

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Tuesday, September 6, 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 Marek, Trustee Pappas

Trustees Absent: Trustee O'Neill

Also Present: Liz Baumann, John Baumgart, Chief Cates, Kevin Day, Jim Feeney, Christina Green, Theresa Loomer, Drew Lussow, Wally Perkins, Kathie Perkins, Terry Tavera, Dale Thorpe, Tom Whowell

Visitors Heard

None

Approval of Village Board Minutes

The minutes for the August 1, August 8, and August 25, 2022 meeting were distributed.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the minutes from August 1, August 8 and August 25, 2022 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for August, 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 Livingston 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

Direction on Closure of Glenwood Springs Drainage Pipe

Village Engineer Terry Tavera stated that he had multiple discussions with the DNR and Glenwood Springs back when the pipe was first installed in 2020 and it was reduced from an 18" pipe to a 10" pipe. This change reduced approximately 42% of the capacity and resulted in less water flow to Glenwood Springs. The new request from Glenwood Springs is to completely close the pipe to further reduce water that flows into Glenwood Springs. Engineer Tavera brought up potential issues with the request, including 100% of the water would be rerouted to flow into the channel by the Abbey Harbor, it would cause a reduction of the supply of water to Glenwood Springs and potentially dry up the wetlands and natural habitat, and create increased sediment to other nearby areas. A representative from Glenwood Springs stated that all they are asking is for calculations to be run by Village Engineer Tavera to see the potential cost and impact of their request and to speak again with the DNR to see if this is a possibility. Attorney Thorpe said the question at hand is a policy decision on whether the Village will allow the pipe to be closed. The Village Board discussed the matter at length and directed Engineer Tavera to run the calculations and refer them back to the public works committee for consideration.

Update on Beach House Bids as Part of Approved TID Projects

Village Engineer Tavera gave an update on the approved TID Project bids. He stated that there was only one bidder, and they are from out of state. He suggested they push the bid opening back to allow time to receive

additional bids. By pushing the date back, the completion date of the project will be May 2023 rather than December 2022.

Fontana 100-Year Anniversary Celebration

Village resident Tom Whowell gave a short presentation regarding the Village of Fontana 100-year anniversary celebration. Mr. Whowell mentioned that he would like to pursue a formal process in order to raise funds to help finance the upcoming celebrations. He felt it would be a good idea to reach out to the Finance Committee and possibly the Tourism Commission to see if either would be able to contribute funds. Mr. Whowell also explained that he currently has a small group of residents from the community working with him on this project and one of them is also compiling a book on Village history. Lastly, Mr. Whowell spoke about the possibility of attending another Village Board Meeting again soon to continue to update the Board with his endeavors as we draw closer to the anniversary date. The Village Board thanked him for his time and look forward to his next update.

Belvidere Park Request to Replace Association Sign and Fence Located in Road Right-of-Way

Administrator Loomer stated the Village Board previously voted not to adopt a road encroachment policy and instead handle these issues on a case-by-case basis. She stated Belvidere Park replaced an old sign with a new sign in the Village's Road right-of-way; however, that sign has increased in size and was installed without a permit. In addition, Belvidere Park has also asked if they can replace their fence which is partially located in the road right-of-way. Attorney Thorpe stated that the Village has the right to obtain their right-of-way back should they choose to let the sign occupy the area and the costs for removal or repairs would not be of the Village's responsibility. The Village Board then discussed whether they should allow the larger sign and fence to remain in the road right-of-way. The Village Board concluded that they were agreeable to allowing the sign and fence to be in the right-of-way only if the sign reverts back to the previous dimensions of the old sign. Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve Belvidere Parks request to replace their association sign and fence that is located in the Village's Road Right-of-Way so long as the sign does not change in size from what was previously in place, and the MOTION carried without negative vote.

Records Destruction in Accordance with Record Retention Schedule – Assessment Rolls (15 Years) Building Plans (5 Years)

Administrator Loomer explained to the Village Board that per the Record Retention Schedule that was approved two years ago, she is asking to remove/destroy the assessment roll records that are over 15 years old and any building plans that are over 5 years old. Trustee Pappas stated he believed that destroying building plans after 5 years was too soon and offered that we should make them the same as assessment rolls and keep them for 15 years.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to direct staff to keep building plans for 15 years and follow the approved records retention schedule for the Assessment rolls, and the MOTION carried without negative vote.

Consider Adoption of Ordinance Amending Chapter 14-65 Building Permit Fee Schedule

Administrator Loomer asked the board to table this item as staff is still reviewing. Attorney Christina Green stated her client brought this to the attention of the Village Board and asked that any potential refunds due to the changes being made to the building permit fee schedule be retroactive to her client.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to table the adoption of the ordinance amending chapter 14-65 regarding the building permit fee schedule, to next month's Village Board Meeting, and the MOTION carried without negative vote.

Consider Adoption of 2022-23 Bow Hunting Resolution

Administrator Loomer stated not much has changed since the adoption of last year's bow hunting resolution, thought she did note that she has heard from residents who have requested that this program is run through village staff. Administrator Loomer stated she has a meeting set up with Williams Bay to review their hunting program which was recommended by DNR Warden Brad Wilson. Trustee Livingston agreed and stated the

list of hunters should only be village residents. The Village Board agreed and after discussion approved the resolution as presented with the proposed changes to be discussed for next year.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to adopt the 2022-2023 Bow Hunting Resolution 090622-01, as presented, and the MOTION carried without negative vote.

Consider Adoption of Amendment to Chapter 42-41 Shooting Projectiles Prohibited

Attorney Thorpe stated the ordinance amendment is to bring the Village of Fontana's ordinances up to date with the state of Wisconsin's state law.

Trustee Petersen/Trustee Marek 2nd made a MOTION to adopt the amendment to chapter 42-41 regarding the shooting of projectiles prohibited Ordinance 090622-01, and the MOTION carried without negative vote.

Appoint Trustee Petersen as Protection Committee Chair

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the appointment of Trustee Petersen as Protection Committee Chair, and the MOTION carried without negative vote.

Appoint Trustee Petersen to Human Resources Committee

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to appoint Trustee Petersen to the Human Resources Committee, and the MOTION carried without negative vote.

Consider Approval of Park Permit Application filed by Kimkasi Pub for Porter Court Plaza and an Extension of their Liquor License Premise Map Area for the Octoberfest event being held on September 25, 2022

Trustee McGreevy /Trustee Livingston 2nd made a MOTION to approve the park permit application filed by Kimkasi Pub for Porter Court Plaza and also approve the extension of their liquor license premise map area to cover the area as stated in the application for the Octoberfest event being held on September 25, 2022, and the MOTION carried without negative vote.

Consider Approval of Public Funds Banking Resolution

Administrator Loomer stated this resolution was necessary for adding new treasurer Liz Baumann to the Village Bank Accounts.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the Public Funds Banking Resolution 090622-02, as presented, and the MOTION carried without negative vote.

Consider Adopting Resolution Honoring Gail Sumi & Curt Witynski from the League of Wisconsin Municipalities

Administrator Loomer explained that the two individuals are retiring from the League of Wisconsin Municipalities and as a retirement gift the League is asking to honor them by having all municipalities who are members of the League of Wisconsin Municipalities to adopt a similar resolution showing their appreciation for these two individuals.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to adopt the resolution honoring Gail Sumi & Curt Witynski from the League of Wisconsin Municipalities Resolution 090622-03, as presented, and the MOTION carried without negative vote.

Consider Purchase of Container for Fire Department Storage

Trustee Livingston spoke to the board about this topic and how the purchase of this container would be stored at the Public Works Department and house some of the equipment that is currently located at the fire department. This would allow for more space down at the department and still quick access to the stored equipment when necessary.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the purchase for a new container for the Fire Department for storage purposes in an amount not to exceed \$3,075, as presented, and the MOTION carried without negative vote.

Consider Approval of Contract with Cindy Rowe Marketing to Promote EMS Referendum

Administrator Loomer informed the Village Board that the Village of Williams Bay has signed a contract with Cindy Rowe Marketing for the upcoming EMS referendum within their village. She met with Williams Bay Village Administrator Becky Tobin, Cindy Rowe, and a few members of their board when they discussed how they would get information out to residents. Administrator Loomer asked Rowe to provide a quote for similar services but on a reduced scale. Ms. Rowe provided the Village with two proposals, each proposal contained signage, a website, social media posting, and other promotional items. However, the differences between the proposals were that the first proposal contained a more formal video to be done along with extra social media marketing for around \$6,750 while the second proposal which was quoted at \$5,000 contained a less formal and more basic video testimony being done and also less frequent social media posts/interactions. The Village discussed the pros and cons of each proposal and ultimately decided to pursue the second proposal and believed this would be beneficial for the Village and continue to show continuity between both villages as they work together to inform residents of the upcoming referendum on the November ballot. Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the second contract proposal for Cindy Rowe Marketing to help promote the EMS/Fire Referendum, as presented and not to exceed \$5,000, and the MOTION carried without negative vote.

Approval of Operator License Application filed by Elyssa Ross (Chucks)

Chief Cates stated there were no concerns with any of the background checks. Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the operator license application filed by Elyssa Ross (Chucks), and the MOTION carried without negative vote

Reschedule November Meeting Date to Thursday, November 3, 2022

The Village Board Members voted to reschedule the November meeting from Monday, November 7, to Thursday, November 3, due to the election. Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the rescheduling of the November Village Board Meeting to Thursday, November 3, 2022 at 5:00 PM, and the MOTION carried without negative vote.

FW-WPCC – Trustee O’Neill

FW-WPCC 2023 Budget

Trustee Petersen stated to the Village Board that this upcoming year’s budget is expected to increase by 8.62% due to the state of the current economy and expenses rising. Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the FW-WPCC 2023 Budget, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Consider Adoption of Chapter 18-177 Revised Tree Preservation Ordinance

Village Attorney Thorpe gave a brief description of the comprehensive rewrite to the tree preservation ordinance. Attorney Thorpe stated the main points he addressed were the elimination of an arborist opinion and making it at the Village’s discretion, adding language to allow access by the Village staff to inspect the property, offer more flexibility and leniency to the required survey of the property, and lastly the amendment to remove language that requires replacement of dead trees unless the tree was negligently or intentionally harmed. Attorney Thorpe stated these changes will better describe the work that is being undertaken out in the filed by the Village staff and allow for more compliance. Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 090622-02 revisions to chapter 18-177, as presented, and the MOTION carried without negative vote.

Consider Adoption of Chapter 18-227(b) Revised Noise Standards Ordinance

Village Attorney Thorpe outlined the need for the revised ordinance to better regulate noise and issues stemming from short-term rentals. Attorney Thorpe explained that this ordinance change will allow both the renters, owners, and even property management companies to be cited for the offenses. Attorney Thorpe

hopes this will be a stronger deterrent for the short-term rentals and allow some action to be taken to help regulate the noise issues.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 090622-03 revisions to chapter 18-227(b), as presented, and the MOTION carried without negative vote.

Consider Adopting Resolution to Amend Public Participation Plan

Village Planner Sonja Kruesel explained that the Public Participation Plan is a plan that is adopted annually by the Village for any comprehensive plan amendments. It outlines the plan amendment process for the public and explains what the public's options are as well as dates and deadlines that need to be followed.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adopt the resolution to amend the Public Participation Plan Resolution 090622-04, as presented, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Memorial Tree Permit Application for Replacement of Fontana Boulevard Trees Filed by Trish Prouty for Accolade Cherry and Eastern Redbud Tree for Nick Kolp

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the Memorial Tree Permit Application for replacement of Fontana Boulevard Trees filed by Trish Prouty for an Accolade Cherry Tree and an Eastern Redbud Tree on Behalf of Nick Kolp, as presented, and the MOTION carried without negative vote.

Approval of Clearview Landscape Contract 2023-2024

Trustee Livingston explained to the Board that the Clearview Landscape Contract has increased \$10,000 from last year. However, prior to this contract an increase in the contract had not taken place for four years.

Trustee Livingston stated that Clearview does great work in the Village and found the fees to be fair and reasonable based on their work.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the Clearview Landscape Contract for 2023-2024 in the amount of 86,000 per season, and the MOTION carried without negative vote.

Approval of Park Permit Application filed by Lisa Spedale for Event Walk the Lake for Kira Faith for Reid Park Pavilion on Saturday, October 15, 2022 from 9:00 am to 6:00 pm

Trustee Pappas stated that if the event is run by a non-profit group or 501(c)(3) he believes that the application fee should be waived and thought that had been done in the past for this event. He asked the Village staff to look into it and if that is the case that only the security deposit would be required for the event.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the Park Permit Application for Lisa Spedale for the event Walk the Lake for Kira Faith for the Reid Park Pavilion on Saturday, October 15, 2022 from 9:00 am to 6:00 pm, and to have the fees waived if identified as a 501(c)(3), as presented, and the MOTION carried without negative vote.

Approval of Park Permit Application filed by Tara Montgomery for Kenny Family Reunion Event for Reid Park Pavilion and Baseball Diamond on Saturday, July 16, 2023 from 10:00 am to 4:00 pm

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Park Permit Application for Tara Montgomery for the Kenny Family Reunion event for Reid Park Pavilion and Baseball Diamond on Saturday, July 16, 2023 from 10:00 am to 4:00 pm, and the MOTION carried without negative vote.

Approval of Park Permit Application filed by Fontana Joint 8 School District / Steve Torrez for Duck Pond Recreation Area with Fee Waiver Request for Fontana School Flag Football Game Events on: Thursday, September 15, 2022; Tuesday, September 20, 2022; and Thursday, October 4, 2022

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Park Permit Application with fee waiver for Fontana Joint 8 School District / Steve Torrez for the Fontana School Flag Football Game Events for Duck Pond Recreation Area on: Thursday, September 15, 2022; Tuesday, September 20, 2022; and Thursday, October 4, 2022, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas
Austin Pier Service Contract 2022-2024

Trustee Pappas explained that the proposal has increased 50% over the last contract. Pappas stated the increase is due to today's economic times with high inflation and rising costs of lumber and labor for the pier service. There was some discussion on the matter and if any alternatives could be pursued, but ultimately the Board agreed with what was presented.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the Austin Pier Service Contract for 2022-2024 in the amount of 67,780.00, as presented, and the MOTION carried without negative vote.

Fee Schedule Resolution for 2023 Slip Lease Rates, Beach Rates, and Parking Rates

Trustee Pappas stated the Village approved a 5% increase last year for the slip lease rates. The Lakefront Committee discussed the 50% increase to Austin Pier Service's contract and the increase to the slip lease rates that would be necessary to break even. Trustee Pappas stated he ran the calculations, and the lease rates would need to go up just over 13%. The committee discussed the numbers and agreed the increase should be 14% across the board to cover taxes and additional or emergency repairs that may come up. Trustee Pappas also stated that the current daily beach admission rates of \$10 for an adult and \$5 for a child, and resident season pass rates of six for \$4 each and six additional for \$8 each have been imposed since approximately 2017 (effective in 2018). After discussion amongst the lakefront committee members, they agreed to recommend a daily admission rate of \$12 for adults and \$6 for children; resident season pass rates of \$5 for the first six and \$10 for six additional; Big Foot High School rates of \$60 per pass, and non-resident season pass rate of \$120. Trustee Pappas then went on to explain that there has been some confusion with Employee sticker parking and F-sticker parking for residents. The confusion was because the Employee stickers also have an "F" on them and several vehicles with Employee stickers have been ticketed for parking in the "F Sticker Only" parking stalls. To eliminate the confusion, it was recommended using an "E" or "EMP" instead of an "F" for employee stickers. Chief Cates stated he has noticed in his patrols that a lot of short-term rentals and their guests are provided beach tags and parking stickers so it would be beneficial to crack down on this area because it results in loss of revenue for the Village if unchecked. The committee discussed using a more permanent adhesive on the F Stickers as well so they cannot be easily moved from vehicle to vehicle but leave the Employee (EMP) stickers static cling. Additionally, the committee recommended leaving the weekday parking rates at \$2.00 per hour but increasing the weekend and holiday rates to \$5.00 per hour.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the fee schedule resolution 090622-05 for 2023 for the slip lease rates, beach rates, and parking rates, as presented, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

DPW Employee Daniel Gonzalez Request for Sick Time Payout

President Kenny/Trustee Livingston 2nd made a MOTION to table DPW Employee Daniel Gonzalez's request for sick time payout until the next Village Board Meeting, and the MOTION carried without negative vote.

Adjournment

Trustee McGreevy /Trustee Petersen 2nd made a MOTION at 6:00 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: 10/03/2022