

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, October 3, 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 Marek, Trustee Pappas

Trustees Absent: Trustee McGreevy, Trustee Livingston

Also Present: Liz Baumann, Chief Cates, Kevin Day, Christina Green, Theresa Loomer, Drew Lussow, Chief Nitsch, Wally Perkins, Kathie Perkins, Terry Tavera, Dale Thorpe

Visitors Heard

Residents of Abbey Hill presented the idea of installing a sidewalk/boardwalk from S Main Street to Fontana Boulevard. Loomer stated there is an agenda item under Public Works where this request could be discussed in greater detail. The Village is currently speaking to the state about the possibility of adding a path or sidewalk when Highway 67 is reconstructed in 2026 or 2027.

Approval of Village Board Minutes

The revised minutes for the July 5, 2022 meeting and the minutes for September 6, 2022 meeting were distributed.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the revised minutes from the July 5, 2022 and September 6, 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 Petersen/Trustee Marek 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

Consider Purchase of EMS Cots & Lockers

Village Administrator Loomer stated three quotes were obtained for lockers for EMS staff. The recommended option is from Wayfair and fulfilled by Lockers.com in the amount of \$1,942 per locker for a total of \$9,710. This option provides the best storage and fit for staff use.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve the purchase of the EMS cots and lockers in the amount of \$9,710 from Lockers.com, as presented, and the MOTION carried without negative vote.

Schedule dates for EMS Referendum Town Hall Meeting(s)

Administrator Loomer discussed potential dates with the Village Board. After discussion and trying to work with everyone's schedule the dates of Saturday, October 22, 2022, at 10:00 AM was chosen as the first date with a second To be Determined.

Consider Adoption of Ordinance Amending Chapter 14-65 Building Permit Fee Schedule – Tabled 9/6/22

Attorney Christina Green spoke on behalf of her client regarding this agenda item. Attorney Green referenced Wisconsin statute 66.082 as a way to prove that the current Village Ordinance was not in

compliance with state law. She believed that the fee would be constituted as an “illegal tax” and felt that the section in question should be removed from the Village’s fee schedule since it uses square footage instead of based on dollars per remodel. Due to this she asked that her client be properly refunded for his overpayment and the Village fee schedule be changed to fairly comply with the state statute. Village Attorney Thorpe stated that Attorney Green and her client have been contacted multiple times in order to amend their application/request to properly state the number values that she believes her client is owed. Attorney Thorpe stated once the application has been properly amended that it should be again presented to staff for further review before being brought back to the Village Board. He also recommended discussing it further with the Building Inspector Dave Hendrix once it has been properly amended. Attorney Thorpe lastly explained that until the corrections are made, and a staff meeting is held, that no further action is needed at this time and that an ordinance does not need to be adopted yet.

Wallace Perkins Request to Waive Late Fees on Cost Recovery Invoice

Trustee stated that if the Board were to waive the costs for him then a precedent would be set, and everyone would be coming in to ask for fees to be waived. Perkins responded by saying he got busy and that it slipped his mind. He said he would pay the fees but, in the future, would like more discussion on the process of cost recovery and if there are ways to potentially avoid some of the costs that are incurred in the process.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to deny the request made by Wallace Perkins to waive the late fees he incurred on his cost recovery invoice, and the MOTION carried without negative vote.

Consider Approval of the GLEA 2023 Budget

Trustee Pappas/Trustee O’Neill 2nd made a MOTION to approve the GLEA 2023 Budget in the amount of \$35,000, as presented, and the MOTION carried without negative vote.

Consider Approval of the GLLEA 2023 Budget

Administrator Loomer mentioned that the GLLEA Budget has seen an increase this upcoming year due to the Lakefront remodel, increase in payroll, and repairs and operating the rescue boat.

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to approve the GLLEA 2023 Budget in the amount of \$73,000, as presented, and the MOTION carried without negative vote.

Consider Approval of Water Safety Patrol Agreement for 2023

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve the Water Safety Patrol Agreement for 2023 in the amount of \$43,966, as presented, and the MOTION carried without negative vote.

Consider Approval of Johns Disposal Proposed Rates for 2023

Administrator Loomer stated the proposed rate increase for 2023 is approximately 8% and that the current contract runs through 2024. There was some discussion amongst the Board members if staff could ask Johns Disposal about getting garbage pickup all on the same day instead of the current split between Monday and Tuesday. Loomer stated that she has asked every year since John’s took over garbage pickup and it has been denied. She stated she would make the request again.

Trustee O’Neill/Trustee Marek 2nd made a MOTION to approve the proposed rate increase for 2023 for Johns Disposal at 8% for a total of \$31,445.00 for the year of 2023, as presented, and the MOTION carried without negative vote.

Consider 2022 Holiday Party Planning

Administrator Loomer stated the Abbey Resort has availability for the annual holiday party on Thursday, December 8, and Thursday, December 15. The board agreed on Thursday, December 15, at the Abbey Resort.

Plan Commission – Trustee Petersen

Recommendation of Approval on the Conditional Use Permit Filed by Michael Keen for Second Access Point (Driveway) Entrance for the Property Located at 783 Indian Hills Drive

Trustee Petersen explained the Plan Commission made a recommendation to approve the conditional use permit filed by Michael Keen for second access point (driveway) entrance for the property located at 783 Indian Hills Drive. Trustee Petersen stated Zoning Administrator Schaeffer conducted a review of the application and found no issues with the proposed second access point. In addition, Trustee Petersen stated Chief Cates also reviewed the application and from a safety standpoint felt that the new driveway would decrease potential incidents and allow for safer flow of traffic.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION for approval of the conditional use permit filed by Michael Keen for second access point (driveway) entrance for the property located at 783 Indian Hills Drive subject to the following staff recommendations:

- a) The proposed access shall be located a minimum twenty-five feet (25') from the existing access drive.
- b) The proposed drive (pavement) shall be located a minimum of three feet (3') from the adjacent property line.
- c) The proposed access drive shall be a minimum ten feet (10') wide.
- d) The proposed access drive curb opening shall not exceed a maximum twenty-four feet (24') wide as measured at the right-of-way line.
- e) The proposed access approach shall be paved to the satisfaction of the Village of Fontana.
- f) 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.
- g) An as-built survey shall be required depicting the proposed second access drive and all required distances. If found to be noncompliant to this approval, it is the responsibility of the applicant to bring it into compliance.

The MOTION carried without negative vote.

Recommendation of Approval on 664 Upper Brookwood drive Sanitary Sewer Easement

Village Attorney Thorpe prepared a draft easement for the property. He said we are currently waiting on the title work to be complete and once that work clears, we can proceed with the processing the paperwork for the easement. He said if the Village would like they could make a motion to approve the easement with the stipulation that the title work is complete and everything clears first.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the Sanitary Sewer Easement for the property at 664 Upper Brookwood on the condition that the title work comes back complete, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Discussion or Action on Beach House Roof Repairs Bid

Village Engineer Tavera and Public Works Director Day explained that only one bid was received for the work on the beach house roof repairs. The bidder was Stebnitz Builders Inc. for \$110,729.81. Tavera asked the committee if they wanted to accept the bid from Stebnitz, rebid the project, or negotiate with the bidder for a better price. During discussions at the Public Works Committee there was a suggestion to either rebid the project or negotiate with the bidder for a better price as well as discussion for installation of a metal roof instead and Tavera brought back a quote of \$153,000 for the potential work for a metal roof to be installed. Tavera stated that if asking for this new work to be done we could lose our current bid or be forced to have a new bid and could delay the project into 2023. Attorney Thorpe stated since it is new work that is being requested that it would be in the Village's best interest to put it back up for bid in case new bidders were to be made aware. After more discussion amongst the Village Board members, it was determined in an effort to be more efficient with time to accept the current bid and move forward with the project.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the bid by Stebnitz Builders Inc. for \$110,729.81 for the beach house roof repairs, as presented, and the MOTION carried without negative vote.

Recommendation on Wanasek Corp. Request to Split Costs (1/3) for Asphalt on Brickley Drive and S. Lakeshore Drive

Village Engineer Tavera described the repairs for the intersection at Brickley Drive and South Lakeshore Drive. The first repairs that were completed changed the road elevation and curbing, which made it better, but it is still not satisfactory. Wanasek covered the costs for the first repair which were agreed upon by the engineer, the Village and Wanasek. Wanasek has asked to split the cost with the Village, and the public works committee recommended splitting the cost in thirds between the contractor, engineer, and the Village. The total cost quoted by Wolf Paving is \$9,936.00. These costs would be split in thirds between the engineer, the Village, and Wanasek in the amount of \$3,312 per party.

Trustee Marek/Trustee O'Neill 2nd made a MOTION to approve the request to split costs into thirds between Wanasek, Ruekert & Mielke, and the Village and each entity is responsible \$3,312 for a total of \$9,936 total, and the MOTION carried without negative vote.

Recommendation to Prohibit using Municipal Equipment to Fill Swimming Pools

Public Works Director Day stated in the past the Village would fill swimming pools using fire hydrants. He expressed concern over the practice and stated that he recently denied the request of a subdivision association, but the association was not satisfied with that answer. Loomer stated that the Village filling swimming pools requires Village employee time, use and wear on municipal equipment, creates a precedent and liability issues. Director Day also included that should anything go wrong he wouldn't want to see the Village held liable and thought it would also be best if the Village not allow this anymore.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the recommendation to prohibit using municipal equipment to fill swimming pools in the Village, and the MOTION carried without negative vote.

Recommendation for Approval of Concept Plan for Path on South Side of Hwy 67 as part of Resurfacing DOT Project

Wisconsin Department of Transportation has sent preliminary concept plans of a path along the south side of Highway 67 which is proposed during the reconstruction project to be completed in 2026 or 2027. The public works committee recommended in favor of a path which would be funded in a cost sharing agreement between the Village and the State.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the concept plan for the path on south side of Hwy 67 as part of the resurfacing DOT project, and the MOTION carried without negative vote.

Direction on Porter Court Plaza Water Fountain

Public Works Director Day stated the Fountain at Porter Court Plaza has been falling apart and has had many issues over the years. The Village spends thousands of dollars annually in upkeep and repairs. Day recommended removal of the fountain and consideration of a gazebo or other structure in its place.

Trustee O'Neill /Trustee Marek 2nd made a MOTION to approve the removal of the fountain in Porter Court Plaza, and directed future discussions about replacement, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Recommendation of Approval of Pier Permit Application filed by Reeds Construction, LLC on behalf of Louis Schriber for the Property at 1100B S. Lakeshore Drive

Trustee Pappas stated the moorings on the piers in Clear Sky Lodge are limited by the planned development zoning documents. He suggested to Mr. Schriber that he work the Clear Sky Lodge Association to file an application to amend the planned development. Pappas stated the Pier Permit application filed complies with the Chapter 54 ordinance requirements, however, it does not comply with the zoning documents and will be held up by the Building and Zoning Department's review. Pappas stated he believes the term mooring should be defined as boat slips and jet skis. Lastly, he explained that due to a possible conflict the village has sought out representation from attorney Dan Draper for an opinion on this file and to assist with any further proceedings.

Trustee Pappas/Trustee Marek 2nd made a MOTION to table the agenda item until the application meets the building and zoning requirements, and the MOTION carried without negative vote.

Consider Adoption of Ordinance Amending Chapter 54-86(a)(2)

Trustee Pappas stated the language in Ch. 54-86(a)(2) states, "However, any permit granted to a riparian proprietor by the state department of natural resources pursuant to Wis. Stats. 30.12, shall deem the pier to be in compliance with this section, to the extent of the permit so granted." The committee discussed whether they want to leave the language in the ordinance or remove it for greater control. The committee recommended striking the language in order to keep the control in the hands of the Village of Fontana rather than the DNR.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the adoption of Ordinance 100322-01 Amending Section 54-86(a)(2) - Pier Permits, as presented, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Recommendation to Approve Mark Chalchoff Request to Carryover 16 Hours of Vacation Time

Administrator Loomer stated that the Village Board had previously approved Officer Chalchoff's request for 40 hours of vacation carryover. Loomer received confirmation from the WPPA that the request was acceptable and would be non-precedent setting for future requests. The remaining 16 hours of vacation time currently requested was not taken into consideration in the last 40-hour request.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the request for officer Mark Chalchoff to carryover 16 hours of vacation time, and the MOTION carried without negative vote.

Recommendation to Subsidize Health Insurance Increases

Administrator Loomer stated that health insurance premiums have substantially increased again this year and that the Village has in prior years subsidized the increase. The increase would equate to an additional \$39.16 for single plan and \$98.14 for a family plan per paycheck. There was discussion about how much longer the Village can afford to do this and if there are any other options that the Village can look at.

Trustee Pappas/Trustee Marek 2nd made a MOTION to approve the recommendation to subsidize the health insurance increases for employees of the Village of Fontana, and the MOTION carried without negative vote.

Closed Session – President Kenny

Trustee Petersen / Trustee Marek 2nd made a MOTION to go into Closed Session at 5:51 pm 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 and 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," Consideration of 2023 Employee Wages, Compensation Review for Daniel Gonzalez, Street Dept. Crew Member Salary Increase for Water License Certification – Tyler Kahlke, and Drew Lussow Probationary Period Review.

The roll call vote was as follows:

President Kenny – Aye

Trustee Pappas – Aye

Trustee Petersen – Aye

Trustee Marek – Aye

Trustee O'Neill – Aye

The MOTION carried 5-0 without a negative vote and Trustee Livingston and Trustee McGreevy Absent

Adjourn Closed Session

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to go into open session at 5:59 pm, and the MOTION carried without negative vote.

WPPA Contract Negotiations

This item was discussed in closed session.

Trustee O'Neill/Trustee Petersen 2nd made a motion to approve the amended pay scale for the Investigator Position, as discussed, and the MOTION carried without negative vote.

Consideration of 2023 Employee Wages

This item was discussed in closed session.

Trustee O'Neill/Trustee Petersen 2nd made a motion to approve the recommendation made regarding the 2023 employee wages based on individual performance reviews, and the MOTION carried without negative vote.

Compensation Review for Village Employee – Daniel Gonzalez

This item was discussed in closed session.

Trustee O'Neill/Trustee Marek 2nd made a motion to approve increasing the hourly wage to \$29.00 per hour, and the MOTION carried without negative vote.

Crew Member Salary Increase for Water License Certification – Tyler Kahlke

This item was discussed in closed session

Trustee Marek/Trustee O'Neill 2nd made a motion to approve the recommendation for salary increase as originally approved in 2018 for obtaining the water license certification, and the MOTION carried without negative vote

Adjournment

Trustee O'Neill/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: 11/03/22