

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, February 6, 2017**

Village President Pat Kenny called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote: Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy Trustee Pappas, Trustee Prudden

**Trustee Absent:** Trustee Whowell

**Also Present:** Joe Abell, Don Holst, Merilee Holst, Al Kaminski, Clerk Theresa Loomer, Administrator Dennis Martin, DPW Manager Brett McCollum, Fire & Rescue Dept. Chief Wolfgang Nitsch, Police Chief Steve Olson, Andy Pearce, Scott Peterson, Duane Ratay, Maureen Schiel, Village Attorney Dale Thorpe, Treasurer Scott Vilona, Sammi Wendling

**Visitors Heard**

None

**Approval of Village Board Minutes**

The minutes for the Joint Village Board and Plan Commission minutes for the January 9, 2017 meeting were distributed.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the village board minutes for the January 9, 2017 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a motion to approve the Vendor Report and Payroll Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

The January Village and Utility Payable list was distributed.

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> 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**

**Temporary Liquor License Applications Filed by Kevin M. Racky, Anders W. Pearce, Joe Abell, Big Foot Lobster Boil, July 29, 2017**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Temporary Operator's License applications filed by Kevin M. Racky, Anders W. Pearce and Joe Abell for the July 29, 2017 Lobster Boil and Steak Fry, and the MOTION carried without negative vote.

**Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$4,415,000 General Obligation Corporate Purpose Bonds; and Other Related Details**

Financial Specialist Maureen Schiel of Ehlers, Inc., presented the 2017 Bond Series report for the general obligation bond sale that took place earlier in the day to finance sewerage improvements, storm and sanitary sewer improvements, water system improvements and street improvements. The total amount placed out for bid was \$4,355,000, and out of the five bidders, the lowest bidder was BAIRD, Milwaukee, for an interest rate of 2.8274 percent. Schiel reported that the Village's Moody's Investor's Services rating was maintained at Aa3. More detailed information on the sale was included in a handout provided by Schiel and is on file at Village Hall.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 020617-01 Authorizing and Providing for the Sale and Issuance of Not to Exceed \$4,415,000 General Obligation Corporate Purpose Bonds; and Other Related Details, and the Roll Call Vote was as

follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

The MOTION carried on a 6-0 vote with Trustee Whowell absent.

**Consider action to Adopt the Following Resolution: “Resolution Setting Public Hearing to Consider Vacating and Discontinuing a Portion of Mohr Road, a Public Road Located in the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin Pursuant to section 66.1003, Wis. Stats”**

A public hearing is required to continue the process to vacate and discontinue a small portion at the end of Mohr Road, from the village lift station generator building to the current end of the road at the entrance to the driveways for the adjacent residences and the beginning of the Mohr Road Park path to the lakefront shore path. The Village will be abandoning the portion of the road and dividing it between the Adreani and O’Halloran families in return for a permanent park easement from the Adreani family for the west side of the road; and for donating to the Village funds equal to half the total cost to bury the utility lines along Mohr Road; for the purchase of new pumps and generator for the Mohr Road lift station; and for the reconstruction and the installation of storm water management sewers along Mohr Road. The agreement also calls for the Adreani family to authorize the Village’s use of the parcel located at the southeast corner of Indian Hills Road and South Lakeshore Drive for a storm water management project.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Resolution 020617-02 setting a Public Hearing to Consider Vacating and Discontinuing a portion of Mohr Road at a monthly meeting of the Village Board to be scheduled in March, 2017, as a joint session with the Plan Commission if possible. The MOTION carried without negative vote.

**Water Rate Increase Ordinance Approval**

The updated water rates were distributed. They will be applied to the current billing cycle for the next utility bills scheduled to go out April 1, 2017.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 02-06-17-02 repealing and recreating Section 78—94(a)(b), 78-96(a)(b), and 78-97 of the Village of Fontana Municipal Code regarding the authorized Fontana water utility rates and the water service rules pursuant to Docket 2020-WQ-105 of the Public Service Commission dated July 25, 2016, as presented, and the MOTION carried without negative vote.

**Park Commission – Trustee Whowell**

**Special Event Permit and Temporary Liquor License Approval for Big Foot Lions Club 2017 Lobster Boil/Steak Fry**

Martin indicated the Big Foot Lions Club will need to fill out a Sign Permit Application prior to this year’s event even though the proposed signage is included in the special event permit proposal. Approval was recommended by the Park Commission at its last monthly meeting.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Special Event Permit and Temporary Liquor License Application filed by the Big Foot Lions Club for its July 29, 2017 Lobster Boil and Steak Fry event in Reid Park, and the MOTION carried without negative vote.

**Rock Central Park Permit Application for Duck Pond, Saturday, July 15, 2017**

Rock Central submitted a Park Permit Application to hold their annual fundraising event on Saturday, July 15, 2017 at Duck Pond. As discussed at the Park Commission meeting, there is also a softball tournament through Big Foot Ball and Glove scheduled for the same weekend. Martin said he and Brett McCollum met with Lisa Sharpe from Rock Central and the coordinator for Big Foot Ball and Glove last week and they are in agreement on sharing the area at Duck Pond to hold both the softball tournament and concert and there is enough room for both events. Martin said the same conditions will be required as last year if approved by the Village Board, and Rock Central still has to apply for its Temporary Liquor License if they are going sell beer and wine at the event.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the Park Permit Application filed by Rock Central for Duck Pond on Saturday, July 15, 2017, with the same conditions as last year including the organizers meet with the Police Department, Fire Department, DPW and Village Administrator, Rock Central will reimburse the Village up to \$5,000 for expenses, and the Police Department will staff an extra officer, and the MOTION carried without negative vote.

#### **Park Permit Application Fee Amendment Proposal**

The Park Commission recommended the fee for the Park House be reduced from \$75 to \$25 and the security deposit reduced from \$150 to \$100.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve modifying the Park House Usage fee to \$25 and the Security Deposit to \$100, as recommended, and the MOTION carried without negative vote.

#### **Heartland Land Creations Management Plan and Invoice**

Josh Skolnick completed woodland work at the Oak Savanna and Hildebrand Nature Conservancy at the end of 2016 which was not budgeted for. The Park Commission recommended allocating \$5,000 from the Tree Reforestation fund to pay a portion of the invoice. Pappas suggested that using money from the Tree Reforestation Fund should be a one-time occurrence since the money should be designated for planting trees. In order to use money from the fund a budget amendment is required.

Trustee McGreevy/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Resolution 020617-03 for the allocation of \$5,000 from the Tree Reforestation Fund to cover not-budgeted woodland maintenance expenditures, and the MOTION carried without negative vote.

#### **Geneva Lake Use Committee – Trustee Petersen**

##### **Schedule Public Hearing for Uniform Lake Ordinance Amendments**

Petersen said the amended ordinance has removed excess verbiage and includes state statute references. Once approved, the updated ordinance will be handed out at the local boat launches.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to set the public hearing for the Uniform Lake Ordinance Amendments for the next monthly meeting scheduled on Monday, March 6, 2017 beginning at 6:00 pm and the MOTION carried without negative vote.

#### **Public Works – Trustee McGreevy**

##### **County Highway B Water Main Project Bid Approval**

Seven bids were received for the County Highway B Water Main Extension Project and the lowest bidder was Globe Contractors, Inc., in the amount of \$248,005. Petersen had questions on where exactly the pipeline will be placed in relation to county Highway B and was assured it would be located on the north side.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to award the County Highway B Water Main Project to Globe Contractors, Inc., for an amount not to exceed \$248,005.00, and the MOTION carried without negative vote.

##### **DPW Truck Purchase Recommendation**

The Public Works Committee recommended the purchase of a 4300 SBA LP 4x2 truck in the amount of \$77,869.50 which was the lowest quote received from Lakeside International Trucks, Janesville. The truck will replace DPW Truck No. 11 and McCollum said it is smaller than the big trucks but just as powerful. He added the truck being replaced is valued at about \$20,000 and he has already received an inquiry from an interested party willing to pay the assessed price.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the purchase of the 4300 SBA LP 4x2 truck, as presented and recommended, and the MOTION carried without negative vote.

##### **Property Owners Request for Rebate for 154 Fontana Ave. Utility Bill**

The Public Works Committee reviewed a letter from the tenants and several investigative reports from the Utility Dept. staff, and recommended denial of the request since the water did go through the meter and there is no evidence it did not enter the sanitary sewer.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to deny the request to refund the sewer portion of the January, 2017 Village of Fontana Utility Invoice, as recommended by the Public Works Committee, and the MOTION carried without negative vote.

#### **Invoice for Curb Box Damage at 573 N. Lakeshore Drive**

The Public Works Committee reviewed the report of the curb box and lateral being damaged by the contractor working at 573 N. Lakeshore Drive. The curb box and damage was repaired by the Utility Dept. contractor and the committee approved a motion recommending that the invoice be charged to the property owner who can seek reimbursement from their contractor.

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to direct Village staff to send an invoice to the property owner at 573 N. Lakeshore Drive for reimbursement to repair the curb box damage, and the MOTION carried without negative vote.

#### **Bridge Construction Pay Request No. 8**

Final pay request No. 8 was received from Zenith Tech, Inc. for the bridge construction project in the amount of \$105,317.62. The pay request was reviewed by the village engineering firm for the project, Collins Engineers, Milwaukee, and approval is recommended.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Bridge Construction Pay Request No. 8 as submitted by Zenith Tech Inc., for an amount not to exceed \$105,317.62, and the MOTION carried without negative vote.

#### **Marina Building Roof Repair Recommendation**

The Public Works Committee recommended approval of the proposal submitted by Great Lakes Roofing to replace the roof on the Lake Geneva Marine building owned by the Village. The recommended roof has a 10-year warranty which is the length of Kevin Kirkland's current lease. Even though the roof is not going to be pitched as initially recommended, it will likely last much longer than 10 years and will give the Village time to determine whether to keep leasing the current building or consider any other viable options.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Great Lakes Roofing proposal for an amount not to exceed \$41,833, as recommended by the Public Works Committee, and the MOTION carried without negative vote.

#### **Lakefront – Trustee Pappas**

##### **Austin Pier Service Annual Repair Work Estimate**

The January Lakefront and Harbor Committee meeting was cancelled, but Martin said the annual repair work estimate will be presented at the next monthly meeting for review.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the proposal submitted by Austin Pier Service, Inc. for repairs to the Village piers and swim deck, as presented, in an amount not to exceed \$17,516.50, and the MOTION carried without negative vote.

#### **Protection Committee – Trustee Prudden**

##### **Part-Time Police Officer Ballistic Vest Purchase Proposal**

This item was discussed at the Protection Committee and is for information only.

#### **Funding Direction on Paratech Ambulance 2017 Contract and Service**

The board previously provided direction to fund nighttime EMS service through the undesignated fund through April when a referendum was going to be held with the 2017 Spring Election to determine if the public would authorize a special assessment district or an increase in the local tax levy to fund the EMS services; however, staff was informed that a special assessment can't be levied on property owners to fund EMS expenses, and a levy limit referendum question can't be placed on the April ballot as it is not allowed by state statute in an odd-numbered year. A levy limit referendum would have to be planned for a special election in fall after Net New Construction and the levy limit worksheet is received from the state. If the board votes to continue with 24-hour EMS coverage and the funds comes from the undesignated fund, the Village could slowly pay itself back over the course of several years for the money already spent on EMS services. Pappas questioned why the distributed signed Paratech contract was dated through the end of the year when the board had only approved the contract until April 30, 2017. There was discussion about the 90-day notice required by either the

Village or Paratech to terminate the contract, because if the referendum were to pass then there would be an additional three months of expense for Paratech in order to meet the provisions of the contract. Vilona stated depleting the working capital fund could hamper the Village's bond rating and rates in future years. In the last year, Vilona said there has been a total of \$245,000 taken from the undesignated fund to cover the EMS services expenses for 24-hour coverage, and an additional \$100,000 to purchase a pump for the rescue boat last fall. After discussion about the increasing cost for Paratech to switch from 12- to 24-hour shifts, Fire & Rescue Dept. Chief Nitsch stated that Larry Knuth from Paratech agreed to keep the cost the same as the amount stated in the current contract. Living quarters at the Safety Building have been discussed with the Building and Zoning Dept. and there are no issues or concerns with the zoning regulations. Kenny suggested looking at the hours that typically receive the most EMS calls and adjusting the Paratech hours accordingly. There was discussion about partnering with other communities such as the Village and Town of Walworth since most small municipalities are currently having the same troubles obtaining and keeping volunteers. Thorpe stated there was recently a statute change making a county wide system possible, although it is still very new. Walworth County is currently conducting a county wide fire and EMS Study and both Nitsch and Martin have volunteered to be part of the study if needed.

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve a budget amendment to continue funding the contracted EMS services with Paratech Ambulance Service with the working capital fund in the Village Budget through the end of the year, with continued discussion next year, and the MOTION carried on a 5-1 vote with Trustee Pappas opposed.

### **Proposed Ordinance Obstructing/Interfering with Government Services or Employees**

The proposed ordinance was recommended by the Protection Committee and tabled at the November 21, 2016 Village Board meeting so it could be put into ordinance form. The proposed ordinance would allow police to issue citations to any person that prevents a Village employee the ability to carry out their job duties through obstruction and/or interference.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance 020617-01 Obstructing/Interfering with Government Services or Employees, and the MOTION carried without negative vote.

### **Police and Fire Commission**

#### **Promotion of Sergeant Announcement**

The Police and Fire Commission approved the promotion of Officer Derrick Goetsch to fill the Sergeant position once Sergeant Cates takes over as Police Chief. Prudden thanked Al Kaminski and the PFC board members for the time they put into the interviews and selection process.

## **CLOSED SESSION AGENDA**

### **Closed Session**

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION at 6:56 pm to adjourn into Closed Session 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 Offer to Purchase Safety Building Parcel.

The Roll Call Vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

The MOTION carried on a 6-0 vote with Trustee Whowell absent.

### **Adjournment Closed Session**

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to adjourn closed session at 7:04 pm, and the MOTION carried without negative vote

**Closed Session Business**

The item was discussed in closed session and recommended for denial because the property is not currently listed for sale.

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION to deny the Offer to Purchase Safety Building Parcel, as submitted, and the MOTION carried without negative vote.

**Adjournment**

Trustee Petersen/Trustee Prudden 2<sup>nd</sup> made a MOTION at 7:04 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: