

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN  
(Final Minutes)  
Monthly Meeting of the  
VILLAGE OF FONTANA BOARD OF TRUSTEES  
Monday, August 7, 2023

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

**Trustees Present:** Roll call vote: Trustee Marek, Trustee Petersen, President Kenny, Trustee O'Neill, Trustee McGreevy, Trustee Pappas

**Trustees Absent:** Trustee Livingston

**Also Present:** Liz Baumann, Chief Cates, Kevin Day, Adrian Eybergen, Dan Eybergen, Steve Greenberg (Canyon Developers), Eric Johnson (Lake Geneva Regional News), Maureen Kaufman, Steve Kaufman, Theresa Loomer, Drew Lussow, Chief Nitsch, Alison Schwark, Terry Tavera, Dale Thorpe

**Visitors Heard**

**Approval of Village Board Minutes**

The Village Board minutes for the July 10, 2023 meeting were distributed.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village Board minutes from the July 10, 2023 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for July, 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 Marek 2<sup>nd</sup> 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**

**Discussion or Action on Resolution Adopting County Hazard Mitigation Plan**

Administrator Loomer explained that this is a resolution adopting the Walworth County Hazard Mitigation Plan and that several other municipalities in the area have also recently adopted this same plan. The resolution explains the plan of action in case of an emergency that affects the Village and is laid out by Walworth County. Chief Cates mentioned that he has no issues with what is presented, and that the resolution allows some variation for each municipality that adopts the plan.

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve resolution 080723-01 Adopting the Walworth County Hazard Mitigation Plan, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Creating Sections 18-56(i), 18-38(f)(10) and Amending Section 18-54 – Set for Public Hearing**

Administrator Loomer explained that the proposed CUP is for S Main and Hwy 67 offsite parking to allow for additional parking in that lot. The applicant is looking to use this mainly on holidays, weekends, and other events to help have more parking during the busier season in Fontana. This would be in effect for roughly 150 days of the year. Administrator Loomer stated that further discussion will take place once a public hearing is set.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to set a public hearing for the proposed ordinance for the creation of sections 18-56(i), 18-38(f)(10) and the amending of section 18-54, and the MOTION carried without negative vote.

**Discussion or Action on Code of Conduct/Ethics Ordinance for Elected Officials – Tabled 07/10/23**

Administrator Loomer mentioned that this proposed ordinance was brought up at the July meeting and that after some discussion with the Village Attorney Thorpe it was decided that rather enact an ordinance for the code of conduct for elected officials that a training will need to be conducted yearly for them instead.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the yearly training requirement for code of conduct/ethics for our elected officials, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Modifying Zoning Administrator Friday Hours to 8:00 AM to 11:00 AM**

Administrator Loomer explained that this request comes to the Village Board since the signed contract between the Village and the Zoning Administrator stated the hours were to be from 9:00 am to noon on Fridays. Zoning Administrator Allison Schwark asked to amend the hours to 8:00 am to 11:00 am.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve modifying the Zoning Administrator’s Friday hours to 8:00 AM to 11:00 AM, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Repealing and Recreating Sections 78-94, 78-96(1), 78-94(c), 78-94(d)(3), 78-97(c), 78-97(f)(3), and 78-95(a)**

Administrator Loomer informed the Village Board that the proposed ordinance repealing and recreating sections 78-94, 78-96(1), 78-94(c), 78-94(d)(3), 78-97(c), 78-97(f)(3), and 78-95(a) pertain to increasing our water service rate through the PSC. The rate change is expected to go into effect starting in September. Loomer mentioned that it had been a couple of years since the last increase and that the Village was due for another increase to keep prices consistent with what the Village is charged.

Trustee O’Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance 080723-01 for the Repealing and Recreating of Sections 78-94, 78-96(1), 78-94(c), 78-94(d)(3), 78-97(c), 78-97(f)(3), and 78-95(a) for Chapter 78 PSC Water Service Charge Rates, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Resolution Adopting Rules and Regulations for the Public Utility Per Section 78-62**

Attorney Thorpe mentioned that this resolution was done to clean up previous rules and regulations of the Public Utility and go with the new ordinance changes to Chapter 78 of the PSC Water Service Charge Rates that was just approved.

Trustee McGreevy/Trustee O’Neill 2<sup>nd</sup> made a MOTION to approve Resolution 080723-02 adopting rules and regulations for the Public Utility per Section 78-62, as presented, and the MOTION carried without negative vote.

**Operator License Application filed by Grace Hanson (Chucks) and Clayton Flies and Josefina Giroux (Gordy’s)**

Chief Cates mentioned that there were no concerns with the background check and the \$60 fee has been paid.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the operator license application filed by Clayton Flies and Josefina Giroux for the Gordy’s and Grace Hanson for Chucks, and the MOTION carried without negative vote.

**Accept Resignation of Fulltime FF/Paramedic Simon Lee**

Trustee McGreevy/Trustee O’Neill 2<sup>nd</sup> made a MOTION to accept the resignation of FF/Paramedic Simon Lee, and the MOTION carried without negative vote.

**Accept Resignation of Police Officer Gregory Ryan**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to accept the resignation of Police Officer Gregory Ryan, and the MOTION carried without negative vote.

**Approve Hiring of Community Service Officer Ireland R. Dunnett**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the hiring of Ireland R. Dunnett as a Community Service Officer, and the MOTION carried without negative vote.

**Accept Resignation of Michael Lucero from Tourism Commission**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to accept the resignation of Michael Lucero from the Tourism Commission, and the MOTION carried without negative vote.

**Public Works Committee – Trustee O'Neill**

**Discussion or Action on 1114 Jenkins Drive Request for Reimbursement for Sanitary Lateral Repair - \$4,902.71**

Public Works Director Day explained the homeowner at 1114 Jenkins Drive was having problems with his sanitary sewer lateral, he could not flush his toilets due to the lateral being full of tree roots, and the pipe being offset. Public Works Director Day stated back in 2013 the Village had a storm sewer project which was in front of this property, and during construction the resident's sewer lateral was damaged. The lateral was repaired at the time but was not repaired correctly. The wrong parts were used for the pipe connections. Village Engineer Tavera does have a record of this sewer lateral being damaged. The resident's sewer was recently repaired correctly by Wanasek Corp. for the cost of \$4,902.71, and the homeowner is looking for reimbursement. Public Works Director Day mentioned that the recommendation from the Public Works Committee was a 50-50 split with the Village paying an amount of \$2451.35 and that they would have to go get the other half from the company who originally completed the work.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the request for reimbursement for sanitary lateral repair in the amount of \$2451.35, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Adding Drainage at 277 Wauban Drive - \$6,750.00**

Public Works Director Day and Village Engineer Tavera stated the homeowner is asking for the Village to install storm sewer in front of 277 Waubay Drive. The homeowner would pay for the infrastructure on his property and is asking for the village to add storm sewer in the road that he can connect with to help with drainage issues at this property. Currently there is no Village storm sewer in front of this property. Public Works Director Day stated the proposal from D&K Services is to install one catch basin, 100' of 8" pipe and connect to the storm sewer pipe located at 285 Wauban Dr. Public Works Director Day stated that it was the Public Works Committees recommendation to deny the request. Steve Greenberg from Canyon Development was representing the owners of the property, Dan and Adrian Eybergen, at 277 Waubun Drive. Greenberg was hired to complete the work and stated based on his analysis of the home it appears that the property is taking on more offsite water than what was initially disclosed to the property owners. This appears to be coming from the neighboring properties due to new buildings and construction happening. Mr. Greenberg mentioned that in his talks with Village Engineer Tavera that the land previously served as a retention area and water naturally flowed to it but has increased over the years and has led to excessive flooding on the property. Next door neighbors Maureen and Steve Kaufman, 285 Waubun, were also present and mentioned that their property has also been drastically affected by the flooding and runoff of water. Greenberg mentioned that the owners of the property have already invested quite a bit of money to try and resolve the issue and feel this is the only option left to alleviate the flooding and water coming from offsite and asked the Village Board to approve their request.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the quote in the amount of \$6,750.00 for adding drainage at 277 Wauban Drive, as presented, and the MOTION carried without negative vote.

**Discussion or Action on Disinfection Configuration Quote from Marelle Water Treatments - \$4,430.50**

Village Engineer Tavera stated that the water utility is looking to disinfect Well No. 3 in the event Well No. 1 is offline. Currently Well No. 1 chlorinates the water and Well No. 3 blends with Well No. 1. Tavera stated he received a quote from Martelle Water Treatment to install a 65-gallon tank, with all required equipment for

liquid chlorination for a cost of \$4,430.50. This disinfection would be used for emergency operation if Well No. 1 is offline.

Trustee Petersen/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the quote from Marelle Water Treatments in the amount of \$4,430.50 for disinfection configuration and water treatment tank on Well No. 3, as presented, and the MOTION carried without negative vote.

#### **Discussion or Action on Mill Street Pump Rebuild Quote from L.W. Allen - \$8,850.00**

Public Works Director Day stated that the pump at Mill Street has been replaced with a new pump and is looking to have the old pump rebuilt as a backup.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the quote from L.W. Allen in the amount of \$8,850.00 for the rebuilding of old pump as a backup, and the MOTION carried without negative vote.

#### **Update on Well No. 4 Rehabilitation Process**

Village Engineer Tavera stated Well No. 4 pump has been pulled and televised. CTW is performing additional tests on the Well for better water quality. The testing is scheduled for next week.

#### **Update on TID Projects**

Village Engineer Tavera stated the Hildebrand storm water project is being bid out now, along with the bathrooms at Pioneer Park being bid in the next week or so. Village Engineer Tavera also mentioned that the paving at Porter Court where the old fountain was will also be done soon.

#### **Plan Commission – Trustee Petersen**

##### **Discussion or Action on Ordinance Amending Section 18-108(i) Environmental Corridor (EC) Overlay Zoning District**

Administrator Loomer stated that the pending ordinance amendment is to remove a sentence from the ordinance regarding the use of a conditional use permit for clear cutting in the Environmental Corridor Overlay District. The resolution the Village enacts pertaining to the Environmental Corridor has already been adjusted to reflect the change and the Village is looking to keep the ordinance consistent between the resolution and ordinance.

Trustee Petersen /Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 080723-02 amending Section 18-108(i) Environmental Corridor (EC) Overlay Zoning District, as presented, and the MOTION carried without negative vote.

#### **Lakefront & Harbor Committee – Trustee Pappas**

##### **Discussion or Action on Austin Pier Service Invoice for Additional Repairs - \$5,317.83**

Trustee Pappas explained to the Village Board that Austin Pier Service had provided an invoice for \$5,317.83 for additional repairs. Trustee Pappas mentioned that Darrell Fredrick attended the last Lakefront and Harbor meeting and provided some insight into how the costs broke down. It was the Lakefront and & Harbor Committee's recommendation to approve the invoice for that amount since the repairs were necessary for the installation of some of the piers as well as the removal of some sediment and other debris near the pier crib. Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the invoice from Austin Pier Service in the amount of \$5,317.83 for additional repairs and services, as presented, and the MOTION carried without negative vote.

##### **Discussion or Action on Austin Pier Service Invoice for Installation - \$37,365.00**

Trustee Pappas again explained that this invoice from Austin Pier Service was the annual cost for the piers to be installed. Darrell Fredrick was again at the meeting and gave a thorough breakdown of the costs for the installation. Trustee Pappas stated that it was Lakefront and Harbor's recommendation to approve the invoice for the amount of \$37,365.00.

Trustee Pappas/Trustee Marek 2<sup>nd</sup> made a MOTION to approve the Austin Pier Service invoice for installation of piers in the amount of \$37,365.00, as presented, and the MOTION carried without negative

vote.

### **Discussion or Action on Austin Pier Service Refunds for Late Mooring Installations**

Trustee Pappas wanted to update the Village Board on this topic that was discussed at the Lakefront and Harbor Committee meeting. He stated that this year there were a few piers that didn't make the installation deadline per the contract the Village has with Austin Pier Service. The Lakefront and Harbor Committee spoke with Mr. Fredrick about this at their last meeting and Mr. Fredrick stated that he understood and because of that has provided a breakdown of a payback system to the 18 residents who were affected by the late installation. Mr. Fredrick also agreed to mail the reimbursement checks out himself and also include a letter apologizing for the delay in installation. Trustee Pappas informed the Village Board that the checks and letters have been sent out already and the residents should be receiving them soon.

### **Discussion or Action on Fee Schedule Resolution 080723-00 Modifying Commercial Launch Rates, Facility Rental Rates, and Big Foot High School Beach Rates**

Trustee Pappas explained that the Lakefront and Harbor Committee came up with a recommendation to change some of the rates on the Village's fee schedule. The changes proposed by the Lakefront and Harbor Committee was an increase of the season pass beach rates for the Big Foot High School District from \$60.00 to \$75.00, a rate increase of 5% for all Facility Rental Rates rounded to the nearest \$5.00 to account for inflation and costs in goods and services, and the proposal of eliminating the commercial launch rate in favor of charging everyone the local Fontana launch rate for all launches starting next year. After some discussion amongst the Village Board, they accepted the changes to the Big Foot High School Resident Rate and the increase in Facility Rental Rates but felt the commercial rate needed to be discussed further and asked to have that readdressed at the next Lakefront and Harbor Committee meeting and brought back at a future Village Board meeting date once more discussion has been had by the committee.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 080723-03 increasing the season beach pass rates for Big Foot High School District Residents 12 years and over from \$60.00 to \$75.00, a 5% increase to all Facility Rental Rates rounded to the nearest \$5 to accommodate inflation and other costs, and directed the Lakefront Committee to revisit Commercial Launch Rates at a future meeting, as presented, and the MOTION carried without negative vote.

### **Discussion or Action on Parking Citation Fines**

Trustee Pappas stated during the Lakefront and Harbor Committee meeting discussion came up regarding the parking citation fees for the lots. Currently the citation fee is \$30.00 and can be issued every two hours. After discussion there was some support to change it to \$40.00 and still cite every two hours. Chief Cates spoke about the fees and felt that currently the rate is fair for an honest parking mistake that some people make. However, he would support whatever the Board decided. Chief Cates also mentioned that some of his fees are determined by state statute and others are handled by the Village. There was no motion to be made to change the current parking citation fine rate but instead the Village Board asked Chief Cates to get a list of the fees not handled by statute to Village Staff for further review and eventual inclusion in either ordinance or resolution format so they could be easily identified in the future and brought back at a future meeting.

### **Discussion or Action on Taking Inventory of Lakefront Properties**

Trustee Pappas mentioned that some of the Committee members from Lakefront and Harbor have asked for an update or review of the Lakefront Property Owners Lakefront Usage since it has been quite a few years since it was last done. Trustee Pappas stated that the Lakefront and Harbor Committee felt it would be a good idea to use a drone or even potentially a helicopter to take photos of the lakefront to achieve an aerial view of the lake and moorings currently. The Village Board had no objections but wanted to make sure costs did not exceed \$750.00 for the footage or use of drone.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve taking inventory of Lakefront properties and moorings using a drone to not exceed an amount of \$750.00, as presented, and the MOTION carried without negative vote.

### **Park Commission – Trustee Livingston**

#### **Discussion or Action on Duck Pond Fence Extension – B&M Fence - \$4,000.00**

Public Works Director Day stated the fence installed up at Duck Pond is about 60-feet too short. To prevent soccer balls or children going into the adjacent property owner's land, he suggested having B&M Fence install the remaining 60-feet of fence for \$4,000.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the quote for Duck Pond Fence Extension by B&M Fence in the amount of \$4,000.00, 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 & Surrounding Bodies of Water – Tabled 06/12/23 and 07/10/23**

Attorney Thorpe stated that since the last time this was presented that he has trimmed down the ordinance significantly while working with the attorney for GLEA and the attorney for the city of Lake Geneva. Attorney Thorpe stated that this version of the ordinance conveys what the Village of Fontana would like to enforce when it comes to invasive animals and aquatic plants being spread by boats when they enter or leave the surrounding bodies of water.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 080723-03 regarding the amendment to Section VII for the prevention of the spread of aquatic plants and invasive animals on Geneva Lake and any surrounding bodies of water, as presented, and the MOTION carried without negative vote.

### **Closed Session – President Kenny**

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION 1. 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, EMS/Fire and Police Officer Candidate Employment Lists and Public Works Street Foreman, 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 WPPA Contract Negotiations. The roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

Trustee Marek – Aye

Trustee McGreevy – Aye

The MOTION carried 6-0 without a negative vote with Trustee Livingston not present.

### **EMS/Fire and Police Officer Candidate Employment Lists**

This item was discussed in closed session.

Trustee McGreevy/Trustee Marek 2<sup>nd</sup> made a motion to approve the EMS/Fire and Police Officer Candidate Employment Lists, as presented and discussed, and the MOTION carried without negative vote.

### **Public Works Street Foreman**

This item was discussed in closed session.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a motion to approve the Public Works Street Foreman salary increase contingent on a signed letter/release from the employee acknowledging these changes and statement of intention to retire, as discussed, and the MOTION carried without negative vote.

### **WPPA Contract Negotiations**

This item was discussed in closed session.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a motion to approve the WPPA Contract Negotiations, as presented and discussed, and the MOTION carried without negative vote.

**Adjourn Closed Session**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to go into open session at 5:52 pm, and the MOTION carried without negative vote.

**Adjournment**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION at 5:57 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: 09/11/2023