

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

**(Official Minutes)**

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES

**Thursday, June 1, 2017**

Village President Pat Kenny called the special meeting of the Village Board to order at 6:10 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote: Trustee Petersen, President Kenny, Trustee O'Neill, Trustee Pappas

**Trustees Absent:** Trustee Prudden, Trustee Livingston, Trustee McGreevy

**Also Present:** Police Chief Jeff Cates, Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum

**Visitors Heard**

Merilee Holst presented concerns she had regarding the removal of 11 trees in Reid Park and questioned why only seven will be replaced. Martin indicated that all trees will be replaced within the Village, just not at the same location, and that it is a requirement of the village Tree Ordinance and Tree City USA. There will be only six new maples trees replanted in Reid Park as the eight that were cut down were originally planted too close together and had grown together over the years, and the three evergreens by the park sign will be replaced with one evergreen tree which will be designated as the Village Christmas tree. Holst asked whether Balanced Environments, Inc. would be providing a 100 percent replacement guarantee since it is not an opportune time to plant. Holst had concerns regarding the payment for the trees since the Park Commission minutes indicated there were only partial funds available for the tree replacement. Martin stated the Park Commission item on tonight's agenda was for approval to purchase a one- or two-year warranty on the trees through Balanced Environments, Inc. and the payment approval to allocate the funding for the new trees had to go before the Village Board because it is in excess of \$3,000. Holst recommended that the Village should have advised the residents on the website or by way of the newspaper prior to cutting down the trees. Kenny agreed that a valuable lesson was learned as he heard from many concerned citizens shortly after the trees were cut down.

**Approval of Village Board Minutes**

The minutes for the May 1, 2017 meeting were distributed.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the village board minutes for the May 1, 2017 meeting, as submitted, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Fourth of July Fireworks Prepayment Authorization**

The Village and Geneva Lake West Chamber of Commerce can receive 5 percent or \$900 worth of free fireworks if the invoice for the July 4<sup>th</sup> display is paid in advance. Martin stated the Village could front the cost that is reimbursed by donations collected by the Chamber of Commerce.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the prepayment for the Fourth of July Fireworks in the amount of \$25,000, and the MOTION carried without negative vote.

**RFP and Appraisal Authorization for Safety Building Purchase Inquiries**

Martin stated there have been recent inquiries on purchasing the Safety Building and staff has recommended drafting an RFP to more clearly establish what the Village Board would require in order to consider selling the site. An appraisal was discussed, but Pappas stated it does not matter what the building is appraised for because the Village would still need to cover the cost of constructing a new building and relocating the Police and Fire and Rescue Departments and that is independent of the appraised value. Petersen stated that no more staff time should be wasted on the issue as the Safety Building is not for sale and if an offer is submitted, it can be considered at that time. Petersen stated that he does not want it to appear that the building is up for sale. O'Neill said

everything is for sale for the right price. McCarthy stated that the Village's comprehensive master plan for the Village Center area, which is where the Safety building is located, does not include government buildings including the emergency services, and by putting out an RFP the Village can put specific terms on the types of offers that would be considered and also provide an increased level of confidentiality for potential offers. An initial motion failed to earn approval and the item was referred to the closed session.

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to deny Authorization for Staff to Draft and Distribute an RFP and Appraisal for the Safety Building, and the MOTION failed on a 2-2 vote with President Kenny and Trustee O'Neill opposed.

#### **Payroll Resolution Amendment**

This item was referred to the closed session.

#### **Reschedule July 3, 2017 Meeting Date Due to Holiday**

The July meeting date was rescheduled to July 10, 2017 due to the Fourth of July holiday.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to reschedule the July meeting date to July 10, 2017, and the MOTION carried without negative vote.

#### **Lakefront Committee – Trustee Pappas**

##### **Pier Permit Application Filed for Susan L. Origer Trust Property at 620 S. Lakeshore Drive**

The Pier Permit Application was reviewed by the Lakefront and Harbor Committee and recommended for approval with the condition the permit is approved by the DNR and an as-built survey is filed upon completion.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Pier Permit application filed for Susan L. Origer Trust property at 620 S. Lakeshore Drive, with the conditions the permit is approved by the DNR and an as-built survey is filed upon completion, and the MOTION carried without negative vote.

#### **Chapter 54 Amendments**

McCarthy made initial amendments to Chapter 54, specifically Chapter 54-86 and 54-87. The Lakefront and Harbor Committee reviewed those amendments and recommended a few minor changes to make the sections clear about what is required for pier permit applications. The amendments are a short-term resolution until Chapter 54 can be revised or rewritten. There is nothing in the proposed ordinance amendment that requires DNR approval.

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Ordinance 060117-01 as recommended, and the MOTION carried without negative vote.

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

##### **Mill Street Curb Repairs Quote**

Martin stated the low estimate for repairs to some of the curb and gutters and for a crosswalk metal safety stamp on Mill Street was submitted by C.J. Concrete in the amount of \$4,610.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Mill Street Curb Repairs Quote as submitted by C.J. Concrete in the amount of \$4,610, and the MOTION carried without negative vote.

#### **Utility Invoice Rebate Requests**

There were three utility invoice rebate requests considered at the last Public Works Committee meeting. Property owner Ray Martinez and his construction contractor Rick Lynam previously submitted a request to the Village to reconsider a \$2,781 invoice that was issued by the Village Utility Department for expenses to repair a sewer main that was crushed by construction vehicles at 489 Waubun Drive. The break was caused by construction trucks that crushed the water main at the site where a new residence was being constructed. The Village Board previously approved the committee's initial recommendation to deny the request because the contractor did not contact the village Utility Department for assistance prior to the day the water main was crushed or ask any questions to the Utility Dept. prior to the main break, which is the practice of all contractors in the village. Martin stated the Public Works Committee minutes for the initial recommendation were vague and Martinez subsequently contacted him to dispute that the contractor did not contact the

village about the project because the village was contacted when the initial call was made to Digger's Hotline. Martinez requested the Village reconsider the request for reimbursement since Digger's Hotline was contacted as required. Martin stated that protocol still requires the contractor to contact the Village Utility Dept. prior to heavy trucks arriving on site for construction and Lynam stated in meetings with staff to discuss the invoice that he should have done so, but he did not for the Martinez project. Martin stated the Dave Rex and his business, D&K Services, did the repair work for a discounted rate and if the contractor had to fix the damage himself it would have cost more.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to deny the request to reconsider the \$2,781 invoice issued to Ray and Rita Martinez for sewer main repairs at 489 Waubun Drive, and to direct them to seek reimbursement from the contractor, and the MOTION carried without negative vote.

The second invoice rebate request was submitted by Lawrence and Katherine Galinski from 353 Hillcrest Drive. Their recent quarterly water and sewer bill was in the amount of \$1,870.22, which is significantly higher than past bills. The Village Utility Department investigated the situation and the meter had recently been replaced, there were no leaks, and the meter tested out fine. PSC rules state that the burden of proof is on the property owner to prove the water did not go down the sewer if the meter tests out fine. The recommendation from Public Works was to deny the request due to the likelihood the problem had been identified and fixed before the Utility Crew investigated.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny the request to rebate a portion of the \$1,870.22 utility bill issued to Lawrence and Katherine Galinski at 353 Hillcrest Drive, and the MOTION carried without negative vote.

The third invoice rebate request was submitted for the Scherb residence at 420 S. Lakeshore Drive for an 111,000 gallon bill. There was reportedly a faucet that was found dripping outside the residence which a plumber confirmed, but when the Village Utility Department went to the residence to investigate, they also found three running toilets. The recommendation from Public Works was to look at the annual usage and refund one-third of the sewer credit over the average usage which amounts to \$235 for the water from the leaky outdoor faucet which did not go down the sewer.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to refund \$235 of the Village Utility Bill to the Scherb Residence at 420 S. Lakeshore Drive, and the MOTION carried without negative vote.

### **Compliance Maintenance Annual Resolution Approval**

The annual Compliance Maintenance Resolution as required by the DNR was distributed. The third page needs to be filled in with the last 11 months of electric use figures for the lift stations. Martin asked for approval with the condition Page No. 3 is filled out. There were no areas of concern in the annual report.

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 060117-01, Annual Compliance Maintenance DNR form, contingent on the completion of Page No. 3, and the MOTION carried without negative vote.

### **Park Commission – Trustee Livingston**

#### **Reid Park Tree Purchase Approval**

Balanced Environments, Inc. submitted an estimate for an extended guarantee for two years for the trees that will be planted in Reid Park. The initial proposal calls for a one-year warranty from the time of planting, and for a second-year warranty, including deep root feeding three times, it would cost an additional \$7,687. Pappas recommended getting multiple quotes for a project with this type of cost and also stated that it puts a lot of stress on a tree to transplant it when it is 6- to 7-inches and it may take between one and three years to know whether any of the trees are declining. There was discussion about waiting another year to have more time to attain other quotes and wait until the ideal time of year for tree planting. McCollum stated he contacted Blackstone which quoted the same prices and they use the same nursery for their trees. Pappas recommended calling GroHort for an additional quote. Martin stated the tree purchase could be postponed for another year, other companies could be consulted, or it could be referred back to Park Commission/Tree Board at their next monthly meeting. The Village Board directed staff to contact other vendors for additional quotes and table the item until the next meeting.

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to table the Reid Park Tree Purchase Approval to the meeting scheduled for June 5, 2017, and the MOTION carried without negative vote.

**Park Permit Application Filed by Mary Ann Sukys Kahl for Park House with Beer/Wine Permit and Reid Park Pavilion on Sunday, July 9, 2017 from 8:00 am to 8:00 pm**

Trustee O'Neill/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Park Permit Application Filed by Mary Ann Sukys Kahl for the Park House with Beer/Wine Permit and Reid Park Pavilion on Sunday, July 9, 2017 from 8:00 am to 8:00 pm, and the MOTION carried without negative vote.

**Park Permit Application Filed by Joyce Rice for Graduation Party at Duck Pond Pavilion on Sunday, June 18, 2017 from 11:00 am to 4:00 pm**

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Park Permit Application Filed by Joyce Rice for Graduation Party at Duck Pond Pavilion on Sunday, June 18, 2017 from 11:00 am to 4:00 pm, and the MOTION carried without negative vote.

**Park Permit Application Filed by Lisa Spedale for Kira Spedale Foundation Walk Around the Lake Fundraiser at Reid Park Pavilion on Sunday, July 23, 2017 from 7:00 am to 6:00 pm**

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Park Permit Application Filed by the Lisa Spedale for Kira Spedale Foundation Walk Around the Lake Fundraiser at Reid Park Pavilion on Sunday, July 23, 2017 from 7:00 am to 6:00 pm and the MOTION carried on a 3-1 vote with Trustee Petersen opposed.

**CLOSED SESSION AGENDA**

**Closed Session**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION at 6:51 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 RFP and Appraisal Authorization for Safety Building Purchase Inquiries and 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 Payroll Resolution Amendment and the roll call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee O'Neill – Aye

Trustee Pappas – Aye

The MOTION carried on a 4-0 vote with Trustee McGreevy, Trustee Prudden and Trustee Livingston absent.

**Adjournment Closed Session**

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn Closed Session and go into Open Session, and the MOTION carried without negative vote.

**Closed Session Business**

**Payroll Resolution Amendment**

Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve Resolution 060117-02, setting exempt salaried and hourly non union personnel rates for the 2017 calendar year as presented, and with an increase in the Police Department Administrative Assistant wage to \$20.00 per hour. The MOTION carried without negative vote.

**Adjournment**

Trustee O'Neill/Trustee Petersen 2<sup>nd</sup> made a MOTION at 7:03 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: