Amendment Application filed by LaRocque Farms LLC to Amend Sections 18-13 regarding definitions, 18-63 regarding agricultural land uses, and 18-332(c) regarding A-2 ETZ Agricultural Land District as Ordinance 061223-01, as presented, and the MOTION carried 4-0 without negative vote.

Discussion or Action on Conditional Use Permit Application Filed by LaRocque Farms LLC, 515 W. Belden Ave., Unit 15, Chicago, IL 60614, for Farm Family Business Wedding Barn for Property Located at N1701 Townhall Rd, Walworth, WI 53184

Christina Green stated this was to turn the barn already located on the site into a Farm Family Business Wedding Barn. Attorney Thorpe made a comment that if the Conditional Use Permit Application is approved it would be subject to the Village Planner's recommendations.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the Conditional Use Permit Application Filed by LaRocque Farms LLC, 515 W. Belden Ave., Unit 15, Chicago, IL, 60614, for a Farm Family Business Wedding Barn for Property Located at N1701 Townhall Rd, Walworth, WI 53184 pending final approval subject to the following staff recommendations:

- a) Is in harmony with the recommendations of the comprehensive plan. The Village Planner notes that the proposed use is consistent with the Comprehensive Plan, which recommends the subject parcel for Agricultural use. The Plan also recommends that the Village promote the continuation and expansion of agricultural support businesses in agricultural areas.
- b) Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future. The Village Planner notes that the proposed wedding barn is a considerable distance from nearby residential areas and will provide sufficient parking onsite.
- c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property. The Village Planner notes that the proposed wedding barn is consistent with the agricultural context of the subject property and surrounding area.
- d) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property. The Village Planner notes that sufficient infrastructure capacity is available to serve the proposed use.
- e) The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts. The Village Planner notes that the public benefits of maintaining a viable farm family-based business as proposed by the applicant outweigh the potential impacts of the proposed use.

The MOTION carried 4-0 without negative vote.

Discussion or Action on Zoning Map Amendment Application filed by Shodeen Family Property Co. LLC, 77 N. First St., Geneva, IL 60134, to Amend Current Zoning of Property Located at Tax Parcel E W 2300008 in Walworth, WI 53184 From A1 ETZ Zoning to C2 ETZ Zoning

Dave Patzelt was present on behalf of the applicant, Shodeen Family Property Co. LLC, and gave a brief background and presentation of the application that was on file. Mr. Patzelt explained that the parcel in question is zoned A-1 and when it was originally annexed to the Village of Walworth, he believes it should've been zoned like the abutting and surrounding zoning to C-2. Mr. Patzelt made reference to Village Planner Jackie Mich's comments at the Plan Commission public hearing that was held on the matter and stated that this is a clean up issue that both the Village, County and property owners want to correct, all while this would have no effect on the Comprehensive Master Plan in the Village of Fontana. The Plan Commission made a recommendation to deny the application while the joint ETZ Committee made a recommendation to approve. The Village Board wanted clarification from the Village Planner and to have her present at the next meeting to answer any questions before making any kind of approvals.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to table to next month's meeting the Zoning Map Amendment Application filed by Shodeen Family Property Co. LLC, 77 N. First St., Geneva, IL 60134, to amend current zoning of property located at Tax Parcel E W 2300008 in Walworth, WI 53184 from A1 ETZ Zoning to C2 ETZ Zoning for clarification Village Planner's thoughts on "clean-up" zoning request, as presented, and the MOTION carried without negative vote.

Discussion or Action on Zoning Ordinance Amendment Application filed by Mike Origer, 1572 Teal Lane, 1C, Wheeling, IL 60090 to Repeal and Recreate Sections 18-28(o), 18-28(i), and Section 18-52(10) to Support Potential Reconfigurations and Assemblage of Lots Through a Planned Development Under Common Ownership and at a Residential Density of Not Less Than One Acre per Dwelling Unit

Jim Origer was present on behalf of his family's zoning ordinance amendment application to allow for the building of multiple family homes on the property to create a family compound. Mr. Origer explained that their intention is not to build more than one home per acre and to not exceed more than five separate homes altogether. Attorney Thorpe explained to the Village Board that this would be the first step for the Origers to take to pursue applying for a planned development. Attorney Thorpe also stated that at the Village Board's request that he has drafted an ordinance amendment that would allow Mr. Origer to pursue his request to build a family compound.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the Zoning Ordinance Amendment Application filed by Mike Origer, 1572 Teal Lane, 1C, Wheeling, IL 60090 to Repeal and Recreate Sections 18-28(o), 18-28(i), and Section 18-52(10) to support potential reconfigurations and assemblage of lots through a Planned Development under common ownership and at a residential density of not less than one acre per dwelling unit as Ordinance 061223-02, as presented, and the MOTION carried without negative vote.

HR Committee – President Kenny

Discussion or Action on Military Leave Policies

Administrator Loomer stated that the Village is looking for a more concrete policy on employees who have military leave. Administrator Loomer stated that the USSERA and ETF dictate many military leave policies including pension contributions, however, wanted to have feedback from the Board on whether to continue insurance payments, if applicable, how to handle any accrued sick and vacation time when an employee is on leave, and whether to allow an employee to continue accruing benefit time while on leave. Staff researched the policies of other municipalities and recommend that after the required 31-days of continued insurance contributions, provide the employee the option to keep insurance coverages active by paying the full premiums either monthly or as a lump sum or allow the coverage to lapse and reinstate upon their return. Any health insurance waiver payouts would cease following the 31-day period after deployment and would begin again after the employee is reinstated with the village. Regarding unused vacation time, it was recommended the employee be allowed to carryover unused accrued vacation time if deployed. No benefit accruals would occur when the employee is on leave.

Trustee O'Neill/Trustee Pappas 2nd made a MOTION to approve the Military Leave policies, as discussed, following all USSERA laws and ETF requirements for pension contributions, allow the employee the option to pay the premiums to keep insurance coverages active after 31-days or allow the policy to lapse and reinstate upon

return, discontinue health insurance waiver payouts after 31-days, allow carryover of accrued vacation time and disallow accrual of benefit time during deployment, and the MOTION carried without negative vote.

Discussion or Action on Proposed FLSA 7(g) Agreement

Administrator Loomer stated the 7(g) agreement under the FLSA permits employers, under specific circumstances, to use a basic rate to compute overtime compensation rather than a regular rate if the employee is performing two separate jobs. There is one employee that works for the police department but also picks up shifts as an EMT. Without the 7(g) agreement, the employee would be paid at the police overtime rate, however, with the 7(g)-agreement signed by both the employee and employer, the employee would be eligible to work at the EMT overtime rate because it is a separate position. Administrator Loomer stated legal counsel has reviewed the agreement and given circumstances and there were no concerns.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the proposed FLSA 7(g) agreement, as presented, and the MOTION carried without negative vote.

Discussion or Action on Fire Department Organizational Chart

Administrator Loomer mentioned that there has never been a formal adoption of the fire department organizational chart. Administrator Loomer presented an organizational chart that was included in the meeting packet that represents the current operations of the department and recommended approval.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the proposed Fire Department organization chart, as presented, and the MOTION carried without negative vote.

Update on Fire Department Unionization

Administrator Loomer stated the eligible fulltime Fire/EMS staff voted to unionize with a 9-2 vote. She stated she spoke to the union rep last week and will be scheduling a meeting in July. She stated she spoke with legal counsel and will continue to keep them involved through the process. Once negotiations begin, the HR committee will become involved.

Closed Session – President Kenny

Trustee Petersen/Trustee O'Neill 2nd made a MOTION 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 Village Treasurer and 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 Big Foot Country Club Easement Negotiations. The roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

The MOTION carried 4-0 without a negative vote with Trustees Marek, Livingston, and McGreevy not present.

Adjourn Closed Session

Trustee Pappas/Trustee Petersen 2nd made a MOTION to go into open session at 6:02 pm, and the MOTION carried without negative vote.

Village Treasurer

This item was discussed in closed session.

Trustee Petersen/Trustee O'Neill 2nd made a motion to modify the Treasurer salary, as discussed, and approve an additional week of vacation, and the MOTION carried without negative vote.

Big Foot Country Club Easement Negotiations

This item was discussed in closed session.

Trustee Pappas/Trustee Petersen 2nd directed the Village Administrator to continue negotiations with Big Foot Country Club, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee Pappas 2nd made a MOTION at 6:05 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: 07/10/23