

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Hybrid Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, October 9, 2023

Village President Pat Kenny called the hybrid 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, Trustee O'Neill

Trustees Absent: None

Also Present: Liz Baumann, Chief Cates, Jennifer Edwards (Geneva Lake West Executive Director), Kevin Day, Rich Gluth (Lifesaving Award Recipient), Chase Kruser (Geneva Lake West President), Lisa Laing, Victor Larimer (Lifesaving Award Recipient), Theresa Loomer, Scott Lowell, Drew Lussow, Rick Manthy, Emily Schmidt, Alison Schwark, Phil Webb (Geneva Lake West Treasurer), Water Safety Patrol Staff (WSP)

Visitors Heard

Approval of Village Board Minutes

The Village Board minutes for the September 11 (open and closed), September 25, and October 6, 2023 meetings were distributed.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the Village Board minutes from the September 11 (open and closed), September 25, and October 6, 2023 meetings, as submitted, and the MOTION carried without negative vote.

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

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed for September, 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 Livingston/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

Discussion or Action on Exterior Color Change for Residences on Geneva Lake – Abbey Provident Venture Project

Scott Lowell was present on behalf of the Abbey Provident to go over some small changes they have made regarding the exterior color of the residences for their project. Mr. Lowell stated that they have recently hired a designer to help make the residences more visually appealing and have changed the exterior color of the proposed project to a whiter color. Mr. Lowell stated that proposed renders of the color changes have been included in tonight's meeting packet. Attorney Thorpe stated that his recollection was that there wasn't much discussion on the color of the outside of the project and that the color change is not a PIP amendment issue. Attorney Thorpe stated that he and the Village Staff had looked over the proposed changes and have deemed them to not be substantial in nature however did want to update the Village Board to let them know the changes were being made and that no action is needed if the Village Board has no issues with what is being presented. Trustee O'Neill asked a question regarding some discussion about a roof change that Mr. Lowell ultimately said the change couldn't be made and the roof is the same as it was presented before. No further questions were asked by the Board, and they appreciated the update regarding the proposed changes.

Consider Approval of Johns Disposal Proposed Rates for 2024

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the proposed rate changes for the 2024 Johns Disposal Contract, as presented, and the MOTION carried without negative vote.

Consider Approval of Sitzberger CPAs (Lucida) 2024 Audit Contract and Audit Expenses

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the Sitzberger CPAs now known as Lucida 2024 Audit Contract and Audit Expenses in the amount of \$31,600.00, as presented, and the MOTION carried without negative vote.

Consider Approval of Water Safety Patrol (WSP) Agreement for 2024

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the proposed 2024 Water Safety Patrol (WSP) Agreement in the amount of \$45,079.00, as presented, and the MOTION carried without negative vote.

Recognition of Water Safety Patrol Members with a Lifesaving Award for Rescue at Fontana Beach

Deputy Fire Chief Rick Manthy presented lifesaving awards to Victor Larimer and Rich Gluth for their heroic action at Fontana Beach on July 19, 2023 in saving an individual's life.

Fire Chief Letter of Resignation Effective 11/4/2023

Administrator Loomer informed the board that per Chief Nitsch's letter he intends to retire effective November 4, 2023. Administrator Loomer also stated that Chief Nitsch's resignation will still need to go before the Police and Fire Commission (PFC) for their approval and then the process can begin with the PFC for looking to hire Chief Nitsch's replacement.

2024 Holiday Party Planning

Administrator Loomer stated that it is time to start thinking about the annual holiday party. Administrator Loomer stated that we will look to hold the event at the Abbey like we have done the past few years. The Abbey has availability for the Village to hold it either on the 7th or 14th of December. Most of the Village Board seemed more inclined to have the event on the 14th and directed staff to proceed in that direction.

Protection Committee – Trustee Petersen

Discussion or Action on Public Administration Associates Proposal for New Safety Building Study

Administrator Loomer stated that the proposal submitted by Public Administration is the one that was recommended to proceed with and would be covered by using ARPA funds. Administrator Loomer also explained that Public Administration Associates has previously completed work for the City of Lake Geneva and the Town of Linn's study and both municipalities gave them a positive review. Administrator Loomer said that there are two options planned for the proposed study. Option No. 1 is just for Fontana which would be a cost of \$23,500.00. Option No. 2 would include Fontana and Williams Bay at a cost of \$35,400.00. Administrator Loomer stated that the proposal has been sent to Williams Bay and will be on the agenda at their upcoming protection committee meeting that should be happening within the next week. Trustee Petersen raised concerns about Williams Bay not being fully committed to the study and would like a prompt response from them so the Village of Fontana can proceed accordingly. Administrator Loomer suggested that the Village move forward with option one, which is for just Fontana, and if Williams Bay would like to be a part of the study, they would pay for the difference in cost between Option No. 1 and Option No. 2.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve Option No. 1 of the proposal submitted by Public Administration Associates in the amount of \$23,500.00 with the option of Williams Bay joining the study so long as they pay for the difference in cost between the options, and give them a deadline of October 30, 2023 to commit, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

Discussion or Action on 2024 Road and Infrastructure Projects Geotechnical Services Proposal from PSI Inc. - \$3,600.00

Public Works Director Day stated that this proposal is for the planned road work to be completed in 2024.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the 2024 Road and Infrastructure Projects Geotechnical Services proposal in the amount of \$3,600.00 by PSI Inc., as presented, and the MOTION carried without negative vote.

**Discussion or Action on 2024 Road and Infrastructure Projects Sewer Televising Proposals
Recommended Aqualis - \$43,133.00**

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the 2024 Road and Infrastructure Projects Sewer Televising Proposal in the amount of \$43,133.00 by Aqualis, as presented, and the MOTION carried without negative vote.

Discussion or Action on Well No. 5 Well Sitting Study from LRE Water - \$12,500.00

Emily Schmidt from Ruckert and Mielke stated that the cost associated for this agenda item were for the retention of a hydrogeologist as well as costs associated with conducting a study to investigate any potential changes from Well No. 4 and the opening of Well No. 5

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the Well No. 5 Well Sitting Study from LRE Water in the amount of \$12,500.00, as presented, and the MOTION carried without negative vote.

Discussion or Action on Well No. 5 Professional Design Assistance from Water Quality Investigations (WQI) - \$17,868.00

Emily Schmidt stated that this item is to continue using Andrew Jacque from Water Quality Investigations (WQI) as we begin the design and creation of Well No. 5

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve using Andrew Jacque and Water Quality Investigations (WQI) to assist with the Well No. 5 Professional Design in the amount of \$17,868.00, as presented, and the MOTION carried without negative vote.

Discussion or Action on Well No. 4 Work Change Directive No. 2 for Changing Pumps – Decrease of \$9,985.00

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Well No. 4 Work Change Directive No. 2 for Changing of Pumps that will decrease the costs approximately \$9,985.00, as presented, and the MOTION carried without negative vote.

TID Project Update – Hildebrand Nature Conservancy Berm Removal and Grading

Emily Schmidt explained that a pre-construction meeting has already been held and that the project is currently waiting on some insurance requirements. Once those requirements have been met and received the work for the project is expected to begin within the next week.

TID Project Update – Pioneer Park Restroom Building and Porter Ct Sidewalk

Emily Schmidt stated that the project recently was awarded, and the contract was signed. She expects that a preconstruction meeting will be held Wednesday, October 11, 2023 to discuss further details and when work can be expected to begin.

FW/WPCC – Trustee O’Neill

Discussion or Action on Adopting a Resolution Approving FWWPCC Resolution No. 2-23 for the Approval of New Customer Rates

Trustee O’Neill stated that recently the Fontana Walworth Water Pollution Control Commission (FWWPCC) approved a resolution to increase the customer rates to help cover the rise of costs required to maintain, operate, and support the Commission. With the intended increase Trustee O’Neill stated that it should be sufficient to generate enough revenue to support the Commission for the foreseeable future.

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve Resolution 100923-01 approving the FWWPCC Resolution No. 2-23 for the approval of new customer rates, as presented, and the MOTION carried without negative vote.

Consider Approval of FWWPCC 2024 Proposed Budget

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the Fontana Walworth Water Pollution Control Commission (FWWPCC) proposed 2024 budget, as presented, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Discussion or Action on an Ordinance Creating Sections 18-65(i) and 18-38(f)(10) and Amending 18-54 Regarding Temporary Parking Standards

Zoning Administrator Allison Schwark stated that the creation of this proposed ordinance would provide a new land use category in the Village Center (VC) zoning district. Zoning Administrator Schwark explained that the new land use that is being created would provide for temporary parking on either grass, gravel, or an unpaved surface for 150 consecutive days or less within this zoning district to help some of the congested parking in the village during the summer season. Zoning Administrator Schwark informed the Board the Plan Commission made a recommendation in favor of this proposal.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve Ordinance 100923-01 Creating Sections 18-65(i) and 18-38(f)(10) and amending 18-54 regarding temporary parking standards in the Village, as presented, and the MOTION carried without negative vote.

Discussion or Action on Approval of Conditional Use Permit filed by the Who Corporation / Jamie Whowell for Property at 102 W. Main Street

Zoning Administrator Allison Schwark informed the Village Board that staff had reviewed the CUP application filed by the Whowell's and that the Plan Commission had made a recommendation to approve the application.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the Conditional Use Permit Application Filed by Who Corporation / Jamie Whowell for Property Located at 102 W Main St for Seasonal Boat Display and off-site parking for staff pending final approval subject to the following staff recommendations:

APPROVAL CONDITIONS:

Outdoor boat display and sales.

Land uses where the outdoor display of boats on stands, trailers, or pedestals is conducted outside of an enclosed building. This land use is limited to boats as defined in section 18-13. Outdoor boat display and sales land uses shall adhere to the following regulations:

1. Requires a limited conditional use permit specifying the following:
 - a. Granted to a specific operator.
 - b. Granted up to a maximum of five years.
 - c. The maximum number of boats shall be established by the limited conditional use.
2. The following watercraft and equipment may not be displayed outside:
 - a. Personal watercraft (i.e., jet skis).
 - b. Manually propelled (i.e., canoe, kayak, raft, inflatable paddle board, paddle boats, surf boards).
 - c. Empty trailers and/or other boat accessory equipment.
3. Boat display area must be located on a gravel surface or be paved with concrete or asphalt.
4. Boat display land uses may be established without a principal building on-site.
5. Signage is limited to a monument sign or a temporary business sign. Signs on individual boats shall be less than one square foot.
6. The use of outdoor display shall be seasonal in nature and shall be restricted to April 1 to November 1, at which time all boats, trailers, stands, blocks and steps shall be removed from the property.
7. Sales are restricted to boats only; sales of vehicles is expressly prohibited.
8. Boats shall be displayed horizontal in nature; no stacking or vertically angled display is allowed.
9. Boat display shall not occur within ten feet of the rights-of-way of St. Hwy 67 or West Main Street.
10. The maximum number of boats displayed shall be five. The display of "boats" shall be limited to watercraft as defined by Wisconsin DNR Boat Certificate Title requirements.

Off-site parking.

Areas used for the temporary parking of vehicles which are fully registered, licensed and operable. Off-site parking may also include a structure for the control and regulation of the parking facility. Off-site parking facilities shall adhere to the following regulations:

1. A buffer yard with a minimum opacity of 0.80 shall be provided along all property borders abutting residentially zoned property.

2. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

The MOTION carried without negative vote.

Discussion or Action on Plan Commission Letter to Village Board Members Regarding Zoning Procedures

Village Attorney Dale Thorpe addressed the Village Board and stated that at the last Plan Commission meeting the Plan Commissioners asked him to help draft a letter to the Village Board regarding Zoning Procedures. Attorney Thorpe explained that the letter is essentially an ask by the Plan Commission to be considered more often when larger projects are brought before the Village Board for consideration in the future. Commissioner Laing was present and stated to the Village Board that she felt that a joint meeting consisting of the Village Board and the Plan Commission could help address the issues stated in the letter in the future when projects ask to come to the Village Board first so that the Board and Commission are seeing everything at the same time and can offer each other input. There was discussion about what constitutes a “larger project” which was determined to be subjective. Attorney Thorpe explained that what the Plan Commission is asking for is reasonable and, in his experience, working with municipalities has seen others adopt similar policies.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to invite the plan commission members to hold a joint meeting when larger projects are presented to the village board, and invite the village board to public hearing held in front of the plan commission, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Discussion or Action on Approval of Midwest Prairie Contract 2024-25

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the 2-year Midwest Prairie Contract for 2024-2025 in the amount of \$11,500.00 for 2024 and \$12,075.00 in 2025 for a total of \$23,575.00 for both years, as presented, and the MOTION carried without negative vote.

Discussion or Action on Approval of Memorial Bench Requested by Darrell Frederick in Honor of William Austin

Trustee O’Neill/Trustee Pappas 2nd made a MOTION to approve the Memorial Bench request by Darrell Frederick in Honor of William Austin, as presented, and the MOTION carried without negative vote.

Update on Never Say Never (NSN) Playground Proposal at Duck Pond

Administrator Loomer explained that her and President Pat Kenny have spoken to this group and have had some initial conversations about potentially using Duck Pond as the home for the proposed inclusive park playground if the funds could be procured. Administrator Loomer stated this group had previously worked with Lake Geneva, but talks have broken down and they are now reaching out to other municipalities. Administrator Loomer stated that the Never Say Never Group has raised about \$280,000.00, with around \$193,000.00 being secured and another \$85,000.00 funds have been promised to the group. Administrator Loomer stated that this still leaves approximately \$400,000 that will still need to be come up with before the project can proceed. Administrator Loomer also informed the Village Board that any maintenance would fall on the Village after the project is completed. Trustee Livingston stated that prior projects like this had been completed in the cities of Franklin and Kenosha. Trustee Livingston said that he liked what was proposed but it would be more about making sure we can work with the group to secure proper funding and making sure that is obtainable before moving any further with the project. Administrator Loomer stated that this was just an update to the Village Board and that they will continue to work with the group about potential donors and other fundraising opportunities to help the project along until they hopefully get closer to reaching their goal.

Lakefront and Harbor Committee – Trustee Pappas

Discussion or Action on 2024 F-Sticker Vehicle Placement

Chief Cates asked the Village Board to consider having the F-Stickers placed on the rear window for next year. This change will allow his staff to more easily identify vehicles who have the stickers when patrolling the parking lots and wouldn't require them to leave their vehicles to check the vehicles in the lots. Chief Cates also stated that moving them to the rear window of vehicles would also cut down on complaints he has received regarding line-of-sight issues that the current stickers cause for some residents when placed on the front window.

Trustee Pappas/Trustee O'Neill 2nd made a MOTION to approve the change in the 2024 F-Sticker vehicle placement as presented, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Discussion or Action on Geneva Lake West Chamber of Commerce Lease for 2024

Administrator Loomer explained that this was discussed and voted on by the village board back in April, and the board established the 2024 office rent for the Chamber of Commerce at \$400 per month. The Chamber of Commerce asked the village to reconsider. The Finance Committee met before the Village Board meeting and were not inclined to change anything about the proposed lease for Geneva Lake West Chamber of Commerce.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to deny the Geneva Lake West Chamber of Commerce Request to dismiss the \$400 per month rental charge beginning in 2024, as presented, and the MOTION carried without negative vote.

GLEA – President Kenny

Consider Approval of GLEA 2024 Budget Request - \$40,000.00

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the proposed 2024 GLEA Budget Request, as presented, and the MOTION carried without negative vote.

Consider Approval of 2024 Clean Boats Clean Waters Cost Share Grant

Administrator Loomer stated that the Village participated in the 2023 Clean Boats and Clean Waters Cost Share Grant and is looking to do the same for 2024. Launch staff have already been trained in the matter since the Village participated this past year and everything seemed to go well.

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to approve the 2024 Clean Boats Clean Waters Cost Share Grant, as presented, and the MOTION carried without negative vote.

GLLEA – President Kenny

Consider Approval of GLLEA 2024 Budget Request - \$73,000.00

Trustee McGreevy/Trustee Marek 2nd made a MOTION to approve the GLLEA 2024 Budget Request in the amount of \$73,000.00, 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 2024 Village Staff Wages. 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

Trustee O'Neill – Aye

The MOTION carried 7-0 without a negative vote.

2024 Village Staff Wages

This item was discussed in closed session.

Trustee Livingston/Trustee O'Neill 2nd made a motion to approve the 2024 Village Staff wages, 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 5:49 pm, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee McGreevy 2nd made a MOTION at 5:51 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: 11/13/2023