

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Final Minutes)
Hybrid Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Monday, December 5, 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 (virtually), Trustee Petersen, Trustee McGreevy, Trustee Livingston, Trustee O'Neill

Trustees Absent: Trustee Marek, Trustee Pappas

Also Present: Liz Baumann, Liz Behrens, Joel Bikowski, Chief Cates, Kevin Day, Erik Johnson (Lake Geneva Regional News), Theresa Loomer, Drew Lussow, Rick Manthy, Chief Nitsch, Terry Tavera, Scott Vilona

Visitors Heard

Resident Joel Bikowski and Liz Behrens were present on behalf of Glenwood Springs and asked to table agenda item number 3 on the Public Works Committee portion of the meeting to allow Glenwood Springs more time to review Village Engineer Terry Tavera's findings before a final decision is made. The Village Board agreed to table the matter to allow more time for them and stated that they will make a formal motion on the topic when the matter is properly addressed later in the agenda.

Approval of Village Board Minutes

The joint Finance and Village Board minutes for the November 3, 2022 meeting were distributed. Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the joint Finance and Village Board minutes from the November 3, 2022 meeting, as submitted, and the MOTION carried without negative vote.

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

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

Public Hearing – 2023 Village of Fontana Municipal Budget

President Kenny opened the public hearing at 5:03 pm. President Kenny asked if anyone had any comments or questions regarding the proposed Municipal Budget that includes the recently passed referendum that was on the November ballot. Trustee Petersen stated that due to no one raising any questions or comments themselves and the Village of Fontana already having several meetings considering the Budget, the public hearing could be concluded. No one else spoke for or against the 2023 Village of Fontana Municipal Budget. The public hearing was closed at 5:06 pm. A copy of the entire 2023 Municipal Budget is on file at the Village Hall and available on the Village Website as well.

Resolution No. 120522-01 Adopting the Tax Rate for 2022 and Collected in 2023

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adopt Resolution No. 120522-01 for the Tax Rate for 2022 to be collected in 2023, and the MOTION carried without negative vote.

Resolution No. 120522-02 Recognizing the 2022 Tax Levies

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to adopt Resolution No. 120522-02 recognizing the 2022 tax levies, and the MOTION carried without negative vote.

Ordinance No. 120522-01 Adopting the 2022 Village of Fontana Municipal Budget and Tax Levy, and to Appropriate the Necessary Funds for the Governmental and Administrative Operations of the Village of Fontana on Geneva Lake for the 2023 Fiscal Year

Trustee Livingston/Trustee O'Neill 2nd made a MOTION adopt Ordinance No. 120522-01 for the 2022 Village of Fontana Municipal Budget and Tax Levy, and to appropriate the necessary funds for the Governmental and Administrative Operations of the Village of Fontana on Geneva Lake for the 2023 fiscal year, and the MOTION carried without negative vote.

Approve 2022 Audit Contract with Sitzberger CPA's

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the 2022 Audit Contract with Sitzberger CPAs in the amount of \$26,300 and an additional amount of approximately \$15,000 if certain additional services are required, as presented, and the MOTION carried without negative vote.

CloseBy Text Marketing Proposal

Administrator Loomer explained to the Village Board that the Village of Darien uses this same program to get messages out to its residents and she believes that it would also be beneficial for the Village of Fontana to notify residents in instances such as in cases of emergency, snow emergencies, road closures, and any other alerts that would help to communicate with residents.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to approve the concept of the CloseBy Text Marketing Proposal, as presented, and direct staff to bring back a contract for consideration at the next monthly meeting, and the MOTION carried without negative vote.

Authorize Contract with Municipal Services Bureau for Online Property Tax Payments

Administrator Loomer explained that the proposed contract would allow Village residents to pay property taxes on the Walworth County Treasurer's website, the same site where they can look up their taxes. The proposal allows the Ascent program to interface with MSB/ITech and allow for direct credit card payments at a rate of 2.35%, which would be paid by the person making the transaction. The cost for the integration is \$400 annually. The village is too late to get the program in place, but if approved now it would be in place for the 2023-24 tax collection period.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the contract with the Municipal Services Bureau for online property tax payments for the Village in the amount of \$400 annually along with the compensation fee schedule included in the contract as exhibit B, as presented, and the MOTION carried without negative vote.

Authorize Entering into an Agreement with RACOM for Walworth County Sheriff Public Safety Radio System Replacement Project

Administrator Loomer provided background on the agreement. The radio system upgrade is mandated by the county and is expected to go live in 2024. If the agreements with Radicom are signed by December 15, the village is locked into today's prices and will receive a discount. The estimated cost for all radios for the fire department, police department and public works is \$261,000 and is not paid until the village takes possession of the radios. In addition, the county has committed to pay for 40% of the cost using ARPA funds. In response to a question from Trustee Petersen, Loomer stated there is a proposed emergency communication tower that is part of this project in the Linn ETZ off Cobblestone Road. Staff is currently reviewing that application.

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.

Approve Resolution No. 120522-03 Authorizing Treasurer Baumann as Signer on Town Bank Accounts

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adopt Resolution No. 120522-03 authorizing Treasurer Baumann to be a signer on the Town Bank accounts, and the MOTION carried without negative vote.

2023 Meeting Calendar Approval

Administrator Loomer explained that a copy of the proposed 2023 meeting calendar for Plan Commission and Village Board meetings were included in the packet and asked if there were any issues or conflicts with the dates proposed. No one raised any concerns with the proposed dates.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the proposed 2023 meeting calendar, as presented, and the MOTION carried without negative vote.

Authorize Payment of Year-End Budgeted Invoices

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to authorize the payment of all the year-end budgeted invoices, and the MOTION carried without negative vote.

Annual Holiday Gift Card Approval

Administrator Loomer stated that typically every year the Village provides holiday gift cards for its employees. This year Administrator Loomer stated there is the addition of the Fire/EMS staff which she recommended be included on the list for gift cards. Administrator Loomer informed the Board that it would be a \$50 value per card per employee.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the annual holiday gift cards for Village of Fontana employees per the distributed list and Fire/EMS employees, and the MOTION carried without negative vote.

Public Works Committee – Trustee O'Neill

2022 Street Program & Fontana Boulevard Irrigation System Contractors Application for Payment No. 1

Village Engineer Tavera explained to the Board some of the issues with Wolf Paving on some of the projects they are currently working on in the Village, with completion of these projects being the biggest concern. Tavera stated that roughly 95% of all the work has been completed but there has been lack of communication overall from Wolf Paving but other than the lack of communication saw no reason to delay the payment.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION for approval of the 2022 Street Program & Fontana Boulevard Irrigation System Contractors Application for Payment No. 1, as presented, and the MOTION carried without negative vote.

TID & S. Lakeshore Drive Project Updates

Village Engineer Tavera updated the Village Board on the TID projects. Village Engineer Tavera stated all the asphalt work is complete, some of the stripping work is complete, and most of the landscaping is complete. Tavera also stated that if temperatures are not warm enough for striping (35°F) he recommends temporary striping until next spring to finish when temperatures are warmer. Tavera also informed the Board about concerns with the asphalt at the entrance to the Abbey, that was caused by a delivery truck. Tavera stated this incident is between Wolf Paving and the delivery company, but Wolf Paving will have to repair the damage. Tavera stated there are still some outstanding items that will be addressed on the final punch list. While Wolf Paving was in town, they addressed the outstanding SLSD pavement issue at the corner of SLSD and Brickley Drive, but the dip at the entrance to Abbey Springs must still be addressed. Tavera also informed the Board that repairs to the Beach House roof have begun and are expected to be completed prior to spring. Lastly, Tavera stated he would send a letter to Wolf Paving regarding any and all concerns that he stated tonight and that he would also have them provide an updated schedule.

Glenwood Springs Flow Calculations and Recommendation

Administrator Loomer stated the visitors present at the beginning of the meeting were there for this item. She asked that since Village Engineer Terry Tavera was in attendance that he be allowed to present additional information even though she asked that the item be tabled until the representative from Glenwood Springs could be present at the February meeting. Engineer Tavera shared his calculations for the 10" storm sewer drainage pipe that drains into Glenwood Springs from S. Lakeshore Drive, which is the pipe Glenwood Springs has requested closure of. Village Engineer Tavera stated prior to the South Lakeshore Dr project, there was an 18" storm sewer culvert which drained stormwater runoff from the south side of SLSD to the north. During the SLSD reconstruction project, the 18" pipe was reduced to a 10" pipe and now the majority of the stormwater runoff flows down to the Potawatomi Creek Channel through a 42" storm sewer pipe, which has significantly reduced the stormwater runoff flow into Glenwood Springs. Tavera stated plugging the 10" outlet pipe would cause some issues with draining the north storm sewer inlet. Tavera stated if the 10" outlet pipe into Glenwood Springs was plugged, the 42" storm sewer pipe to the Potawatomi Creek Channel could handle the increase in stormwater flow, but is concerned with maintenance issues, and the added flow to the outfall. In addition, the water currently flows to a suspected wetland and closing the pipe may cause the wetland to dry up. Tavera's recommendation to the Public Works Committee was to deny the request made by Glenwood Springs which he also suggested to the Village Board.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to table further discussions regarding the Glenwood Springs Flow Calculations and any additional Recommendations until Glenwood Springs could properly review Village Engineer Tavera's report and come back at a future meeting, and the MOTION to table carried without negative vote.

Big Foot Country Club Easement Request (Shabbona Drive Outfall)

Loomer stated that the Big Foot Country Club has agreed to the easement request in exchange that the Village provide/supply Big Foot Country Club with fill, to fill in the ravine east of their parking area for future expansion of their parking lot. When this matter was brought to the Public Works Committee there was discussions about what type of fill material they are requesting, and if the Village is being asked to level off the fill, or just dump it, and about the requested tree removal. Administrator Loomer provided some clarifications that she is not aware that any plans for the parking lot expansion have been submitted to the Village for review, and the proposed expansion area is potentially in Environmental Corridor and Shoreland-Wetland zoning areas. Loomer believes these plans should be submitted prior to moving forward to ensure the proposed expansion and tree removal requests meet the environmental and zoning code. If everything is in compliance the Committee recommends to the Village Board that the Village could supply only material, and only when available from other projects around the Village. The Village Board agreed with the recommendation made by the Public Works Committee.

Trustee O'Neill/Trustee McGreevy 2nd made a MOTION to approve the request from Big Foot Country Club in return for signing the Shabbona Drive outfall easement, contingent on Big Foot Country Club submitting plans for their parking lot expansion to the Building & Zoning Dept. for review, and if there are no environmental or zoning concerns, supply fill material only for filling the ravine area, and only when fill is available. The MOTION carried without negative vote.

Request from Linn Sanitary District for Capacity in Collection and Treatment Plants

Loomer stated that Ted Peters from the Linn Sanitary District has asked the Village if they would consider selling some capacity at the Sewer Treatment Plant. Loomer contacted Peters with the Linn Sanitary District and asked for more specifics, but he stated this is just in the conceptual stage right now. Loomer stated that FW/WPCC has an agreement with Fontana and the agreement would require an amendment to allow the Village to sell capacity. In addition, the last time a similar request went to FW/WPCC it was denied. The recommendation from the Public Works Committee was also to deny the request.

Trustee Livingston/Trustee Petersen 2nd made the MOTION to deny the request from Linn Sanitary District for Capacity in the Village Collection system and direct any further requests be made to FW/WPCC, and the MOTION carried without negative vote.

Adopt Ordinance 120522-02 Amending 78-1(a) for Compulsory Connection to Sewer and Water

Administrator Loomer stated that this ordinance amendment requires hookup to sanitary sewer or water 300-feet from any property line rather than 300-feet from a structure. In addition, Administrator Loomer also stated she had questions about the need for the “Health Officer” language to remain, and Attorney Thorpe is currently investigating, but asked that in the meantime the language changes to the ordinance be approved.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to adopt Ordinance No. 120522-02 amending 78-1(a) for compulsory connection to sewer and water, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application Filed by Mark Welden on Behalf of Big Foot High School for the Cross-Country Race for Middle and High School Teams Event for Duck Pond Recreation Area and Duck Pond Pavilion on Thursday, September 21, 2023 from 7:00 AM to 8:00 PM with Fees to be Waived

Trustee Livingston stated that this is an annual event that has had the fee waived in the past.

Trustee Petersen/Trustee O’Neill 2nd made a MOTION to approve the park permit application filed by Mark Welden on behalf of Big Foot High School for the Cross-Country race for Middle and High School teams’ event for Duck Pond Recreation Area and Duck Pond Pavilion on Thursday, September 21, 2023, from 7:00 AM to 8:00 PM with the fees to be waived, and the MOTION carried without negative vote.

Park Permit Application Filed by Dean Connley on Behalf of Big Foot Recreation Department for Duck Pond Recreation Area and Duck Pond Pavilion for Doggie Egg Hunt to Take Place on Saturday, April 1, 2023 from 10:00 AM to 11:00 AM with Fees to be Waived

Trustee Livingston stated that this is an annual event that has had the fee waived in the past.

Trustee McGreevy/Trustee O’Neill 2nd made a MOTION to approve the park permit application filed by Dean Connley on behalf of Big Foot Recreation Department for Duck Pond Recreation Area and Duck Pond Pavilion for Doggie Egg Hunt on Saturday, April 1, 2023, from 10:00 AM to 11:00 AM with the fees to be waived, and the MOTION carried without negative vote.

Park Permit Application Filed by Dean Connley on Behalf of Big Foot Recreation Department for Duck Pond Recreation Area and Duck Pond Pavilion for Easter Egg Hunt to Take Place on Saturday, April 8, 2023 from 10:00 AM to 11:00 AM with Fees to be Waived

Trustee Livingston stated that this is an annual event that has had the fee waived in the past.

Trustee O’Neill/Trustee Petersen 2nd made a MOTION to approve the park permit application filed by Dean Connley on behalf of Big Foot Recreation Department for Duck Pond Recreation Area and Duck Pond Pavilion for Easter Egg Hunt on Saturday, April 8, 2023, from 10:00 AM to 11:00 AM with the fees to be waived, and the MOTION carried without negative vote.

Annual Renewal for Tree City and Bird City Wisconsin

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the annual renewal for Tree City and Bird City Wisconsin for the Village of Fontana, and the MOTION carried without negative vote.

Approve Resolution 120522-04 IMBD Proclamation

Administrator Loomer explained to the Village Board that IMBD stands for International Migratory Bird Day and that this resolution and proclamation goes together with the previous agenda item of being a Bird and Tree City.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution No. 120522-04 for the IMBD Proclamation, and the MOTION carried without negative vote.

Consider Action: Midwest Prairies Natural Areas Maintenance Contract

Administrator Loomer informed the Village Board that no formal RFP had been sent out, but several companies were notified of what the Village was looking for in regard to its four main natural areas. These areas include the Fontana Fen, Wild Duck Recreation Area, Mohr Road Natural Area, and the Hildebrand Conservancy. The Park Commission recommended moving forward with the quote that was submitted by

the company Midwest Prairies. The quote from Midwest Prairies was in the amount of \$11,000 for all the areas stated. Their services include five visits per area as well as regular maintenance and spraying to preserve the natural areas. Public Works Director Day reached out to Midwest Prairies to confirm that the price was accurate and that they believed they could accomplish what is being requested since the quote submitted was significantly lower than all other quotes we received. The Park Commission recommended a one-year contract to evaluate work provided, and if the work is acceptable to negotiate a longer term contract. Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the contract from Midwest Prairies for the Village of Fontana's natural area maintenance in the amount of \$11,000 on a one-year trial, as presented, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

EMS/Fire Vacancies and Anticipated Hiring Schedule

With the passing of the EMS referendum in both Fontana and Williams Bay, Chief Nitsch stated the additional position vacancies will be posted next week with an application deadline of January 1, 2023. Eligible candidates must go through the PFC hiring process and be approved by the Village Board. Chief Nitsch stated he anticipates the entire hiring process will take three to four months.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve the EMS/Fire anticipated hiring schedule, as presented, and the MOTION carried without negative vote.

EMS/Fire Shift Lead Proposal

Chief Nitsch stated that with fulltime staffing he recommends creating a Shift Lead position on each 24-hour shift on a rotating monthly basis. The Shift Lead will be the point person and the person responsible for making sure all tasks and duties are completed. Chief Nitsch stated he intends to appoint all staff members as Shift Lead over the next year, and once fully staffed, potentially recommend a permanent position. The committee discussed an appropriate stipend for the position. Chief Nitsch stated \$1 per hour stipend had been budgeted for the Shift Lead position in 2023.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve an EMS/Fire Shift Lead Position, as described, with a \$1 per hour stipend, and the MOTION carried without negative vote.

Reconsider Covid Policy Paid Time Off

Loomer stated that in September 2020, the Village Board allowed staff to take time off for Covid without using benefit time. There have been a few staff members that have utilized this several times now and she encouraged a stricter policy or requiring staff to use sick time. The current CDC guidelines recommend 5 days of isolation after testing positive. The committee recommended allowing 5 days of paid time off without using benefit time per year for positive Covid cases and employees must provide proof of a positive test.

Trustee McGreevy/Trustee O'Neill 2nd made a MOTION to extend the Covid policy to allow employees five paid days off per year without using benefit time for positive Covid cases and require employees to provide proof of a positive test in order to receive the benefit, and the MOTION carried without negative vote.

Closed Session – President Kenny

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to go into Closed Session at 5:29 pm. 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 Proposed EMS/Fire Chief Split Position and Wages and 2023 Employee Wages. The roll call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Petersen – Aye

Trustee Livingston – Aye

Trustee O'Neill – Aye

The MOTION carried 5-0 without a negative vote and Trustee Pappas and Trustee Marek Absent

Adjourn Closed Session

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to go into open session at 5:34 pm, and the MOTION carried without negative vote.

EMS/Fire Chief Split Position and Wages

This item was discussed in closed session.

Trustee O'Neill/Trustee Petersen 2nd made a motion to approve the EMS/Fire Chief split position and wages, as recommended by the HR Committee and discussed in closed session, and the MOTION carried without negative vote.

2023 Employee Wages

This item was discussed in closed session.

Trustee O'Neill/Trustee Petersen 2nd made a motion to approve the recommendation for 2023 employee wages, as recommended by the HR Committee and discussed in closed session, and the MOTION carried without negative vote.

Adjournment

Trustee O'Neill/Trustee Petersen 2nd made a MOTION at 5:35 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: 01/03/2023