

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, August 3, 2020

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: Trustee Pappas, Trustee O'Neill (joined at 5:15 pm), President Kenny, Trustee Livingston (joined at 5:10 pm), Trustee Petersen, Trustee Prudden, Trustee McGreevy
Also Present by Phone: Nate Austin, Jeff Cates, Kevin Day, Theresa Loomer, Ed Maloney, Stephanie Smith, Ed Snyder, Craig Surta, Dale Thorpe

Visitors Heard

None

Approval of Minutes

The minutes for the meeting held on July 6, 2020 was distributed to board members via email.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the minutes from July 6, 2020, meeting, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Trustee Petersen/Trustee McGreevy 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

Garbage Collection Update – Nate Austin from John's Disposal

Nate Austin from John's Disposal stated they have successfully taken over the garbage routes from Keizer and Sons over the course of the last two weeks, and as expected, have had a few hitches with the drivers learning the routes. Austin stated he did not have a full proposal to present to the board yet but wanted to go over his recommendations and asked for the Board to offer feedback. Based on the request from the Village to go back to Monday pickups for garbage and recycling, Austin stated he would recommend going with a fully automated collection. With the fully automated collection garbage and recycling carts would be delivered to every resident and would be compatible to be picked up using an automated process, instead of the driver manually collecting garbage. Austin's recommendation was to pick up garbage every week and recycling every other week. Austin explained John's Disposal has a host of solutions available for residents with unique needs such as weekend residents that would not be able to return their carts after pickup and those with exceptionally long driveways. John's Disposal will be providing the Village with a formal proposal next month.

Consider Permanent Fence at Small Beach

With the S. Lakeshore Drive reconstruction project, the small beach was fenced off near the gravel path and has kept the lake path walkers from crossing the grass area. Several requests have been received from Board members and Country Club Estates residents for a permanent fence where the temporary fence is currently located. Trustee McGreevy stated the fence would keep the structure of both beaches in Fontana the same. President Kenny thought the fence would help keep lake path walkers from walking across the middle of the beach. Loomer stated there was some concerns from Glenwood Springs about the ability to enter the beach

but any permanent fence would still allow for 24-hour access to the beach by just opening the gate. The Village Board would like to see a concept drawing at the meeting next month.

Approve RFP's for: Cleaning, Legal, Auditor and Planning Services

RFP's for the listed services have not been put out in five or more years. Staff suggest these RFP's are put out before budget time so they can be included in the 2021 budget.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve RFP's for Cleaning, Legal, Auditor and Planning Services prior to 2021 budget planning, and the MOTION carried without negative vote.

Approve Village Hall Cleaning Service for Remainder of 2020

The August Election has required Village Hall to open up for in-person voter registration and absentee voting hours. The glass patrician has still not been installed but is scheduled for mid-August. Public Works has been cleaning Village Hall once per week, but Loomer requested a more thorough cleaning and disinfecting due to Covid. The cost was not budgeted for but can be reimbursed by funds allocated through the CARES Act.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve cleaning service for Village Hall for the remainder of the calendar year, and the MOTION carried without negative vote.

Reschedule September Meeting Due to Labor Day

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to reschedule the September meeting for September 8, 2020, due to Labor Day, and the MOTION carried without negative vote.

Plan Commission

Conditional Use Permit Application Filed by Scott and Barb Anderson for Second Driveway at 851 Sauganash Drive

Loomer explained the applicant intends to build a new home and desires two access points on the same street frontage which requires a conditional use permit. Plan Commission recommended approval based on staff's recommendations and conditions. Attorney Thorpe did draw attention to the condition that was added by Plan Commission regarding full compliance with Village erosion control ordinance.

Trustee Petersen/Trustee McGreevy made a MOTION to approve the conditional use permit application filed by Scott and Barb Anderson for a second driveway at 851 Sauganash Drive, as submitted, subject to the following staff conditions:

- Police Chief Cates stated that he has no concerns regarding this U shaped/dual entrance driveway. He feels that because of curve and pitch of the roadway, the U shaped/dual entrance driveway allows those who are exiting from this property a safer method of accessing the roadway.
- The proposed access shall be located a minimum twenty-five feet (25') from the existing access drive.
- The proposed drive (pavement) shall be located a minimum of three feet (3') from the adjacent property line.
- The proposed access drive shall be a minimum ten feet (10') wide.
- The proposed access drive curb opening shall not exceed a maximum twenty-four feet (24') wide as measured at the right-of-way line.
- The proposed access approach shall be paved to the satisfaction of the Village of Fontana.
- Public Works Director Kevin Day recommends the property owner install culverts to prevent flooding of the area. If the property owner chooses not to install culverts, Day recommends the property owner be required to sign a hold harmless agreement with the Village.
- 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.
- An as-built survey shall be required depicting the proposed second access drive and all required distances. If found to be noncompliant to this approval, it is the responsibility of the applicant to bring it into compliance.
- Full compliance with the Village's erosion control and stormwater management ordinance

The MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Ordinance Amending Chapter 74-281 re: No Parking on S. Lakeshore Drive and North Side of Kinzie Ave

Trustee Prudden stated with cars parking on the North Side of Kinzie Avenue and traffic coming from both directions it is very congested and tight.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Ordinance 080320-01 Amending Chapter 74-281 to restrict parking on S. Lakeshore Drive and the north side of Kinzie Avenue, and the MOTION carried without negative vote.

Proposed Four-Way Stop at Intersections of Third Avenue and Douglas Street and Third Avenue and High Street

Trustee Prudden explained due pedestrians walking from Highway 67 and foot traffic from the Abbey he would recommend installing four-way stops at the intersections of Third Avenue and Douglas Street and Third Avenue and High Street to help prevent accidents.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to approve the proposed Four-Way Stop at the Intersections of Third Avenue and Douglas Street and Third Avenue and High Street, and the MOTION carried without negative vote.

Approve Sale or Transfer of Police Dept. 2014 Ford Explorer

Public works has indicated an interest in a transfer of the 2014 Police Ford Explorer. The estimated sale of the vehicle would bring in roughly \$6,000 to \$8,000. Day stated the Public Works Department could use it for running to get parts and going to classes.

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to approve the transfer of the 2014 Ford Explorer from the Police Department to the Public Works Department, and the MOTION carried without negative vote.

Update on Enforcement of Chapter 34 – Fire Code

The protection committee recommended that fire code violations are enforced through citations if voluntary compliance is not gained. Past practice has been to not site for violations, but for the safety of the village and visitors the Protection Committee recommended stricter enforcement of the fire code.

Lakefront Committee – Trustee Pappas

Abbey Harbor Channel Dredging & Study Proposal

Trustee Pappas stated Abbey Harbor had submitted a Siltation Analysis from WBK Engineering that was in the amount of \$29,000 at the June Lakefront Committee meeting. There was discussion at the Lakefront meeting about who would pay for the cost of the study. After direction from the committee, Village Engineer Terry Tavera submitted a proposal for the Abbey Harbor Channel dredging and study request for \$19,000.

Trustee Pappas stated the Lakefront Committee voted to defer the decision regarding a study to identify the source of the sediment in the Abbey Harbor and any cost appropriations based on the results of the study to the Village Board. Trustee Pappas stated that Village Engineer Terry Tavera estimated the watershed to be approximately 1000 acres and approximately seven percent would be the Village’s portion. Loomer stated as part of the S. Lakeshore Drive project storm water management was also included and there were three areas identified to move forward, one of which is the outfall on Shabbona Drive. The outfall on Shabbona Drive is believed to account for the Village’s seven percent of the watershed and staff has a meeting scheduled later in August with the DNR as the first step in remedying that area. Trustee Pappas stated that one thing that has changed over the last couple years is the work that the County has done along the south side of Hwy 67 and when it rains the water is rushing through at a high volume. Trustee Pappas also explained the point of the study is to determine where the water is coming from and who is responsible for any associated cost. Craig Surta, Vice President of The Abbey Harbor Condominium Association Board, stated he wanted to point out four areas of concern that they believe are contributing to the sediment in the Abbey Harbor: the discharge pipe at Shabbona Drive, soil erosion coming from the golf course, determining the tributary area to the runoff of silt that flows into Van Slyke Creek from heavy rain, and the new discharge pipe on the south side

of the harbor that has a large amount of sediment coming through at a high velocity shifting the embankment and dislodging the rip-rap. Surta stated that on behalf of the Abbey Harbor he would encourage the Village Board to consider accepting the proposal presented by Ruekert and Mielke for the benefit of the lake and that the community should fully fund the study. Trustee Pappas stated the Village does need to address the new pipe that was installed on the south side of the harbor as it seems to be poorly engineered or not working properly due to the sediment that is flowing through. Trustee Pappas explained when the Abbey Harbor first came to the Lakefront and Harbor Committee, they suggested a cost share plan. Surta stated the Abbey Harbor Board had met earlier this afternoon and they are not prepared to cost share. The Abbey Harbor has funded the dredging 100% for years and have reached their tipping point. Trustee O'Neill stated that for over 50-years the Abbey Harbor has been used for a sediment basin and if it were not for the use of the basin the sediment would all be out in the lake. Surta stated all of the dredging to this point has been paid for 100% by the condo owners and the association.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the Potawatomi Creek & Abbey Harbor Watershed Analysis from Ruekert-Mielke in the total amount of \$19,000 so long as they Abbey Harbor contributes half of the study cost of \$9,500 and the Village to fund the other half of the study in the same amount. The MOTION carried with Trustee O'Neill oppose and Trustee Prudden abstain.

Car Parking on South Side of Boat Trailer Parking Lot

Pappas stated that cars with trailers are continuing to park on the south side of the boat trailer parking lot in the fire lane. Chief Cates stated that parking area was never formerly designated as a fire lane. The area along the South side of the boat trailer parking lot has typically been used as overflow parking when more boats are launched than parking spaces are available. Pappas stated boats are parked there more than occasionally and recommended the spaces be converted to additional metered car parking stalls. Police Chief Cates stated that at the Protection Committee meeting earlier in the week, the committee recommended designating the North side of Kinzie Avenue as No Parking because when both sides of the street are lined with parked cars there is not enough room for traffic to pass in both directions. Eliminating the fire lane on the north side of the Boat Trailer Parking Lot would leave no overflow spaces in the area. Trustee Pappas stated the launch staff would still be able to use Duck Pond for overflow parking if more boats are launched than spaces available. Chief Cates stated with the use of Duck Pond that is going to take a while to get there and back and as a result going to back up the launch with boats tied up on the pier. Trustee Pappas stated that he feels like the time is now to convert that area to car parking as he has been monitoring it for the past two years and nothing has changed. He added that car parking along the South side of the boat trailer parking lot will create more revenue than a trailer sitting there.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve to designated fire lane on the north side of the Boat Trailer Parking lot as metered car parking stalls, and the MOTION carried without negative vote.

Lake Geneva Yacht Club Request to Store X-Boats in Boat Trailer Parking Lot Aug. 10 – 11

Pappas stated he received a request from the Lake Geneva Yacht Club to store X-boats in the boat trailer parking lot overnight on Monday, August 10 to Tuesday, August 11 for a regatta.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to recommend approval of the Lake Geneva Yacht Club Request to store X-Boats in the Boat Trailer parking lot August 10 – 11, 2020, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Recommendation of Award for 2020 Street Resurfacing Project

Public Works Director Kevin Day stated the bid opening was last week and the lowest bid was from Asphalt Contractors, Inc. Day stated there was a base bid and two alternate bids and the total came in under the budgeted amount. Day recommended repaving all roads that were included in the bid.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to award the 2020 Street Resurfacing Project and alternate bids to Asphalt Contractors, Inc. for the price of \$308,735.00. The MOTION carried without negative vote.

S Lake Shore Drive: Change Order No. 3

Day stated Village Engineer Terry Tavera has reviewed and recommended approval.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve Change Order No. 3 for the S. Lakeshore Drive reconstruction project in the amount additional amount of \$11,952.85, and the MOTION carried without negative vote.

S Lake Shore Drive: Payment Recommendation No. 4

Day stated Village Engineer Terry Tavera has reviewed and recommended approval.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Contractor's Application for Payment submitted by Wanasek for the S. Lakeshore Drive reconstruction project for the amount not to exceed \$592,024.15, and the MOTION carried without negative vote.

Consider Quote to Replace Brakes on Loader Truck

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve replacing the brakes on the Loader Truck in the amount of \$10,303.80, and the MOTION carried without negative vote.

Purchase Back-Up Pump for Lower Abbey Lift Station

Day stated they are having issues with the sewage pump for the lower Abbey lift station. The new pump would not be ready for delivery until January and they would use the old pump as a backup.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to purchase a backup pump for the Lower Abbey Lift Station from L.W. Allen for an amount not to exceed \$6,189.00, and the MOTION carried without negative vote.

I&I Flow Meter Update – Lease or Purchase Software

Day stated the board previously approved the lease of the I & I flow meters and it was an oversight that there was also software for the meters that is needed. The cost to purchase the software is \$3,085 or the cost to lease the software is \$484.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to purchase the software for the I & I Flow Meter in the amount of \$3,085, and the MOTION carried without negative vote.

Proposed Roof Repairs and Costs

Day explained roof repairs for the salt shed, gazebo, park shelter and Well No. 4 were budgeted for 2020.

The numbers for the budget were based on quotes previously received from Craig Utesh which came in much lower than the competitors; however, Utesh is no longer roofing. The next lowest bids came in \$11,620 over budget for the general fund items. Day stated he would like to at least reroof the Salt Shed. The lowest bid for the salt shed was \$21,580 from All Seasons Roofing. Trustee Livingston stated the underneath portion of the gazebo is beginning to rot and will likely cost more in repairs if the roof is not done.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the roof repairs for the salt shed in the amount of \$21,580, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application Filed by Kathy Thorpe and Mike Curran for Reid Park Gazebo on Wednesday, October 7, 2020

The park permit application is for a small wedding for five people.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the park permit application filed by Kathy Thorpe and Mike Curran for Reid Park Gazebo on Wednesday, October 8, 2020 from 10:00 am to 12:30 pm, and the MOTION carried without negative vote.

Memorial Bench Application Filed by Ed Snyder for Lakefront

Ed Snyder submitted an application for a memorial bench at the lakefront. The requested location is available.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the memorial bench application filed by Ed Snyder for the lakefront as recommended by the park commission, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Building & Zoning Staffing Direction

Loomer stated a few couple years ago the Village switched to contracted staff, which has worked, but is a big change from the model the Village had previously and the staff has limited hours. Loomer explained from her conversations with Joe Mesler he does not want to handle trees, piers or stormwater. There is additional cost associated with subcontracting the various functions which were previously covered under one umbrella.

Loomer stated the HR Committee discussed looking into hiring one full-time staff member for building and zoning services. Loomer stated she reached out to Williams Bay and they are having the same discussions and there is a possibility that the two Villages could potentially share one employee between both offices. Loomer explained there are many options out there and she asked for some direction from the board as far as how to move forward and what level of service is desired for the community. The Village Board would like to see a cost analysis at next month's meeting.

Request Vacation Carryover into 2021

Loomer stated many staff members have had to cancel or postpone vacations both because of the workload this year and travel restrictions due to COVID. Loomer explained she is requesting Village staff be allowed on a one-time basis to carry over an additional 40-hours of vacation into 2021.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve a one-time allowance for staff to carryover an additional 40-hours of vacation time from 2020 to 2021, and the MOTION carried without negative vote.

Consider Resolution for FFCRA Exemptions

The Families First Coronavirus Response Act allows for paid leave for certain employees under specific conditions. Loomer stated she had been in contact with Lisa Bergersen who is an employment attorney and HR consultant for the League of Wisconsin Municipalities and Bergersen encouraged the Village to pass a resolution which would exempt certain employees from the Act if they hold certain positions or meet certain criteria such as law enforcement, fire dept., public works, and any individuals whose work is necessary to maintain the operation of the facility. Loomer recommended exempting police, fire, DPW, Administration, Clerk and Treasurer.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to recommend Village Board approval of a resolution defining FFCRA Exemptions, as presented, and the MOTION carried without negative vote.

Consider Resolution for Workers Compensation Policy

Loomer stated the Village does not have any type of workers compensation policy; however, past practice has been for an employee to turn their workers comp check over to the Village and the Village continues paying the employee's normal wages. This year, the Village has had several workers comp claims in which employees have been denied and Loomer recommended adopting a formal policy going forward. She stated she spoke about the topic to our neighboring municipalities, as well as Lisa Bergersen, and Derrick Person who is the Village's representative from United Heartland. This policy is a combination of information that was gathered from neighboring municipalities and one question that came up when drafting was placing a time limit in place for making their employee "whole". Loomer stated this would act as an incentive for the employee to return to work. Bergersen and Person recommended a policy that would require an employee to use benefit time for an initial absence in the event a claim is denied. Once the Village receives the workers comp check, which is 67% of normal wages, the Village would then credit back the prorated portion of benefit time.

Trustee McGreevy stated his knowledge on workers compensation is that it was a tax-free paycheck and was not sure what making an employee whole meant. Loomer stated that workers compensation pays 67% of the employee's wage and that is turned over to the Village and then the Village pays the remaining 33% through the employee using benefit time. Loomer stated she could bring back more information next month.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to table resolution for workers compensation policy to gather more information, and the MOTION carried without negative vote.

WPPA Negotiations – Consider Employment Attorney for Contract Review & Negotiation

Loomer stated The Wisconsin Professional Police Association contract expires at the end of this year. Loomer stated there are several provisions that should be reviewed for possible modifications and suggested consulting with an employment attorney for review of the contract and negotiations. Loomer explained the contract has not been reviewed by legal counsel for at least eight years. Bergersen provided the name of an employment attorney who she recommends and who represents several other municipalities in southeast Wisconsin on employment contracts and negotiations.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve consulting with an employment attorney for contract review and negotiations, and the MOTION carried without negative vote.

Consider Employment Status of Fire Dept. Members

Loomer stated she was directed earlier this year by the HR Committee to determine whether fire department members are considered employees or volunteers. Attorney Dale Thorpe put together a memo addressing that Fire Department is made up of volunteers. Loomer stated at the last HR meeting they discussed the implications if they were called employees versus volunteers. Attorney Thorpe had put together a list of items to take into consideration when looking at classifying Fire Department members as employees. The list was distributed to all Trustees and included financial repercussions such as the threshold for WRS, health insurance and ordinance changes. Thorpe stated that if the change was made from volunteer to employee status the ordinance changes are not overwhelming, but it is also necessary to make sure all fire department employees are treated the same as all Village employees and subject to the same handbook. Trustee Prudden inquired if by making them employees if that is an extra liability to the Village. The board would like to gather more information on the implications to the Village and recommended tabling the item.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to Table the employment status of Fire Department Members to gather more information, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION at 6:13 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be kept on file at the Village Hall.

APPROVED: 09/08/2020