

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

(Official Minutes)

**VIRTUAL MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, December 6, 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 Prudden, Trustee Petersen

Trustees Absent: Trustee Pappas, Trustee McGreevy, Trustee O'Neill

Also Present by Phone: Jeff Cates, Kevin Day, Lou Haussmann, Theresa Loomer, Michael Lucero, Jackie Mich, Bonnie Schaeffer, Stephanie Smith, Doug Snyder, Terry Tavera, Dale Thorpe, Jake Schmidt, Scott Vilona, Cindy Wilson

Visitors Heard

None

General Business

Approval of Minutes

The minutes for the meetings held on November 1, 2021 (open and closed), November 23, 2021 and November 29, 2021 were distributed to board members via email.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the minutes from November 1, 2021, November 23, 2021 and November 29, 2021, 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 November, and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Prudden/Trustee Livingston 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

Introduce New GLEA Executive Director Jake Schmitt

New GLEA Executive Director Jake Schmitt introduced himself and stated he looks forward to working with all municipalities around the lake.

Discuss Refugee Housing at St. Benedicts Church

Father Mark from St. Benedicts Church stated they are working with Lutheran Social Services on housing refugees at the church. At this time, they are not sure of the timing and the exact number of possible refugees they would host. The most people the Church can host would be twelve and the longest period of time would be one year. Trustee Prudden mentioned having the Fire Chief do a walk-through inspection prior to the start of housing,

2021 Audit Contract with Sitzberger CPA's

Loomer stated this is for the annual audit.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the 2021 Audit Contract with Sitzberger CPA's, for an amount not to exceed \$25,500, and the MOTION carried without negative vote.

Election Inspector Appointments for 2022-2023

Trustee Petersen/Trustee Livingston 2nd made a MOTION to appoint Ann Barth as Chief Election Inspector, Kathy Walsh as Alternate Chief Election Inspector, Joanne Kristoffersen-D and Paul Kristoffersen-D as an Election Inspectors; and reappoint John Dudek, Jane Klockars-R, Keith Nuzzo, Robin Nuzzo, Susan Olson-D, Susan Rowland-R, Mickey Springer-R, Donna Niemeyer and Phil Niemeyer as Election Inspectors for the 2022/2023 calendar years.

Discuss Abbey Provident Resort Request for Townhomes

Attorney Donner with Abbey Provident Resort stated they had submitted a concept plan and there were some questions in regard to the submitted plan being inconsistent with the current comprehensive plan. Attorney Donner stated on November 29, 2021 he submitted a letter to attorney Thorpe. Attorney Thorpe stated he did receive the letter and advised there are some technical problems with the comprehensive plan and master plan. Attorney Thorpe stated there are some possible options if the Village Board chooses to go that route. Trustee Prudden questioned what can be done to make this project work. Attorney Thorpe stated there is more to consider than just this project including the unique qualities to the downtown zoning district. Thorpe stated he could look into how this project could comply with the use, however the more challenging issue will be complying with the setbacks.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to authorize Attorney Thorpe and staff to look at existing zoning methods and procedures and bring back to the Village Board expediently, and the MOTION carried without negative vote.

Authorize Payment of Year-End Budgeted Invoices

Trustee Livingston/Trustee Petersen 2nd made a MOTION to authorize staff to prepay any 2021 payables that come in prior to the end of the year for budgeted expense invoices, and the MOTION carried without negative vote.

Authorize Reimbursement Transfer of \$1,000,000 from Utility Fund to General Fund

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve reimbursement transfer of \$1,000,000 from Utility Fund to General Fund, and the MOTION carried without negative vote.

Accept \$2,100 Donation from P3 for 2021 Triathlon

Trustee Livingston/Trustee Prudden 2nd made a MOTION to accept the donation of \$2,100 from P3 for the 2021 Triathlon, and the MOTION carried without negative vote.

Annual Holiday Gift Card Approval

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the issuance of \$50 gift cards to Village employees for holiday bonuses in the same manner as previous years, and the MOTION carried without negative vote.

Consider Ordinance Creating Chapter 66-5(b)(5)(a) regarding Use of the Tunnel at Abbey Springs

Attorney Thorpe stated this ordinance is a result of a memorandum of understanding dating back some time that was previously approved by the Village Board. The memorandum of understanding was to have something on the books regarding use of the tunnel at Abbey Springs. The ordinance is being offered for adoption mirrors the previously approved memorandum of understanding.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve ordinance 120621-01, regarding use of the tunnel at Abbey Springs, and the MOTION carried without negative vote.

Consider Ordinance Amending Chapter 14-65 to correct the Reference to Zoning Permit for Tree Removal

Loomer stated this amendment is to correct an incorrect reference.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve ordinance 120621-02, correcting the

reference to zoning permit for tree removal, and the MOTION carried without negative vote.

Proposed Amendments to 18-199 regarding Sign Ordinance Amendment – Set Public Hearing

Loomer stated when the sign ordinance was rewritten last year there is conflict with internally illuminated signs. One section allows internally illuminated signs, and another section does not allow it. The amendment also removes the provision that allows electronic message signs.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to set a public hearing for the proposed amendments to chapter 18-199 regarding the sign ordinance at the next scheduled Plan Commission meeting, and the MOTION carried without negative vote.

Proposed Amendments to Chapter 18-234 Zoning Board of Appeals – Set Public Hearing

Loomer stated the current ordinance requires two trustees to be on the Zoning Board of Appeals and that should be removed to state only citizen members.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to set a public hearing for the proposed amendments to chapter 18-234 zoning board of appeals for the next scheduled Plan Commission meeting, and the MOTION carried without negative vote.

Temporary Class “B” Liquor License Application Filed by Big Foot Booster Club Casino Night c/o Susan Alness, for January 29, 2022 from 5:00 pm to 9:00 pm at St. Benedicts Church

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the temporary class “B” liquor license application filed by Big Foot Booster Club Casino Night for January 29, 2022 from 5:00 pm to 9:00 pm at St. Benedicts Church, and the MOTION carried without negative vote.

Temporary Operators License Application filed by Tyler M. Heck for Big Foot Booster Club Casino Night at St. Benedicts on January 29, 2022

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve the temporary operators license application filed by Tyler M. Heck for Big Foot Booster Club Casino Night at St. Benedicts on January 29, 2022, and the MOTION carried without negative vote.

Operator License Application filed by Mary D. Kriete-Green (Kimkasi Pub)

All fees have been paid and no concerns with background.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the operator license application filed by Mary D. Kriete-Green, and the MOTION carried without negative vote.

Accept Resignation of Alternate Greg Trapani from Zoning Board of Appeals

Trustee Petersen/Trustee Livingston 2nd made a MOTION to accept the resignation of alternate Greg Trapani from Zoning Board of Appeals, and the MOTION carried without negative vote.

Plan Commission – Trustee Petersen

Consider Ordinance Amending Zoning Code Sections Regulating Environmental Features 18-101, How to Use this Article, 18-103, Map of Overlay Zoning Districts, 18-108, Environmental Corridor Overlay Zoning District, 18-109, Wellhead Protection Overlay Zoning, 18-110, Water Resources Protection Overlay Zoning District, 18-153, Shoreland – Wetland Zoning District, 18-13, Definitions, 18-229.2, Applicability, 18-117, General Provisions, and 18-122.1, Flooded Agriculture – Cranberry Farms

Village Planner Jackie Mich stated the changes made in the amendment clean up the language, clarify the setbacks and ease the burden on staff to administer.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Ordinance 120621-03, Regulating Environmental Features 18-101, How to Use this Article, 18-103, Map of Overlay Zoning Districts, 18-108, Environmental Corridor Overlay Zoning District, 18-109, Wellhead Protection Overlay Zoning, 18-110, Water Resources Protection Overlay Zoning District, 18-153, Shoreland – Wetland Zoning District, 18-13,

Definitions, 18-229.2, Applicability, 18-117, General Provisions, and 18-122.1, Flooded Agriculture – Cranberry Farms, and the MOTION carried without negative vote.

Consider Ordinance Amending Zoning Code Section 18-65(b), Regarding Temporary Outdoor Sales, and Creation of Section 18-65(j), Regarding Food and Beverage Vehicles, Carts, and Stands

Mich stated the purpose of the ordinance is to allow food and beverage vehicles, carts and stands for catering use only. Loomer stated Plan Commission recommended limiting the setback from the property line from ten-feet to five-feet.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Ordinance 120621-04, Regarding Food and Beverage Vehicles, Carts, and Stands, as presented, and the MOTION carried without negative vote.

Consider Resolution Adopting 2022-2027 Park and Open Space Plan

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve Resolution 120621-01, adopting 2022-2027 Park and Open Space Plan, and the MOTION carried without negative vote.

Public Works Committee – Trustee O’Neill

Update on Stormwater Management Planning

Village Engineer Terry Tavera stated that Loomer, Day, and him had met with the DNR at several of the sites to discuss permitting and cost sharing. The Shabbona Drive outfall project is moving forward and currently working on permitting. Tavera explained he is working with the DNR on projects located in the TID.

Update on S. Lakeshore Drive Reconstruction

Tavera stated he met with the contractor to go over the punch list items that are not complete. The project will remain open and punch list items are to be completed by the contractor prior to Memorial Day 2022.

Lake Street and Beach Parking Lot Reconstruction – Final Payment Recommendation No. 5

Tavera explained this is the final payment for Lake Street and Beach Parking lot reconstruction. Tavera has reviewed and recommends payment.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve final payment recommendation No. 5 in the amount of \$5,000, and the MOTION carried without negative vote.

S. Lakeshore Drive Reconstruction – Payment Recommendation No. 13

Tavera explained this is a reduction in the retainage for repairs that still need to be completed.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve payment recommendation No. 13 in the amount of \$25,000, and the MOTION carried without negative vote.

2021 Street Resurfacing – Payment Recommendation No. 1

Tavera stated this is the first payment for the street overlay and recommends payment.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve payment recommendation No. 1 in the amount of \$101,041.54, and the MOTION carried without negative vote.

Approve Engineering RFP

Loomer stated seven proposals were submitted and the public works committee recommended staying with Ruckert and Mielke.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Engineering RFP from Ruckert and Mielke, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Accept 2021 Park and Recreation Grant Received from LWMMI in the amount of \$4,058.00

Trustee Prudden/Trustee Petersen 2nd made a MOTION to accept the park and recreation grant from LWMMI in the amount of \$4,058.00, and the MOTION carried without negative vote.

Park Permit Application filed by Big Foot Rec. Dept. for Doggy Egg Hunt on Saturday, April 9, 2022 at 10 am

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the park permit application filed by Big Foot Rec. Dept. for Doggy Egg Hunt on Saturday, April 9, 2022 at 10 am, and the MOTION carried without negative vote.

Park Permit Application filed by Big Foot Rec. Dept. for Easter Egg Hunt on Saturday, April 16, 2022 at 10 am

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the park permit application filed by Big Foot Rec. Dept. for Easter Egg Hunt on Saturday, April 16, 2022 at 10 am, and the MOTION carried without negative vote.

Consider Proposal from Wachtel to Trim Trees Along Hwy 67

Day stated the quote is for \$3,251 to trim the ten pear trees along hwy 67.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the quote from Wachtel in the amount of \$3,251 to trim the ten pear trees along hwy 67, and the MOTION carried without negative vote.

Consider Sale of Ice-Skating Rink

Trustee Livingston stated it was good for awhile and then there has been a lot of vandalism in the past few years. It was suggested to move the rink to Duck Pond and Trustee Livingston stated the only flat area would be in the parking lot and not very well light.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the sale of the ice-skating rink, and the MOTION carried without negative vote.

FW/WPCC – Trustee O’Neill

Consider Proposed Amendment to IGA and Kikkoman Contract

Trustee Petersen explained the amendment changes the words “must sell” to “may consider selling”.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the proposed amendment to IGA and Kikkoman Contract, and the MOTION carried without negative vote.

Police and Fire Commission

Police Officer Hiring Recommendation

This item was discussed in closed session.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve hiring Dillon McGuire, subject to completion of background investigation, physical examination, psychological examination, and drug screening, and the MOTION carried without negative vote.

HR Committee – President Kenny

Contract for Financial Services – Scott Vilona d/b/a Municipal Financial Services, LLC

This item was discussed in closed session.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve contract for financial services with Scott Vilona d/b/a Municipal Financial Services, LLC, subject to proof of insurance and clarifying language in the contract, and the MOTION carried without negative vote.

Reconsider Salary Resolution 110121-03

This item was discussed in closed session.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve salary resolution 110121-03 as presented and provide a 1%, 2% or 3% bonus based on performance evaluations, and the MOTION carried without negative vote.

Closed Session

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 5:46 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,” Contract for Financial Services – Scott Vilona d/b/a Municipal Financial Services, LLC, 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,” specifically Police Officer Hiring Recommendation, Reconsider Salary Resolution 110121-03 and Building Inspection Hiring Update.

The roll call vote was as follows:

Trustee Livingston – Aye

President Kenny – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

The MOTION carried without negative vote, and Trustee O’Neill, Trustee Pappas and Trustee McGreevy absent.

Adjournment

Trustee Prudden/Trustee Petersen 2nd made a MOTION at 6:01 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: 01/04/2022