

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, September 11, 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 Livingston, Trustee McGreevy, Trustee Pappas

Trustees Absent: Trustee O'Neill

Also Present: Liz Baumann, Chief Cates, Kevin Day, Eric Johnson (Lake Geneva Regional News), Larry Larkin (GLLC), Theresa Loomer, Drew Lussow, Rick Manthy, Alison Schwark, Terry Tavera

Visitors Heard

Approval of Village Board Minutes

The Village Board minutes for the August 7th (open and closed), 23rd, and 24th, 2023 meetings were distributed.

Trustee Petersen/Trustee Marek 2nd made a MOTION to approve the Village Board minutes from the August 7th, 23rd, and 24th, 2023 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee Marek 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 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

Discussion or Action on Centennial Committee Request to use Reid Park for Oktoberfest Event on October 7, 2023

President Kenny explained that he has had conversations with the Centennial Committee regarding the request to use Reid Park, but they are no longer requesting to use the park and will have the event in front of Chucks and Gordy's. The group is asking permission to hold the event and asked that the street in front of the properties be closed and signage to be posted regarding the closing for this event.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Centennial Committee's request, as presented, and the MOTION carried without negative vote.

Appointment of Terry (Mary) Maus to Zoning Board of Appeals Vacancy

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to appoint Terry (Mary) Maus to the Zoning Board of Appeals vacancy, and the MOTION carried without negative vote.

Discussion or Action on Proposed Ordinance Amendment Creating Section 18-211(n) and Amending Sections 18-27(m), 18-28(m), 18-29(m), 18-30(m), 18-31(m), 18-32(m), 18-33(m), 18-34(m), 18-35(m), 18-36(m), 18-37(m), 18-38(m), 18-39(m), 18-41(m), and 18-42(m) – Set Public Hearing

Zoning Administrator Schwark stated that the proposed amendment creates and amends sections of the Village Code to address that properties may have private pedestrian paths that may connect to a public sidewalk as long as they are no wider than 5 feet in width between the pavement setback line and right of

way. Administrator Loomer is asking that the matter be set for public hearing at the next available plan commission meeting.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to set the proposed ordinance amendment creating Section 18-211(n) and amending Sections 18-27(m), 18-28(m), 18-29(m), 18-30(m), 18-31(m), 18-32(m), 18-33(m), 18-34(m), 18-35(m), 18-36(m), 18-37(m), 18-38(m), 18-39(m), 18-41(m), and 18-42(m) for public hearing, as presented, and the MOTION carried without negative vote.

Discussion or Action on GLLC Dam Status Report

Larry Larkin on behalf of the Geneva Lake Level Corporation (GLLC) gave an update on the Lake Geneva Dam. Larkin stated that back when the dam was originally constructed it was given a 40–50-year life span with proper maintenance, and while some maintenance has been done over the years, the dam still requires more as we approach the end of the lifecycle of the dam. Larkin explained that the WI DNR has done an inspection every couple of years and has found some concrete coming apart on the dam. Larkin stated the GLLC had planned to complete maintenance/work this fall to address moisture in the concrete of the Dam which has contributed to some deterioration, however there was a hold up with potentially pairing the work with other work Lake Geneva had planned and they have now fallen behind schedule. In the interim, temporary repairs have been completed and a synthetic compound was applied to help resolve the concrete and moisture issue for at least a year until permanent repairs could be made. Larkin stated that the job was put out for bid on July 18, 2023, for the permanent repairs and only one bid came back on July 27, 2023. The single bid came back in the amount of \$742,000.00 which was way beyond what staff anticipated the bid to be. Based on their staff opinions and discussions GLLC decided to reject the bid and see if they couldn't revise some of the work needed to get a lower bid when it was posted again. Larkin stated that after the review the GLLC decided to take the culvert dam portion out and the dredging and draining of the lagoon which would estimate to save approximately \$300,000.00 to \$350,000.00 on the overall bid. Trustee McGreevy asked a question if they could just remove that work from the bid if it is necessary. Larkin explained that there was confusion as to who is responsible for that work whether it was the GLLC, or the City of Lake Geneva and it was determined that it is the City of Lake Geneva's responsibility for the maintenance of those areas, and they will have to address it themselves. Larkin explained that the GLLC decided to go back out for bid next July and based on their engineers believe the temporary work will hold up until then. Based on the estimated costs for the dam repairs and being split amongst the four lake municipalities, Larkin is asking that the Village of Fontana budget for whatever costs they had initially planned to pay this year for the repairs be made available for next year instead.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the estimated costs in the amount of \$4,000.00 for the Village of Fontana's share for annual operating expenses of the GLLC and \$87,500.00 for the Village of Fontana's share of the Lake Geneva Dam repairs that were approved last year for use this year but were not used and instead need to be incorporated into next year's budget, as presented, and the MOTION carried without negative vote.

Discussion or Action on 120/126 S Main St Line of Credit Release

Administrator Loomer informed the board that the project has been completed and Village Engineer Tavera recommended that the Village release the funds initially put down as a deposit when the project began.

Trustee Petersen/Trustee Marek 2nd made a MOTION to approve releasing the 120/126 S Main Street development agreement funds, as presented, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Discussion or Action on Capital Improvement Plan Priority 1 Projects

President Kenny asked a question whether the Berwyn Road repairs were a part of the priority one projects. Public Works Director Day stated the 2024 projects included in the Capital Improvement Plan Priority 1 are as follows: Berwyn Drive, Potawatomi Drive, and Waubun Drive roads (east of Featherstone & Mayflower) were to all be reconstructed, Shabbona Drive mill and overlay, the Well No. 4 Rehab/Reconstruction, and the Big Foot Country Club Storm Water Channel Stabilization. Public Works Director Day stated some patching could be done in the meantime for Berwyn and Waubun and that he had planned to have some of

his staff start working on Berwyn soon until final reconstruction work could be done. Public Works Director Day also stated that he anticipates that some of the work could begin soon but most would bleed over into next year as well.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve all projects presented under the Capital Improvement Plan Priority 1 status for 2024, and the MOTION carried without negative vote.

Discussion or Action on Repealing Resolution 030308-02 for Grant Applications

Administrator Loomer stated that she and Treasurer Baumann have been reviewing some of the Village's financial policies. One of the policies they found was Resolution 030308-02 which outlined that all grant applications needed to come to the Village Board for approval. Administrator Loomer explained that sometimes staff have short windows to apply for grants or the grant amount is minimal, for example, \$200 grants from the Elections Commission. Loomer stated staff come to the village board if staff needs help from the professionals for grant applications, but asked whether they want to review all grant submission. Loomer stated she reviewed the minutes from 2008 and there was no reason given for the board wanting to review all grant applications. President Kenny asked if it would make sense if they should add a limit to the grant amount that would require Board approval. Village Board members discussed and felt that there is no need to involve the Board for these grant approvals since most are handled by staff and if additional work or grant writing was required it would probably come to the Village Board then.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to repeal Resolution 030308-02 and no longer require all grants come before the Village Board for approval, as presented, and the MOTION carried without negative vote.

Discussion or Action on EMS/Fire Shift Lead Pay

Deputy Chief Manthy explained that the implemented "Shift Lead" stipend is paid to longer term employees who will act as house lieutenant, house captains, and mid-level supervisors during an assigned shift. This program helps the Chiefs determine who are the shining stars, plus provides an incentive for the staff who have passed the probation period. Deputy Chief Manthy hopes implementing this raise from \$1 to \$3 will also help with the retention of staff as well and open up the applicant pool too for potential new hires.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the EMS/Fire Shift lead pay increase from \$1.00 to \$3.00 per hour, as presented, and the MOTION carried without negative vote.

Discussion or Action on \$2.3 Million Dollar Transfer from Utility Fund to General Fund

Treasurer Baumann explained to the Village Board that the Utility Fund owes a significant amount to the General Fund. She stated that the Utility Fund currently has a balance of \$2.8 million. Treasurer Baumann would like to retain a reserve in the Utility Fund to cover six months of operating expenses which would release \$2.3 million to be transferred to the General Fund. Trustee Pappas asked if transferring this amount would impact the Utility Fund at all or affect any of our rates. Treasurer Baumann stated that she doesn't believe so, and that it used to be done on a more consistent basis and she is trying to get back into that habit in hopes of reducing the amount the Utility Fund owes the General Fund.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the transfer of \$2.3 Million dollars from the Utility Fund to the General Fund, as presented, and the MOTION carried without negative vote.

Update on 2023 Budget Meeting Schedule

Administrator Loomer stated that the 2023 budget meeting schedule was included in the meeting packets. Administrator Loomer stated that if everything goes to plan and all the preliminary budget work is completed, a joint Village Board and Finance Committee budget workshop will be held on Tuesday, October 17, 2023 at 4:00 PM at the Village Hall.

Plan Commission – Trustee Petersen

Discussion or Action on Resolution to Adopt Public Participation Plan

Administrator Loomer stated that this proposed resolution is for the Annual Comprehensive Plan Amendment Process cycle for the Village. Currently this year Vandewalle & Associates, supported by the

Village, has submitted an amendment application to amend the Comprehensive Plan. The Village's Plan Commission recommended approval of their own resolution at their last meeting. Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Resolution 091123-01 for the Village Board's adoption of the public participation plan for the annual Comprehensive Plan Amendment process, as presented, and the MOTION carried without negative vote.

Protection Committee – Trustee Petersen

Update on Upgraded Insurance Service Organization Rating

Deputy Chief Manthy stated that the four-year ISO Audit was just completed, and the village's rating has been upgraded to a Class 3 Community. Deputy Chief Manthy explained that many factors go into determining the rating, some of which include supplies, gear, and having full time staff. Deputy Chief Manthy stated that the new rating can positively impact the insurance rate and property rates of the Village. Deputy Chief Manthy stated that the Village will be reevaluated in another 4-5 years.

Discussion or Action on Study for Stop Light at Fontana Boulevard and Hwy 67

Chief Cates stated that a study for this was completed approximately ten years ago. Chief Cates stated that a group of residents has brought this issue up again and has also emailed or sent letters to the state Department of Transportation (DOT). Chief Cates recently received feedback from the DOT that they are looking into the requests but first wants to know if the Village of Fontana supports the idea of a stoplight at the intersection of Fontana Boulevard and Hwy 67. Chief Cates stated that in the middle of the summer, the busy season for Fontana, it is difficult to pull out from the Boulevard onto Hwy 67 especially if you are making a left turn to head south. Administrator Loomer and Chief Cates after some discussion think it would be good to have the DOT do the study again during the summer months to establish where the numbers are during the "busy" season for the Village. Chief Cates stated that he believes that even if the study supports the installation of a stop light that it probably wouldn't be implemented until the work was being completed for the Hwy 67 project. President Kenny asked if we needed DOT approval or could request potentially implementing a flashing yield sign or the feasibility of potentially dropping the speed limit for that section of the road to make it easier for traffic to turn onto. Chief Cates stated that's something they could proceed with and recollected that the Village previously tried partnering with Walworth on implementing a speed change at one point, but the County voted it down. Chief Cates would further look into it and bring back what he could find at a future meeting.

Trustee Petersen /Trustee McGreevy 2nd made a MOTION to approve conducting a study for a stop light to be implemented at the intersection of Fontana Boulevard and Hwy 67, as presented, and the MOTION carried without negative vote.

Discussion or Action on Public Safety Building Roof Replacement

Chief Cates stated that the rubber membrane on the roof was originally a 20-year roof when installed back in 1979 and is now over 40 years old. The membrane of the roof has shrunk, causing various leaks throughout the building which has led to numerous repairs and patching of the roof. Chief Cates had Great Lakes Roofing Corporation provide an estimate to replace the roof and that estimate came back at \$84,000.00. The village is currently spending between \$5,000 and \$10,000 a year on repairs to the roof. Chief Cates would like the Village Board to approve the quote to hopefully have a longer-term fix rather than continually putting band aids on the problem. Village Engineer Tavera stated that due to the quoted amount that the Village Board would have to publicly bid on the project before any work could be approved or started.

Trustee Livingston /Trustee Petersen 2nd made a MOTION to directed staff to have the Public Safety Building Roof Replacement publicly bid and to bring back bids for Board approval once process was complete, as presented, and the MOTION carried without negative vote.

Discussion or Action on Traffic concerns at N. Lakeshore Drive and Stearns Road

Chief Cates stated he received an email from Rita Nyman, a resident in Upper Gardens, with concerns she and some of the neighbors have about the intersection at N Lakeshore and Stearns Road. The suggestion was made to put up stop signs like the ones installed on S. Lakeshore and Indian Hills Road. Chief Cates stated

that the time to look at longer term resolutions for this intersection would be when N. Lakeshore gets redone in the upcoming years. Chief Cates suggested before any changes are made, the village look at statistics like the state and the county do before completing any road changes. Chief Cates said very few, if any car versus car accidents have happened at that intersection and suggested installing Caution Dangerous Intersection signs on N. Lakeshore Drive, that could slow down traffic. Chief Cates estimated that the cost for those kinds of signs usually ran approximately in the range of \$2,500.00.

Trustee Petersen /Trustee McGreevy 2nd made a MOTION to direct staff into obtaining and installing a “Caution Dangerous Intersection” sign on N. Lakeshore Dr., as presented, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Commission Recommendation for Approval of Park Permit Application Filed by Lisa Spedale for Walk the Lake for Kira Faith Event to be Held at Reid Park Pavilion on Saturday, October 7, 2023 from 9:00 AM to 5:00 PM with Fees Already Paid to be Reimbursed/Waived

Trustee Petersen/Trustee Marek 2nd made a MOTION to approve the park permit application filed by Lisa Spedale for Walk the Lake for Kira Faith Event to be held at Reid Park Pavilion on Saturday, October 7, 2023 from 9:00 AM to 5:00 PM with fees paid to be reimbursed, as presented, and the MOTION carried without negative vote.

Park Commission Recommendation for Approval of Memorial Tree Permit Application for Replacement of Last Remaining Fontana Boulevard Tree Filed by Jon Howell for Carlene and Jim Howell for Eastern Redbud Tree

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Memorial Tree Permit Application for replacement of the last remaining Fontana Boulevard Tree, filed by Jon Howell in memory of Carlene and Jim Howell for Eastern Redbud Tree, as presented, and the MOTION carried without negative vote.

Request from Abbey Harbor to Park Vehicles on Ball Diamond at Reid Park during Antique Boat Show on September 23-24, 2023

President Kenny stated that the Abbey Harbor came to him and the Lion’s Club first to see if there was anything they could do to assist with the show. The Village Board did not seem to object to the request; however they agreed that in an effort to preserve the field to only allow parking, weather permitting and to also put up a rope to easily identify spots. There was also some discussion on if there should be a per day charge and if we would need potential Village Staff to work the event since it is Village property and that would be the only way to ensure that those who used the ball diamond parking did pay for it. Administrator Loomer stated she would reach out to some of the beach staff to see if anyone would be interested in working the event.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve Abbey Harbor’s request to park vehicles on the ball diamond at Reid Park during the Antique Boat Show on September 23-24, 2023, with conditions of Administrator Loomer looking into having Village staff available for the event and weather permitting to not cause damage to the ball diamond, with a fee of \$20 per day, as presented, and the MOTION carried without negative vote.

Discussion or Action on Park Permit Application Filed by Michael Gonzalez for GTS Baseball Tournament to be Held at Duck Pond Pavilion on Saturday through Sunday, September 30, and October 1, 2023 from 7:00 AM to 7:00 PM Each Day

Trustee Livingston stated that he received an email from Park Commissioner Sarah Lobdell containing the Soccer schedule for that date. It appears that they have games scheduled all day for that suggested date, however Trustee Livingston stated that they have held both up at the Duck Pond before and there hasn’t been any issues just that the parking lots will be very full.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the park permit application filed by Michael Gonzalez for GTS baseball tournament to be held at Duck Pond Pavilion on Saturday through

Sunday, September 30, and October 1, 2023 from 7:00 AM to 7:00 PM each day, as presented, and the MOTION carried without negative vote.

Discussion or Action on Request by Kunes CDJ of Elkhorn for Flood Fontana with Jeeps Event to be Held at Duck Pond Pavilion on Saturday, September 30, 2023 Beginning at 1:30 PM

The Village Board members had discussions about letting a third event take place at the Duck Pond with baseball and soccer already scheduled. Village Clerk Lussow informed the Board that the event is looking to conduct a photo shoot with the Jeeps up there and potentially then parading down to the beach for additional photos. Chief Cates spoke and stated he saw some posts about potential “mudding” and wanted to make sure if the Board granted the request that it be a condition of approval that no “mudding” and other factors such as weather conditions for safety are considered before allowing the event. The Village Board agreed and also stated that they could contain the event on the back half of Duck Pond near the compost area to keep congestion down at Duck Pond since there are a lot of events taking place that day.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the request by Kunes CDJ of Elkhorn for Flood Fontana with Jeeps Event to be held at Duck Pond Pavilion area on Saturday, September 30th, 2023 beginning around 1:30PM on the conditions of no mudding and weather permitting, as presented, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

Discussion or Action on Approval of Pioneer Park Restroom and Porter Court Plaza Bid

Village Engineer Tavera stated bids were opened and of the two bids received, the low bidder was Corporate Contractors, for the cost of \$255,783.00 and they are the same contractors who recently did the Abbey parking lot. Village Engineer Tavera stated this bid also includes the work to be done at Porter Court Plaza but was a higher bid than expected. Trustee McGreevy asked if we should reject the bid and rebid it at a later date. Administrator Loomer explained that this is a project that would qualify for the TID funds, which would mean the Village would only have to pay its share of 20% of the costs of the project as long as the contract is signed prior to September 26, 2023.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the low bid by Corporate Contractors in the amount of \$255,783.00 for work to be completed for the Pioneer Park Restroom and Porter Court Plaza projects, as presented, and the MOTION carried without negative vote.

Discussion or Action on Approval of Hildebrand Conservancy Bid

Village Engineer Tavera stated there were five total bids received. Village Engineer Tavera stated bids were opened and the low bidder for the Hildebrand Conservancy bid was RLP Diversified Inc. Their bid was in the amount of \$85,410.00.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the low bid by RLP Diversified Inc in the amount of \$85,410.00 for work to be completed at Hildebrand Conservancy project, as presented, and the MOTION carried without negative vote.

Discussion or Action on Approval of a Driveway Cut Permit for Driveway Access to Berwyn Drive Submitted by Rita Ramljak for her Property Located at 910 Indian Hills Drive

Public Works Director Day stated the homeowner at 910 Indian Hills Road would like to add a second driveway entrance to their property off Berwyn Drive, for safety reasons similar to what their neighbor has done. The Public Works Committee recommended approval of the request and the request is compliant with the Village’s code. Public Works Director Day stated he will follow up with the resident and make sure any drainage and pitching of the driveway is addressed to prevent more water runoff in areas and instead direct it to the front yard of the resident.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the request for driveway cut permit by Rita Ramljak for her property located at 910 Indian Hills Drive, on the conditions that she work with Public Works Director Day and Village Engineer Tavera to make sure pitching of water from the driveway and any other concerns are addressed, as presented, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Discussion or Action on Fire Chief and Deputy Fire Chief Job Descriptions

Administrator Loomer stated that with the pending retirement of Fire Chief Wolf Nitsch, and the evolution of the full-time department, the Fire Chief and Deputy Fire Chief Job Descriptions have been updated.

Administrator Loomer stated she has worked with the Village's Employment Attorney Jim Carroll to revise the position descriptions. Once the updated position descriptions are adopted by the Village Board, the Village may begin the process of hiring a new fire chief.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Fire Chief and Deputy Fire Chief job descriptions, as presented, and the MOTION carried without negative vote.

Closed Session – President Kenny

Trustee Petersen/Trustee Pappas 2nd made a MOTION 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, the Public Works Street Foreman. The roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Aye

Trustee Livingston – Aye

Trustee Pappas – Aye

Trustee Marek – Aye

Trustee McGreevy – Aye

The MOTION carried 6-0 without a negative vote with Trustee O'Neill not present.

Public Works Street Foreman

This item was discussed in closed session.

Trustee Petersen/Trustee O'Neill 2nd made a motion to approve the Public Works Street Foreman salary increase and no longer require a letter/release from the employee with their intention to retire, as discussed, and the MOTION carried without negative vote.

Adjourn Closed Session

Trustee Livingston/Trustee Petersen 2nd made a MOTION to go into open session at 5:42 pm, and the MOTION carried without negative vote.

Adjournment

Trustee McGreevy/Trustee Marek 2nd made a MOTION at 5:43 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: 10/09/2023