

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Tuesday, September 8, 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: President Kenny, Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen

Trustees Absent: Trustee McGreevy, Trustee O'Neill

Also Present by Phone: Nate Austin, Connor Carynski, Jeff Cates, Kevin Day, Theresa Loomer, Ed Maloney, Bonnie Schaeffer, Dale Thorpe, Doug Wheaton

Visitors Heard

Doug Wheaton from the Lakes Area Realtors Association read a letter in support of the proposed sign ordinance amendment that increases the square footage of an arm and post style sign from six square feet to 10 square feet. He also recommended additional amendments to the newly enacted sign ordinance including an additional sign allowance for corner lots, an additional temporary sign allowance for properties that abut a street or waterway, an allowance for a second temporary sign (specifically for an open house) to be allowed without a permit for up to 72 hours, and an increase of allowable square footage for commercial real estate signs.

Approval of Minutes

The minutes for the meetings held on August 3 and August 5 (open and closed) were distributed to board members via email.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the minutes from August 3 and August 5, 2020, (open and closed) meetings, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Trustee Livingston/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

Garbage Collection Update – Nate Austin from John's Disposal

Nate Austin from John's Disposal proposed three options for garbage and recycling collection in 2021. The first option keeps all collection dates and methods the same with manual collection split between Monday and Tuesday for a total cost of \$329,610.96, which is a 2% increase over 2020. The second proposal offers manual garbage collection and automated recycle collection split between Monday and Tuesday for an increased cost of 8.7% over 2020 pricing. The third option is to switch to fully automated collection and have all garbage and recycling picked up weekly on Mondays for a total cost of \$345,996.00, which is a 7.07% increase over 2020. Prudden stated he liked the idea of Monday pickup for the entire village and Pappas asked about the \$33,000 difference in the weekly automated recycling cost between Option No. 2 and No. 3. Loomer reminded the Board they approved a one-time 28% cost increase for recycling for 2020 and the proposed costs are based off the increased 2020 recycling prices. Austin replied that the recycling market has not improved over the past year.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Option No. 1 to maintain the current level of service for 2021 at a cost of \$329,610.96 which is a 2% increase over 2020. The MOTION carried without negative vote.

Operator's License Applications Filed for Kaelyn Anderson (Chucks), Regan Cassidy, Miguel Castillo (Gordy's)

Background checks are clear and \$60 fees have been paid.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve the operators license applications filed for Kaelyn Anderson (Chucks), Regan Cassidy and Miguel Castillo (Gordy's), and the MOTION carried without negative vote.

Abbey Harbor Sediment Study Requests

Loomer received an email from Harbormaster Ed Snyder that requested Ruckert-Mielke to revise the proposal of work and add the Abbey Harbor as a signatory. He requested that the Abbey Harbor be billed directly from Ruckert-Mielke for Harbor's share of the cost. In addition, he asked that Ruckert-Mielke make all correspondence simultaneously to both the Abbey Harbor and the Village of Fontana. Lastly, he recommended the Abbey Harbor and the Village create a subcommittee consisting of himself, Public Works Director Kevin Day, two Abbey Harbor Board Members and two Village of Fontana Board Members (John O'Neill was requested as one). Trustee Prudden stated one of the goals of the subcommittee would be to shave off costs of the study if there are members that are familiar with the history of the harbor and past stormwater studies. President Kenny stated he wants to make sure the process is fair and equitable for both sides involved. Pappas stated he is in favor of the committee but believes it should be responsible only for giving direction up front and answering questions from the engineer and should refrain from changing the scope of the study. Tavera stated he does not want the study to shift as it goes along and would need to obtain information up front from all sides. Pappas agreed to be part of the subcommittee on the Village's behalf.

Fence Concept for Small Beach

A concept drawing of the proposed fence at the Small Beach was provided in the meeting packets. Staff has discussed obtaining an updated survey if none currently exists, and reviewing legal documents submitted by Glenwood Springs that date back to the 1980's before going further with any plans. Loomer stated Glenwood Springs has expressed concerns that a fence would prohibit access to their pier, however, any fence would have an open gate for 24/7 pier access.

Fontana Beach Regulations after Labor Day

Now that the summer season has ended and the beach is no longer staffed, President Kenny asked whether the Board members feel it is necessary to place restrictions on the beach. He stated it may not be an issue, but if there is a weekend with nice weather then the beach may draw large crowds. Prudden recommended Chief Cates monitor the beach and restrictions could be placed by the police if necessary.

2020-21 Hunting Resolution

The 2020-21 Hunting Resolution was distributed. Loomer reported that last season two antlerless deer were harvested on the Highway B parcels and two antlerless deer were harvested on the Well Lots. There was discussion about appointing a village employee or resident to assist with administering the hunting resolution along with Britt Isham. Livingston offered to work with Isham.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the 2020-21 Hunting Resolution, as presented, and the MOTION carried without negative vote.

Accept Resignation of Plan Commission Members FJ Frazier and Bob Grant

Trustee Prudden/Trustee Livingston 2nd made a MOTION to accept the resignation of Plan Commission Members FJ Frazier and Bob Grant, and the MOTION carried without negative vote.

Plan Commission Appointments – Trustee Petersen, Cindy Wilson, George Spadoni

Trustee Prudden/Trustee Pappas 2nd made a MOTION to appoint Trustee Petersen as Plan Commission Chairman, and Cindy Wilson and George Spadoni to the vacant Plan Commission positions, and the MOTION carried without negative vote.

Appointment to ETZ Committee – Cindy Wilson

Trustee Livingston/Trustee Petersen 2nd made a MOTION to appoint Cindy Wilson to the Fontana ETZ Committee, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

S. Lakeshore Drive Update

Tavera stated the bridge work began today and paving is scheduled to begin next week in Phase II, however, that could potentially be delayed by the weather.

S. Lakeshore Drive Reconstruction Project Change Order No. 4

Change Order No. 4 extends the contract to allow the final section (Phase 4) to be completed in the spring of 2021. Wanasek was limited on what sections of the project they could work until We-Energies gas lines were relocated. Between July of 2019 and early 2020, We-Energies changed their design from just replacing services and potential conflicts to relaying the gas main along the entire project limits (approximately 12,000 feet). The gas replacement schedule did not allow Wanasek to start until mid-April and the gas work was not complete until August 15, 2020. If we have an early winter and the roads are not asphalted that would lead to problems plowing the road. Pappas asked what effect the approved change order would have on the budget and Tavera replied it should have no impact.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve S. Lakeshore Drive Reconstruction Project Change Order No. 4 for the decreased price of \$337,978.25, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction Project Payment Recommendation No. 5

The payment recommendation was reviewed by the Village engineer and is recommended for approval.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the S. Lakeshore Drive Reconstruction Project Payment Recommendation No. 5 for an amount not to exceed \$1,538,345.62, and the MOTION carried without negative vote.

277 Waubun Drive Stormwater Management Concerns

The property owners recently purchased the home at 277 Waubun Drive and the house is located in a natural kettle. After experiencing flooding during the last large rainfall, the property owners contacted Kevin Day to discuss possible solutions. The property owner received a \$10,000 quote from D&K Services to install a catch basin with a pump to link to the neighbors drain system and is requesting the Village fund the project.

Petersen expressed concern that the Village should try to help in some way, and it was pointed out that Day has met with the property owners initially and has arrangements to shoot grade at the property. The public works committee recommended denial of the request.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to deny the request submitted by Nancy Clark on August 19, 2020, for the property at 277 Waubun Drive, as recommended, and the MOTION carried without negative vote.

851 Sauganash Drive Drainage Proposal

The property owners at 851 Sauganash Drive recently built a home on a corner lot and as a condition of approval extended an existing culvert underneath the driveway. The property owners have requested the Village pay to extend the pipe underground for roughly an additional 75-feet and tie into the catch basin. Public Works Committee expressed concern with too much water in the storm sewer and recommended the pipe daylight for some natural absorption into the lawn before running off the property.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to deny the drainage request submitted by Scott and Barb Anderson for the property at 851 Sauganash Drive, as recommended, and the MOTION carried without negative vote.

Recommendation to Proceed with Grant Application for Club Unique Creek and Shabbona Drive Outfall

At a meeting with the DNR last week, they indicated there are \$25,000 to \$50,000 grants available for construction projects and \$10,000 grants available for planning projects. The public works committee recommended moving forward with the construction grant for the Club Unique creek and a planning grant for the Shabbona Drive outfall once a quote for services was provided by the engineer. Tavera stated design work is required for the projects to move forward and would be necessary with or without the grant applications. He estimated it would cost \$500 to assist with each grant application.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the grant applications for the Club Unique Creek and Shabbona Drive outfall, as recommended, and the MOTION carried without negative vote.

Stormwater Management Initiatives and Funding: Abbey Springs Ponds, Mesita Road/CCE Ponds, Channel Work Upstream of Club Unique & Across from Walworth Avenue

Work is proposed at each of these areas, but a method of funding must be secured to move forward. Three options presented to the Public Works Committee was borrowing, referendum or stormwater utility. The public works committee recommended moving forward with the stormwater utility as a method to fund future stormwater projects. The Finance Committee also reviewed the concept of a stormwater utility and were interested in learning more. Knowing that a study was funded and completed in 2009 only to be voted down at the end of the process, staff is seeking direction from the Board on whether a stormwater utility is a favorable option moving forward. Thorpe recalled one of the main issues from ten years ago was the tax-free entities that would now be “taxed”, specifically the church and the school which both have a large amount of impervious surface. Pappas stated the Village should look at growth and development and focus on an increased amount of green space since more development only exacerbates water problems. Vilona stated he has read about three ways of allocation: ERU (equivalent residential unit), intensity of development model, and EHA (equivalent hydronic area). There is flexibility in determining calculations and the Village could offer credits. The charge would not be part of the annual tax bill and would most likely be included on the utility bills as it would be a utility charge. Vilona stated most stormwater utilities charge between \$2.00 and \$40.00 per quarter.

Proposal Submitted for Dry Pond Work (Mesita and CCE) submitted by Wanasek Corp.

Wanasek Corp. submitted a quote for work on Mesita Pond and County Club Estates to construct dry berms to help retain water during large storm events so the water is released more slowly. The soils on the Mesita lots previously tested poorly but the new proposal includes a berm and small outlet pipe. The water would be stored behind the berms and would slow the watershed that drains to Indian Hills First Addition, Indian Hills and Club Unique.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the quote submitted by Wanasek Corp. for the Mesita Dry Pond and CCE Dry Pond, for an amount not to exceed \$105,750.00 and the MOTION carried without negative vote.

Finance Committee – President Kenny

2019 Audit – Sitzberger & Co.

Phil Greening from Sitzberger & Co. presented the annual audit for 2019. He noted the Village’s fund balance decreased by \$175,000, but stated the Village is still in good financial shape overall. The full 2019 audit is on file at Village Hall.

Stormwater Utility Direction

See Stormwater Management Initiatives and Funding: Abbey Springs Ponds, Mesita Road/CCE Ponds, Channel Work Upstream of Club Unique & Across from Walworth Avenue under the Public Works Committee Heading.

FW/WPCC – Trustee O’Neill

Invoice for Phosphorous Removal Project

The Village received an invoice from FW/WPCC for the phosphorous removal project in the amount of \$383,990.07. Vilona communicated that this is a unique scenario because FW/WPCC contracts with the engineering firm and it is their project, however, the Village is financing the project. In response to a question, Kenny stated that all invoices for the project from FW/WPCC should come to the Village Board before payment.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the FW/WPCC Invoice dated August 12, 2020 for an amount not to exceed \$383,990.07, and the MOTION carried without negative vote.

Plan Commission

Site Plan Application Filed by Thomas and Shawn Whowell for a single-family residence, detached storage building and various accessory improvements in the C-3, ETZ Conservancy Residential District with Environmental Corridor Overlay at W5505 Oak Bluff Road, for Parcel EA161800052A in the Walworth ETZ

A site plan application was filed for approval to build a single-family home on a five-acre parcel in the C-3 Walworth ETZ with environmental corridor overlay. The property contains steep slope and mostly woodland coverage. Thorpe stated Act 67 changed the rights of property owners and they have a legal right to build on the lot.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the site plan application filed by Thomas and Shawn Whowell for a single family residence, detached storage building and various accessory improvements at W5505 Oak Bluff Road, Walworth for Parcel EA161800052A in the ETZ, and subject to the following staff conditions:

1. Subject to the final approval by the Village Engineer based on the concerns raised in the attached memo dated August 18, 2020.
2. Subject to the Site Plan being revised to clearly designate a “No Site Disturbance or Tree Cutting” area or areas on the lot to prevent additional tree clearing and/or mass grading of the site beyond the development envelope.
3. 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.
4. This site plan review does not include final approval of the construction plans for the residence or other improvements. Future submittal of zoning permit and building permit applications are required.

The MOTION carried without negative vote.

Ordinance Amendments for Chapter 18 Article XII Signage Standards

The proposed ordinance modifies Section 18-93 to allow for a 10 square foot arm and post sign rather than a six square foot sign as is currently written. The plan commission made a non-favorable recommendation at the August 31, 2020 public hearing and instead asked the Board to consider an ordinance amendment to eight square feet. Pappas made an initial motion to approve the ordinance as submitted which was seconded by Livingston. Petersen spoke against the proposed ordinance amendment and suggested keeping the ordinance as-is. Pappas withdrew his motion and Livingston withdrew his second.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to deny the Chapter 18 Article XII Signage Standards ordinance amendment, as submitted, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Slip and ramp lease rates – Fee Schedule Resolution

The Lakefront Committee recommended raising mooring lease rates by 3% since rates were not increased last year. Kenny asked why it is necessary to raise the rates and Pappas replied it is to keep up with the increased cost of Austin Pier Service and for repairs made to the piers. A number of years ago rates were increased significantly because they had not been increased for several years, and after that time the committee felt that it was most appropriate to raise rates by a small amount annually rather than a big amount after a number of years to keep up with rising costs.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to adopt Resolution 090220-01 amending Fee Schedule resolution 020320-01, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Building & Zoning Staffing Direction (Tabled 8/3/20)

Loomer stated at last month's meeting the board directed staff to bring back a cost analysis on in-house building and zoning services. If it is a good year and building and zoning permits are up, then it is more cost effective to have in-house staff, however, if building and zoning permits are down, then it is more cost effective to contract for services. Loomer expressed concern over the additional tasks that Joe Mesler does not want to take on such as trees, stormwater, and piers, and explained additional costs will be incurred to contract for each additional service. Loomer was directed to contact Williams Bay to see where they are at with their building inspection staffing discussion.

Consider Resolution for Workers Compensation Policy (Tabled 8/3/20)

Loomer presented the same workers compensation policy from the month prior and explained the policy is necessary to streamline practices. The Village has never had a policy on workers compensation, but past practice has been for an employee to turn workers compensation checks over to the Village while the Village continues to pay their regular rate. Due to the increased number of recent workers comp claims and recent claims that have been denied, Loomer stated there is a need for a policy going forward. The proposed policy requires that the employee use benefit time for an initial absence and once a worker's compensation check is received by the Village, the Village will credit back the benefit time. The employee can choose to supplement pay by using benefit time for up to one year.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Resolution 090820-02, Adopting Workers Compensation Policy, and the MOTION carried without negative vote.

Consider Employment Status of Fire Dept. Members (Tabled (8/3/20)

The Board tabled the item at last month's meeting to gather additional information. Loomer stated the Fire Dept. is working on obtaining actual hours worked but does not believe it will be near 1200 hours which would automatically enroll an employee in WRS. Thorpe stated if the Board deems the FD members employees, they will fall under the same handbook including hiring, firing, promotions, etc., as all other employees. There was discussion on the employee handbook and holiday pay. Chief Nitsch stated it is difficult for the FD members to see part-time lakefront staff paid time and a half on a holiday when members of the FD are not compensated in the same manner. Nitsch stated the real issue at hand is that the FD Members desire to be treated like everyone else working for the Village, including earning time and a half on holidays. Nitsch stated there are only five members of the department that regularly show up on calls, and that by offering the same holiday OT benefits as seasonal staff it would put forth goodwill and would not have a significant impact on payroll. Loomer was directed to bring back holiday pay rates for the FD POCs at next month's meeting.

BVBOV Engagement Letter for Union Negotiations

An engagement letter was submitted by Attorney Dan Vliet from Buelow Vetter Buikema Olson & Vliet, LLC., to assist with union negotiations. Pappas asked if an outside attorney was necessary. Loomer stated the contract has not been reviewed in many years and the firm represents only employers (not employees or unions), and union negotiations is Attorney Vliet's specialty. Thorpe agreed and stated that Vliet specializes in union negotiations and having someone like him review the contract post Act 10 would likely be greatly beneficial to the Village.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the engagement letter for Attorney Dan Vliet from Buelow Vetter Buikema Olson & Vliet to assist in WPPA union negotiations, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee Prudden 2nd made a MOTION at 6:53 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Administrator/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: 10/05/20