

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, August 1, 2022

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 Petersen, Trustee McGreevy, Trustee Livingston, Trustee Prudden, Trustee O'Neill (Arrived Late)

Trustees Absent: Trustee Pappas

Also Present: Bob Ahern, Liz Bauman, Chief Cates, Kevin Day, Brendan Forrest, Christina Green, Phil Greening, Theresa Loomer, Drew Lussow, Chief Nitsch, Ted Pankau, Allison Schwark, Dale Thorpe, Kristin Vandusseldorp, Scott Vilona

Visitors Heard

None

Approval of Village Board Minutes

The minutes for the July 5, 2022 meeting were distributed.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the minutes from July 5, 2022, (open and closed) 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 Vendor Report and Payroll Overtime Report as distributed for June, 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 McGreevy/Trustee Petersen 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

Water Safety Patrol Lifesaving Awards

President Kenny presented lifesaving awards to both Brendan Forrest and Kristin Vandusseldorp. He thanked them both for their heroic actions at the beach.

2021 Audit Presentation

Phil Greening from Sitzberger CPA gave the presentation regarding the 2021 Audit. Greening confirmed that the audit was completed and there were no significant difficulties for the Village of Fontana. Greening then went into detail regarding information that was provided in the Village of Fontana's Independent Auditor's Report and Financial Statement packet which was distributed to all Village Board Members. Scott Vilona commented that based on all the information provided by Greening that everything appears to be standard, and that the Village is on the right track. Lastly Greening gave a recommendation that a new capital proceed fund be created to track capital expenditures more appropriately within the Village. The Board then thanked Mr. Greening for his time and the presentation.

138 Fontana Lane Property Owner Steve Hoffman's Request for Building Permit Fee Adjustment

Attorney Christina Green presented the request for a building permit fee adjustment for her client, Steve Hoffman, the owner of the property at 138 Fontana Lane. Attorney Green stated the request is for the Village Board to reconsider the newly adopted ordinance in place for building permit fees as well as refund

her client for the exorbitant amount that she believes they overpaid. Green also cited that her client paid the fee due to time constraints and wanting to finish the project on time, but still feels that the fee was unjust. Green mentioned that the current fee schedule incentivizes complete tear downs of old historic homes to replace with new builds rather than allowing fee acceptable renovations to take place. Green also believes this current fee schedule would be in violation of statute 66.028. Attorney Thorpe stated he would further have to look into any perceived violations of statutes. Building Inspector Dave Hendrix also commented that this is typical practice of SAFEbuilt and that the fee schedule is common but also understands that the renovations taking place at this residence seem to be an anomaly rather than something ordinary in our Village. Trustee Prudden/Trustee O'Neill 2nd made a MOTION to direct staff to review and bring back an adjusted building permit fee schedule for further discussion, and the MOTION carried without negative vote.

Approval of Temporary Liquor License and Park Permit Application for Dan Green's Touch a Life, Heal a Heart, and The Farm Way Rock-N-2 the Rescue Event on Saturday, September 3, 2022, from 2PM to Midnight

Administrator Loomer mentioned the initial application contained a request for a food truck but has since been withdrawn and instead will have popcorn served by the boy scouts instead. Trustee Petersen spoke regarding the events running late into the evening and stated that in the future it might be something the Village might want to consider adjusting since some of the residents who don't participate in these events might complain about noise that late in the evening. Chief Cates addressed those concerns by stating that the police monitor the events to make sure they aren't becoming too loud or getting out of hand. Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve the temporary liquor license and park permit application for Dan Green's Touch a Life, Heal a Heart, and The Farm Way Rock-N-2 the Rescue Event being held on Saturday, September 3, 2022, from 2PM to Midnight, and the MOTION carried without negative vote.

Approval of Temporary Operator License Application for Mary Kriete-Green for Rock-N-2 the Rescue Event

Chief Cates had no concerns with the background check for applicant. Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the temporary operator license application for Mary Kriete-Green for Rock-N-2 the Rescue Event, and the MOTION carried without negative vote.

Municipal Code Enforcement Additional Hours Request

Administrator Loomer informed the Village Board that Code Enforcement Officer Allison Schwark has been working very hard in the community and often leads to extending hours longer than what was initially budgeted for. The original budget planned for an average of 12 hours per week for the Village of Fontana. Administrator Loomer suggested an increase to potentially 16-18 hours a week. Based on discussion by the Village Board they felt it might be better to just budget the hours not to exceed 20 hours per week. Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the additional hours request for the Municipal Code Enforcement office on the condition that the hours shall not exceed 20 per week, and the MOTION carried without negative vote.

Discussion or Action on Chapter 18-177 Revised Tree Preservation Ordinance – Set Public Hearing

Attorney Thorpe explained the changes made to the revised tree preservation ordinance were done to better reflect Code Enforcement Officer Allison Schwark's practices in the field. Attorney Thorpe also elaborated on how dead trees were previously handled in the Village and for the last 20 years dead trees did not require a replacement obligation in the Village. Attorney Thorpe believes that giving Code Enforcement Office Schwark more discretion when out in the field should make things more efficient and asked that a public hearing be set on the matter.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to set a public hearing for the proposed amendments to chapter 18-177 regarding the revised tree preservation Ordinance, and the MOTION carried without negative vote.

Discussion or Action on Chapter 18-227(b) Noise Standards – Set Public Hearing

Attorney Thorpe stated that this matter also needs to be set for public hearing. He mentioned how the proposed changes to the noise standards are to help Chief Cates and his staff with enforcement in regards to the short-term rental problems. It will ultimately give him more tools to help crack down on those who are not properly following the short-term rental rules in our Village and hopefully lead to more people properly registering their short-term rentals with the Village.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to set a public hearing for chapter 18-227(b) an ordinance regarding noise standards, and the MOTION carried without negative vote.

Town of Linn Request for Waiver of CUP Amendment Application Fee

Administrator Loomer stated the Town of Linn, which is in the Village's ETZ, has filed a CUP application to amend a CUP they have with the South Shore Club. The CUP must be updated to reference the Town's current hydrant agreement with the Village. The Town is requesting the Village waive the application fee. President Kenny added that it is a matter of public safety as well shows a sense of teamwork and cooperation between the two municipalities, which we should try and maintain should we ever need help from the Town of Linn.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the waiver of a CUP Amendment Application Fee for the Town of Linn, as presented, and the MOTION carried without negative vote.

Discussion or Action on Proposed Road Encroachment Policy

Attorney Thorpe spoke to the Village Board in regards to the Proposed Road Encroachment Policy. He mentioned that he has drafted a policy for how to deal with these matters but due to his work in the field he feels this may be better off to handle on a case-by-case matter instead of enforcing a written policy. Attorney Thorpe believes if a matter truly needs enforcing, they can always issue a revocable permit for the affected party. The Village agreed with Attorney Thorpe and modified their motion to say such.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to handle all road encroachment policy issues on a case-by-case matter, as presented by Attorney Thorpe, and the MOTION carried without negative vote.

Establish Policy for Scheduling Zoning Matters Relative to Staff Meetings

Administrator Loomer informed the Board that staff occasionally receives zoning applications that require a public hearing, and if there is enough time to get the notice to the paper the applicant requests the public hearing at the next possible date. This would require staff to send in the public hearing notice to the paper before plan commission staff has a chance to review. She recommended a policy that all matters must be reviewed by the plan commission staff in order for a thorough review to take place and to avoid mistakes that might occur by rushing the process.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to establish a policy for scheduling of zoning matters relative to staff meetings, and the MOTION carried without negative vote.

Discussion or Action on Repealing and Recreating Ordinance 42-44(1) – Fireworks

Administrator Loomer explained to the Board that due to the increase in fireworks applications these past few years there is a need to refine the application process as well as a new fee levied for the amount of work that goes into processing the applications.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the repealing and recreating of Ordinance 42-44(1) in regards to fireworks, and the MOTION carried without negative vote.

Adopt Fee Schedule Resolution – Fireworks Permit Application Fee

Administrator Loomer recommended a \$100 fee for a fireworks application to cover staff time.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to adopt a new fee schedule resolution regarding the addition of a fireworks permit application fee, and the MOTION carried without negative vote.

Proposed Building Inspector Office Hours

Building Inspector Dave Hendrix from SAFEbuilt asked the board to change his current office hours from Tuesday and Fridays to Mondays and Wednesdays from 8:00 AM – 9:30 AM. Building Inspector Hendrix mentioned that this change is due to taking over fully for former inspector Mike Moore and that these hours are a better fit for his schedule so that he can still maintain other municipalities he services. The Village Board was in agreement with the proposed change and asked that a motion be made to have these new hours in effect starting the week of August 15, 2022.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the new proposed building inspector office hours Mondays and Wednesdays 8:00 am to 9:30 am, and the MOTION carried without negative vote.

Discussion or Action on Enforcement of F-Sticker Only Parking Stalls in Lot No. 1

Chief Cates discussed issues with the Board regarding cars parking in the F Sticker Only parking stalls without F Stickers. Chief Cates explained that most people don't mind the \$30 fine if it means preferred parking for the day. The Village Board discussed potential ways to deter the public who don't have F-stickers from parking in the F Sticker stalls. Chief Cates suggested that based on how the parking ordinance is written the police can fine continuously every hour two hours. The Village Board directed the police to fully enforce the ordinance and ticket violators every two hours as the ordinance allows.

Discussion or Action on Transitioning to .gov Email Address as Recommended by the Wisconsin Elections Commission

Administrator Loomer presented information to the Board regarding the change of all Village email address to a .gov or .wi.gov address. This change is being pushed by the Wisconsin Elections Commission to ensure better safety and security for all municipalities. It will also help to assure the public that they are truly communicating with a government official. Loomer stated the Elections Commission is offering a \$600 grant to all municipalities that convert to a .gov email addresses and the grant should cover all of the village's costs. Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the recommend transition to a .gov email address by the Wisconsin Elections Commission, and the MOTION carried without negative vote.

Approval of Operator License Applications filed by Ethan Harris (Abbey Harbor), Harjoy Kaur (Abbey Resort), Poteet Ozmun (Fontana Shell), Julia Chupich (Abbey Resort), and Debra Raye (Fontana Shell)

Chief Cates stated there were no concerns with any of the background checks.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the operator license applications filed by Ethan Harris (Abbey Harbor), Harjoy Kaur (Abbey Resort), Poteet Ozmun (Fontana Shell), Julia Chupich (Abbey Resort), and Debra Raye (Fontana Shell), and the MOTION carried without negative vote.

Accept Resignation of Village Board Trustee Dave Prudden

President Kenny along with all the other present Board Members reluctantly accept Dave Prudden's resignation. President Kenny also thanked Prudden for his years of service and stated he will truly be missed. The resignation for Trustee Prudden will be in full effect as of August 11, 2022.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the resignation of Village Board Trustee Dave Prudden, and the MOTION carried without negative vote.

Discussion or Action on Options to Fill Vacant Trustee Position

Attorney Thorpe laid out options for the Village Board regarding how they could go about filling Trustee Prudden's position. Thorpe stated that they could appoint to serve remainder of term, hold a special election, or leave the seat vacant should they choose. President Kenny then spoke that he has received some interest from a few different candidates and offered up the names of the candidates he has received interest from. The Board decided from the list of names President Kenny provided that Tom Marek, who serves on our Finance Committee, would be the candidate they would like to appoint. Tom Marek's appointment would take effect as of August 11, 2022 and he will be notified of the Board's decision.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to appoint Tom Marek to Fill the Vacant Trustee Position, and the MOTION carried without negative vote.

Protection Committee --Trustee Prudden

Discussion or Action on Proposed Public Safety Building Meeting Room Alteration

Trustee Prudden addressed the Board on this topic. Prudden said that there were some quotes included in the Village Board packet regarding the costs for the meeting room alteration. Building Inspector Hendrix then offered some feedback on the plans and costs included. Building Inspector Hendrix stated that a second shower may be needed to accommodate both genders, and if it is required that would push the cost of the alterations over the bid threshold. Attorney Thorpe reaffirmed this and mentioned it would be in the Village's best interest to have Building Inspector Hendrix further investigate the matter and hold off on any decisions. Attorney Thorpe stated as well that since no contract or plans were attached there is nothing for the Board to tentatively approve and suggest that before the next Board Meeting takes place that those should be included if the proposed alterations were to proceed.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Concept of the Plans as Proposed and to Seek out a Contract for the Plans to Bring to the Next Board Meeting, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Recommendation to Approve Memorial Tree Permit Application for Jeff Persin & Tom Rockwell for Accolade Cherry Tree or Eastern Redbud Tree on Fontana Boulevard on Behalf of Dan Dosen

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the Memorial Tree Permit Application for Jeff Persin & Tom Rockwell for either Accolade Cherry Tree or Eastern Redbud Tree on Fontana Boulevard on Behalf of Dan Dosen, as presented, and the MOTION carried without negative vote.

Recommendation to Approve Memorial Tree Permit Application for Francine Tuite for Accolade Cherry Tree or Eastern Redbud Tree on Fontana Boulevard on Behalf of Mary and Peter Williams

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Memorial Tree Permit Application for Francine Tuite for either Accolade Cherry Tree or Eastern Redbud Tree on Fontana Boulevard on Behalf of Mary and Peter Williams, as presented, and the MOTION carried without negative vote.

Public Works --Trustee O'Neill

Discussion or Action on Walworth County Public Works Emergency Mutual Aid Agreement

Public Work Director Day explained that this is a standard agreement. It would enable the Village to work with the County as well as other neighboring villages and towns in case of an emergency or disaster to the area. Attorney Thorpe mentioned he hasn't had a chance to review the agreement but mentioned it could be approved subject to his review.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Walworth County Public Works Emergency Mutual Aid Agreement contingent on the Review of Village Attorney Dale Thorpe, as presented, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Ordinance Amendment Chapter 54-86 Pier Permit Required – Tabled on 7/5/22

Attorney Thorpe discussed this topic with the Village Board and based on his interpretation of the statute believed that this ordinance amendment shouldn't take effect since it would be in direct violation of the state statute under NR 326. For now, Attorney Thorpe is asking the Board that this agenda item not be adopted and should no longer be tabled but instead dropped from the agenda going forward.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to Deny the Ordinance Amendment and to Drop it from the Agenda Going Forward, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Fire/EMS Referendum Update

Loomer stated the Net New Construction worksheet comes out on August 15 and will require a special meeting to approve the resolution prior to the August 30 deadline.

Human Resources Committee – President Kenny

Administrator Loomer’s Request to Work Remotely from Time to Time as Permitted in the Remote Work Policy Adopted on 7/5/22

Administrator Loomer asked the board to work remotely on occasion in accordance with the recently adopted Remote Work Policy. Loomer explained that as the Policy is written that she must ask for the Board’s approval before working remotely. The Village Board Members were fine with this request and stated that if Administrator Loomer needed to work more days from home or as situations arose as long as she communicated it with President Kenny or another Board Member then they would be flexible with allowing it.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to approve Administrator Loomer’s Request to Work Remotely from time to time as Permitted in the Remote Work Policy that was Adopted on 7/5/22, and the MOTION carried without negative vote.

Officer Chalchoff Request to Carryover 40 Hours of Vacation Time

Chief Cates informed the Board Officer has 40 hours of vacation time he will lose as his anniversary date is approaching and the union contract does not allow for vacation carryover. Chief Cates stated he has been short staffed and had to deny a vacation request from Officer Chalchoff last month. The Board discussed the matter and asked Chief Cates how the union viewed the matter. The Board also did not want this to become a common request going forward with any additional officers or new hires and did not want to set a precedent. The Village Board asked Chief Cates to obtain an affidavit or documentation from the union stating they would not use this as a precedent going forward for any future negotiations and once that document is received would approve Officer Chalchoff’s request contingent on that documentation.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve Officer Chalchoff’s Request to Carryover 40 Hours of Vacation Time Contingent Upon Receiving a Waiver/Affidavit from the Police Union for the Reasons Stated, and the MOTION carried without negative vote.

Closed Session-President Kenny

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to go into Closed Session at 5:54 pm 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, requires a closed session,” specifically Police and Fire Commission’s Hiring Recommendation for Fire/EMS Employees.

The roll call vote was as follows:

President Kenny – Aye

Trustee Prudden – Aye

Trustee McGreevy – Aye

Trustee Petersen – Aye

Trustee Livingston – Aye

Trustee O’Neill – Aye

The MOTION carried 6-0 without a negative vote and Trustee Pappas Absent

Adjourn Closed Session

Trustee Livingston/Trustee Petersen 2nd made a MOTION to go into open session at 5:57 pm, and the MOTION carried without negative vote.

Hiring Recommendation for Fire/EMS Employees

This item was discussed in closed session.

Prudden/O’Neill 2nd made a motion to approve the recommendation made by the PFC Commission and have the Village of Fontana make a conditional offer of employment to candidate Sean McKean as a part-

time Fire/EMS employee. The Village of Fontana Board also adopts the rank list provided by the PFC Commission for the open Fire/EMS full-time positions as well. Any offers of employment to these candidates are contingent upon successfully completing a background investigation, physical examination, psychological examination, and a drug screening, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION at 5:58 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: 09/06/2022