

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

(Official Minutes)

VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, October 4, 2021

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 Livingston, Trustee Pappas, Trustee O'Neill, Trustee Prudden, Trustee Petersen, Trustee McGreevy

Also Present by Phone: Jeff Cates, Kevin Day, Richard Donner, Cary Kerger, Theresa Loomer, Jackie Mich, Wolfgang Nitsch, Bonnie Schaeffer, Stephanie Smith, Ed Snyder, Terry Tavera, Dale Thorpe, Scott Vilona, Cindy Wilson

Visitors Heard

General Business

Approval of Minutes

The minutes for the meetings held on September 7, 2021 (open and closed) were distributed to board members via email.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the minutes from September 7, 2021, meeting (open & closed), as submitted, and the MOTION carried without negative vote.

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

Trustee O'Neill/Trustee Prudden 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for September, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee O'Neill/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

Introduction to Environmental Protection Ordinance

Jackie Mich, Consulting Planner with Vandewalle and Associates, stated the proposed ordinance is a result of several months of work between staff and Village Planner. The changes made are lengthy but do nothing more than clean up and refine the ordinance, so it is easier to use. Minor adjustments were made to the setbacks for navigable waterways to mirror the DNR. Attorney Dale Thorpe stated the changes were needed and no material changes were made.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to set a public hearing for the November 29, 2021 Plan Commission meeting, and the MOTION carried without negative vote.

Food Truck Ordinance – Tabled 9/7/21

Jackie Mich, Consulting Planner with Vandewalle and Associates, stated this is the final version and reflects a few minor adjustments that were made based on feedback from staff. Attorney Thorpe stated this is a needed piece of the code as the food truck concept seems to be growing in popularity. Thorpe explained the final version does a great job of striking a balance between allowing food trucks and allowing in a controlled format.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to set a public hearing for the November 29, 2021 Plan Commission meeting, and the MOTION carried without negative vote.

Abbey Resort Townhomes Conceptual Presentation

Architect Jason Bernard stated he has been working with the Abbey Resort on this proposed project for a few months. The Abbey Resort is proposing to build townhomes in the area that is commonly referred to as employee parking lot located across from the Abbey Resort. The Abbey Resort is proposing to construct two buildings with six units each. The proposed construction would include two detached garages as well as onsite parking. The Abbey Resort plans to sell off the condos and there would not be any affiliation with the resort. Bernard stated the proposed density would be 15.1 units per acre and the green space would be above what is required by the Village. Trustees questioned if the Abbey Resort has plans to replace the employee parking that would be lost by building townhomes on this parking lot. Cary Kerger from the Abbey Resort stated the parking available on site is adequate by the standards of the Village ordinance. Kerger stated the proposed parking lot is often misused by unauthorized parking. Trustee Pappas questioned the distance of the detached garages from the property line and also wondered if the Village is able to place limitations on the approval of the project in regard to renting of the condos. Attorney Thorpe explained the project will be coming back to the Board for approval of the rezone and condo plat.

2022 Service Agreement update with Johns Disposal

Loomer stated Johns Disposal is proposing a six percent increase in rates for 2022 due to labor cost and the market. The Board directed Loomer to investigate the possibility of having a Monday pick up for the entire Village.

Water Safety Patrol Agreement for 2022

Loomer stated the only change is the cost increase.

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the 2022 Water Safety Patrol agreement in the amount of \$42,135.00, and the MOTION carried without negative vote.

Ordinance Designation New Election Wards Following 2020 Census

Loomer explained every ten years after the census is completed every municipality is required to create new election wards. There was an error made when the census was completed resulting in an extra 1,248 people in the Village and after consulting with the State and County it was determined it is not feasible to correct the error until next year. Loomer stated the wards were modified slightly in order to allow the census block mistake to be remedied next year and to allow further development in Ward No. 1 if land is annexed in or the land off of Brick Church and Town Hall Road is developed.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Ordinance 100421-01, designating new election wards following 2020 census, and the MOTION carried without negative vote.

Operator License Applications for Brenda L. Connelly (Fontana Shell)

All fees have been paid and there are no concerns with the background check.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve operator license application for Brenda L. Connelly (Fontana Shell), and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Adopt Ordinance Amending Zoning Code Section 18-60(c), Regarding Personal Storage Facility

Consulting Planner Jackie Mich stated this amendment adds a conditional use opportunity for a caretaker's residence in a personal storage facility.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Ordinance 100421-02, Regarding Personal Storage Facility, and the MOTION carried with Trustee O'Neill abstaining.

Adopt Ordinance Amending Zoning Code Section 18-227(c), Regarding Noise Standards

Consulting Planner Jackie Mich stated the proposed amendment is a result of a minor correction needed to clarify the language in regard to the RB district.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Ordinance 100421-03, Regarding Noise Standards, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Fire Department Staffing Concerns

Trustee Prudden stated there is currently a problem keeping staff at the Fire Department and it seems to have a revolving door. Prudden explained there is a need to make the Fire Department Employees full-time Village employees, so they have benefits and a place to hang their hat. Chief Nitsch explained currently there is a full-time staff, and they are employed through a third party. The problem is keeping staff on board and filling the shifts. Nitsch stated it would be ideal to keep the seven employees that are currently full-time through Metro on staff and have a part-time list to help cover vacation time and other time off.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to direct staff to investigate a full time Fire Department staff, and the MOTION carried without negative vote.

Proposed Fire Hydrant Equipment Use Agreement with the Town of Linn

Trustee Prudden stated this is putting an agreement in writing. Town of Linn has utilized the Village fire hydrants in the past and they are billed for usage. The discussion was to have the charges stated in the agreement.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to table the proposed Fire Hydrant Equipment use Agreement with the Town of Linn, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas

Ordinance Amending Chapter 54-161(d)(5) – Parking Lot Fees

Trustee Pappas stated at the last Village Board meeting the Board instructed the Lakefront and Harbor Committee to review Chapter 54-161 regarding the allowance of RV and bus parking in Lot No. 4. Chief Cates had some questions regarding the changes being proposed. Cates explained the police department uses lot four as a holding area for party buses waiting to pick up groups or special events, as an overflow lot or a place to park an RV if in town visiting. President Kenny stated he believes the concern was more in regard to the parking lot looking like a campgrounds. The board discussed the idea of sending overflow to duck pond for parking.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to table the ordinance amending chapter 54-161(d)(5)-parking lot fees, and the MOTION carried without negative vote.

Public Works – Trustee O’Neill

Sewer Credit Request filed by Charles Barranco, 601C Knollwood Drive

Trustee O’Neill stated the Public Works Committee recommended denying the sewer credit request filed by Charles Barranco due to lack of evidence.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to deny the sewer credit request filed by Charles Barranco, and the MOTION carried without negative vote.

Proposed Chapter 16 Stormwater Ordinance Modifications

Village Engineer Terry Tavera discussed three changes that need to be made to Chapter 16 regarding storm water. The first change proposed is the setbacks from waterways, second change is updating rainfall totals for one-hundred-year events and lastly encouraging green infrastructure on property. Tavera stated the proposed modifications will come back to the Village Board for approval.

Request to Purchase Three 16” Check Valve Rebuild Kits for Main Lift Station

Public Works director Kevin Day stated the check valves at the main lift station are worn out and need to be rebuilt.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the purchase of three check valve rebuild kits in the amount of \$13,424.00, and the MOTION carried without negative vote.

Request to Purchase Varitech Gravity Feed Pre-Wet System

Day stated he is always trying to find ways to cut down the amount of salt used and is looking at installing another truck mount brine tank.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the purchase of a varitech gravity feed pre-wet system in the amount of \$3,935.00, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Recommendation on Payment Process Providers

Loomer stated currently the Village uses ACI for a payment provider and looking to switch to Certified Payments. Village Hall has done a trial with Certified Payments and is very happy with the process. The fees which are passed on to residents are lower and all types of cards are accepted. Loomer stated the County is changing payment providers for tax payments and by mirroring the County change residents will be able to pay directly on the County site. Loomer stated if the Board is in favor of the switch for tax payment processing MSB will try to have everything up and running by tax payment time.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the change of payment processing providers to Certified Payments, and the MOTION carried without negative vote.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve the change of tax payment processing providers to MSB, and the MOTION carried without negative vote.

Recommendation on Subsidizing Health Insurance Increases

Loomer stated the costs of health insurance for the Village has decreased and the employee portion has nearly tripled. Loomer stated she would recommend subsidizing the employee portion so the costs would remain the same for all employees. Currently twenty-two of the twenty-three employees are on Mercy Care which is the cheapest plan.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve subsidizing the employees’ portion of the health insurance premium for 2022, and the MOTION carried without negative vote.

Walworth County Professional and Technical Assistance to Municipalities Regarding ARPA Funding

Loomer stated the County is offering up to \$4,000 in professional and technical assistance to aid in performing revenue calculations. Loomer explained that Vilona has already completed the calculations, and this is probably not something the Village needs currently but wanted to make the Board aware that funding is available.

Potawatomi Creek Stormwater Initiatives – Shabbona Drive Outfall

President Kenny stated when the Abbey Harbor study was completed, the Shabbona Drive outfall was one of the highest priorities on the list. Village Engineer Terry Tavera stated there was concern if this project would be able to be done this winter. Tavera explained that if the Village moves forward with the permitting process right away the project would be able to be executed and completed this winter. This is one of the highest priorities that seems to get worse every year. Loomer stated the Finance Committee recommended budgeting for as much as possible and use reserves for remaining amount.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve moving forward with the Shabbona Drive Outfall project and include as much in the budget as possible and remaining will come from reserves, and the MOTION carried without negative vote.

HR Committee – President Kenny

DPW, Police, Court, Launch and Beach Job Descriptions

Loomer stated the descriptions have been included in the packet.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the job descriptions for DPW, Police, Court, Launch and Beach as presented, and the MOTION carried without negative vote.

2022 Beach Manager Position

Loomer stated she would like to entertain the idea of having a position similar to the Launch that is a salaried position. The HR Committee discussed the idea of a combined Lakefront position for Beach and Launch. The Board directed Loomer to reach out to the Launch manager and see if he would be interested in taking on the Beach position.

Geneva Lake Law Enforcement Agency – President Kenny

GLLEA 2022 Proposed Budget

President Kenny stated the GLLEA is requesting \$63,000 from all four municipalities for 2022. The increase is a result of the office move and renovations which were all unbudgeted costs.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the GLLEA 2022 budget request in the amount of \$63,000, subject to all Municipalities contributing the same, and the MOTION carried without negative vote.

Geneva Lake Enforcement Agency – President Kenny

GLEA 2022 Proposed Budget

Loomer stated the GLEA is requesting \$35,000 from all four municipalities for 2022. This is an increase of \$15,000 from 2021. The increase is a result of the current chair retiring and having the capability to bring a replacement on board.

Trustee McGreevy/Trustee Pappas 2nd made the MOTION to approve the GLEA budget request in the amount of \$35,000, subject to all Municipalities contributing the same, and the MOTION carried without negative vote.

FW/WPCC – Trustee O’Neill

FW/WPCC 2022 Proposed Budget

The Commission submitted their 2022 operating budget for a total amount of \$995,604 which is an increase of \$23,086 from last year.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to recommend approval the FW/WPCC 2022 budget in the amount of \$995,604, as presented, and the MOTION carried without negative vote.

Approve Phosphorus Removal Payment Recommendations in the amount of \$1,975.26

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$1,975.26, and the MOTION carried without negative vote.

Approve Phosphorus Removal Payment Recommendations in the amount of \$46,776.90

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the payment recommendation for phosphorus removal in the amount of \$46,776.90, and the MOTION carried without negative vote.

Closed Session

Trustee Petersen/Trustee Pappas 2nd made a MOTION at 6:20 pm to go into closed session pursuant to 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 Professional Building Inspections, Inc., Contract Amendment, Municipal Code Enforcement, LLC Proposal and WPPA Contract Amendment.

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee O’Neill – Aye

Trustee Petersen – Aye

Trustee McGreevy - Aye

The MOTION carried without negative vote.

Open Business

WPPA Contract Amendment

This item was discussed in closed session.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to amend the WPPA Contract and approve a 7% increase in pay for the two flex officers, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee Livingston 2nd made a MOTION at 6:59 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

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: 11/01/2021