

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, September 12, 2016

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: Stan Livingston, Arvid Petersen, President Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas, Dave Prudden

Also Present: Joe Eberle, Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Fire & Rescue Dept. Chief Wolfgang Nitsch, Attorney Daniel O'Callaghan, Dave Patzelt, Duane Ratay, Attorney Kathryn Sawyer Gutenkunst, Treasurer Scott Vilona, Sammi Wendling

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

The minutes for the August 1, 2016 Village Board meeting were distributed.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the minutes as submitted, and the MOTION carried without negative vote.

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

The July and August Treasurer's Report, Monthly Vendor Report & Payroll Overtime Report were distributed.

Trustee Petersen/Trustee McGreevy 2nd 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 August Village and Utility Payable list was distributed.

Trustee Prudden/Trustee Whowell 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

Operator's License Applications Filed by Glorianna S. Esarco, Renee A. Mathis, Richard E. Selvey, Peter A. Trapino, Donald E. Winkler (Abbey Resort); Tabitha J. Bolding (Big Foot Country Club); Michaela G. Fair (Pie High Pizza)

There were no issues with the applicant's background checks and the \$60 fees have been paid.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Operator's License application filed by Glorianna S. Esarco, Renee A. Mathis, Richard E. Selvey, Peter A. Trapino, Donald E. Winkler (Abbey Resort); Tabitha J. Bolding (Big Foot Country Club) Michaela G. Fair (Pie High Pizza). The MOTION carried without negative vote.

Deer Bow Hunting Authorization for Village Parcels

Martin requested authorization the same as he was given last year to approve deer bow hunters on Village property. He stated he will distribute the list of authorized hunters to the board members and Police Department for the three village parcels.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to direct the village administrator to compile the list of authorized bow hunters for the deer hunting season for the three village parcels designated for hunting in previous years, and the MOTION carried without negative vote.

Big Foot Lions Club Pavilion Project Building Permit Fee Waiver

Thorpe explained that because the new pavilion in Reid Park will be a donation from the Lions Club to the Village, the bid statute does not apply. Martin said CDA member Cindy Wilson requested that the design elements of the Lions Club Pavilion are tied into the architecture of the Reid Park Restrooms/Pavilion building that was constructed with TIF funds. Whowell agreed and requested the pavilion project be more esthetically compatible with the other nearby structures including the restrooms building and the gazebo.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve waiving the permit fee for the Big Foot Lions Club Pavilion project, and the MOTION carried without negative vote.

Blackstone Landscape Contract Proposal for Fertilizing Project Addition

Staff is proposing to add a fertilizing project to Blackstone Landscape's contract. To have Village employees complete the project would cost \$400 to \$500 more than using Blackstone.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the fertilizing project addition to Blackstone's contract in the amount of \$1,840, as presented, and the MOTION carried without negative vote.

Geneva Lake Use Committee – Trustee Petersen

Updated Bylaws Amendment Proposal

The most recent GLUC bylaws update include a provision for a five-year term of office for a Secretary/Treasurer. The position will be compensated \$1,000 per year, and will be paid semi-annually in arrears.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the final draft of the updated Geneva Lake Use Committee Bylaws as submitted, and the MOTION carried without negative vote

Public Works – Trustee McGreevy

Sanitary Sewer Facilities Management Plan Proposed Contracts – Tabled 8/1/16

The item was tabled at last month's meeting in order to allow staff time to gather answers to the questions posed by the board members and to request that Joe Eberle from Ruckert-Mielke attend the meeting. One question had to do with funding and Martin reported that there is enough money in this year's Utility budget to allow for some of the Visu-Sewer work to commence, but he has also been informed that the earliest the Village could get started with Visu-Sewer is around Thanksgiving and no invoice would be issued until next year. Eberle went over the three parts of the contract. The first contract is between the Village and Visu-Sewer to conduct inspections of the lines for an estimated \$67,000, but Eberle suggested increasing that amount to around \$75,000 due to the probability of running into lines that need to be cleaned and cleared. The second agreement is between the Village and Ehlers for financial analysis and funding and will cost an estimated \$5,000. The final portion of the plan is between the Village and Ruckert-Mielke for assessment of the existing sewerage system located between South and North Lakeshore Drives and the lake, forecasting future design flows, outlining design criteria, identifying alternatives, and recommending a specific plan for an estimated \$98,500. Eberle stated that if the DPW staff is able to assist in some areas such as manhole inspections, it could help to reduce the cost. There are no grants available to a high property value municipalities like Fontana for the sanitary sewer study; however, Eberle explained if certain requirements are met, the Village can qualify for low-interest Clean Water Fund loans. One requirement to get on the list for potential loan consideration is that the Village must submit a notice of intent to apply by October 31, 2016. Submitting an intent to apply would not commit the Village to anything in the future, but would simply put the Village on the list. Once Visu-Sewer completes work inspecting the lines, Ruckert-Mielke will put together a recommendation or options available to the Village. Staff and the board can decide on any of the options or a combination of options. Eberle said that if the board approves the plan at this meeting, work would begin by Ruckert-Mielke immediately and work would begin by Visu-Sewer around Thanksgiving. No bills would be received by the Village until after January 1, 2017. At the last Public Works Committee meeting the item was referred to the Finance Committee, which agreed to move forward with the project and revisit it at budget time to determine whether it should be added to the utility budget or to the proposed bond series. There was discussion about possibly going forward with the proposed plan in steps, but Eberle said it is not possible to move forward and apply for the funding

without a Facilities Management Plan. Martin said the sewer needs to be addressed as it has been a known future problem for many years. Since there are certain requirements dictated by state law, Eberle recommended getting started on the plan so by the time seasonal residents return around Memorial Day, the Village is prepared to provide the required citizen notifications, hold meetings and conduct public hearings, then the board can decide how to proceed.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the contracts between the Village and Visu-Sewer, the Village and Ruekert-Mielke, and the Village and Ehlers, as proposed, and pay for a portion of the contracts out of this year's budget if there is money available, and split the remaining funding over the next two years. The MOTION carried without negative vote.

Brookwood Water Tower Contract Change Orders No. 1 and 2, Final Pay Request and Certification of Substantial Completion

Previously authorized change order No. 1 was presented in official format in the additional amount of \$1,500 to remove a steel box from the tank riser; and previously approved change order No. 2 was a decrease in the amount of \$2,500 for alternative fencing that was installed by a Village contractor. The substantial completion notice and Final Pay Request in the amount of \$95,304.50 also were reviewed by staff and the village engineer and recommended for approval. Martin said a small retainage fee is being held for some minor landscape issues.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve Change Orders No. 1 and 2, as presented, and the Final Pay Request in the amount of \$95,304.50 and Certification of Substantial Completion as submitted by Maxcor, Inc., for the Brookwood Water Tower Rehabilitation Project Contract, as recommended, and the MOTION carried without negative vote.

Authorize Payments for Abbey Springs Water Main Project Contractor Insurance Claim

Last spring at the beginning of the Abbey Springs Water Main project, the subcontractor working for Wanasek hit a private lateral and irrigation line at the property owned by Kevin Shaughnessy at 154 Saint Andrews Trail. Two invoices submitted to repair the damages to the landscaping and irrigation system total \$8,245. Martin stated that he has been contacted by the home owners and supplied with information since last March, and the situation should have been handled months ago by Wanasek and its insurance provider. Martin stated that an initial invoice the village paid to D&K Services to repair the lateral also has not been reimbursed by Wanasek or its insurance provider. Martin stated that Wanasek's insurance provider was in contact about one month ago and requested and received all the information on the incident; however, there still has been no contact with the home owner and he is still spending time working to get the incident resolved. Martin stated that the Village engineering firm suggested that the Village pay the other two outstanding invoices, and retain the total amount from all three invoices from the final pay request that will be submitted by Wanasek. Eberle recommended withholding 120 percent of the amount in the event the matter is disputed and more staff time and/or legal expenses are required.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve payments for the repair work at the Shaughnessy residence at 154 Saint Andrews Trails as presented, and to direct the Village engineering firm to withhold 120 percent of the funds allocated by the Village for the repair work invoices from the final pay request to be submitted by Wanasek for the Abbey Springs Water Main Contract until the insurance claim is resolved by the contractor, and the MOTION carried without negative vote.

Authorize Reimbursement for Water Main Break Basement Damage at 635 Aweogon Drive

Due to a Village water main break, the basement of the residence at 635 Aweogon was flooded and as well as cleaning the mess, the carpet needed to be replaced. The owners requested the Village to consider paying half the cost of the replacement carpeting which totaled \$1,680.50 since only half was covered by the insurance claim. Martin stated he did not get a chance to check with the Village's insurance provider to inquire on what exactly was covered by the claim and if there was any deductible, but he needs to check with Statewide Services in order to be sure. The board requested more information be presented at next month's meeting.

Kunes Easement Withdrawal for 1076 S. Lakeshore Drive

Martin stated the easement change approved by the Village Board for the Greg Kunes residence at 1076 S. Lakeshore Drive still has not been executed by Kunes. Martin stated that the Village has

received information that the property may have been sold. Thorpe stated he was instructed to file away the paperwork by Mr. Kunes as they are not moving forward at this time.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to put on the record that the easement for 1076 S. Lakeshore Drive was not been signed or executed and the approval has been withdrawn, and the MOTION carried without negative vote.

DPW Garage Gas Pumps Upgrade Recommendation

Martin said upgrading the gas pumps at the DPW Garage was reviewed by the Public Works Committee and recommended the approval of a \$10,891 proposal from Northwest Petroleum Service, Inc. The current pumps are outdated and are no longer up to code. The new system will consist of a new transfer pump, dispensing equipment, new tank mounted pumps and a card reader system. The cost will be split between the four departments that utilize the gas pumps including DPW, Utility Department, Fire Department and Police Department. The new equipment will have a digital card reader and employees will need to swipe their card prior to fueling their vehicle. The system could be set up so that each employee has a card, or each vehicle has a card.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to approve the proposal to purchase new fuel pumps, dispensing equipment and a card reader system from Northwest Petroleum Service, Inc., Wausau, for an amount not to exceed 10,891, to be purchased outright if there are funds available in the 2016 budgets, or to defer the purchase to 2017 and include in the budgets if the funds are not available. The MOTION carried without negative vote.

Sanitary Sewer Repair Invoice for 489 Waubun Drive Construction

The Village issued a \$2,781 invoice due to a sewer main break at a residential construction site at 489 Waubun Drive. Contractor Rick Lynam is constructing a residence for property owners Ray and Rita Martinez and has requested the Village reconsider the invoice because he believes that the sewer main that was crushed is located too close to the street surface and that the construction trucks crushing the main at that site is not his responsibility. It was reported at the Public Works Committee meeting that Lynman did not ask the Fontana Utility Department for any assistance prior to the main break, did not call in the required Diggers Hotline locate and it was the weight of the trucks that caused the sewer main to crush and not the depth of the pipes. D&K Services repaired the damage at a very inexpensive rate compared to what the cost would be to the contractor if he would have to fix the damage.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to deny the request to reconsider the \$2,781 invoice issued to Ray and Rita Martinez for sewer main repair expenses at 489 Waubun Drive, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Park Permit Application Filed by Dan Ree for Reid Park Gazebo on October 8, 2016 from 10:00 am to 3:00 pm

Trustee Whowell/Trustee Livingston 2nd made a MOTION to approve the park permit application filed by Dan Ree for the Reid Park Gazebo on October 8, 2016 from 10:00 am to 3:00 pm, and the MOTION carried without negative vote.

Park Permit Application filed by Krystal O’Neill for Reid Park Gazebo on September 24, 2016 from 12:00 pm to 4:00 pm

Trustee Whowell/Trustee Livingston 2nd made a MOTION to approve the park permit application filed by Krystal O’Neill for Reid Park Gazebo on September 24, 2016 from 12:00 pm to 4:00 pm, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Proposed Amendment to Ordinance 42-1 to Include Entire State Statute 943.23

Municipal Code Section 42-1 previously included only 943.23(4m) rather than the entire state statute and subsections. The new ordinance includes the entire section and rectifies a reference to the word “city” rather than “village”.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Ordinance 091216-01, adopting State Statute 943.23 in its entirety, and the MOTION carried without negative vote.

Paratech Contract Extension Proposal

The contract adopted earlier this year with Paratech Ambulance Service, Inc. only extends until October 1, 2016. The new proposal would extend the current contract which covers the shift from 6:00 am to 6:00 pm and from 6:00 pm to 6:00 am until December 31, 2016 at the cost of roughly \$35,000 per month.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the contract with Paratech Ambulance Service, Inc. through December 31, 2016, as presented, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Sylvan Glen Drive Property Owner's Mooring Permit Application

A petition to declare ownership of the lakefront parcel and the private road that was filed by the Sylvan Glen Drive property owners in March 2016 was successful in Walworth County Circuit Court where the court ruled favor of the individual property owners. The application is for the installation of four mooring buoys. The current pier and slips are not part of the application. The Lakefront and Harbor Committee reviewed the mooring buoys and staff and village attorney have spent extensive time on the application and have determined the buoy plan complies with the requirements set forth by Municipal Code Section 54-161. The recommendation from Lakefront and Harbor was to approve the application subject to three conditions which included that boats on the east side are limited to 21-feet-long with 4-foot painters and 2-foot scopes; that boats on the west side are limited to 23-feet-long with 4-foot painters and 2-foot scopes; that there is written permission from the adjacent property owner to the west that will be recorded; and that all necessary DNR permits are obtained and an as-built survey is submitted upon completion. Attorneys for both sides were present for the meeting and were agreeable to the terms and conditions presented.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the application for four mooring buoys filed by the Sylvan Glen Drive property owners as submitted with the conditions that the boat size on the two easterly buoys be limited to a maximum of 21-feet-long with 4-foot painters and 2-foot scopes; that the boat size on the two westerly buoys be limited to a maximum of 23-feet-long with 4-foot painters and 2-foot scopes; that the consent of neighboring property owner to the west Kent Shodeen be recorded with the Walworth County Register of Deeds Office; that any necessary permits or approvals are received from the Wisconsin Department of Natural Resources; and that an as-built survey is submitted following the installation of the buoys. The MOTION carried without negative vote.

Finance Committee – President Kenny

2017 Budget Planning Schedule & Direction

The budget planning meeting schedule for 2017 Budget proposed by the Finance Committee was distributed. The dates are as follows: Tuesday, September 20, 2016, Finance Committee's Initial Review of Preliminary Budget Worksheets for Municipal Court, Building Inspection, Police, Fire & Rescue, and Parks; Tuesday, October 4, 2016, Finance Initial Review of Preliminary Budget Worksheets for Library, PW, Debt, Admin and Utility Budget; Thursday, October 6, 2016, Finance & Village Board Review of Committee approved Final Budget Worksheets; Thursday, October 13, 2016, Village Board and Finance Committee Budget Workshop; Monday, October 31, 2016, Deadline for Publishing Budget Summary; Thursday, November 3, 2016, Publication Date for the Budget Summary; and Monday, November 14, 2016, Public Hearing for the 2017 Village Budget.

Human Resources Committee

Police Dept. Admin. Assistant Probationary Period Review

Martin stated newly hired Police Department Administrative Assistant Stephanie Klug's contract calls for a \$.50 raise after passing a 3-month probationary period.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Probationary Review and \$.50 raise for Police Department Administrative Assistant Stephanie Klug, as recommended, and the MOTION carried without negative vote.

CLOSED SESSION AGENDA

Closed Session

Trustee Prudden/President Kenny 2nd made a MOTION at 6:45 pm to adjourn into Closed Session

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 Dept. Admin. Assistant Probationary Period Review; and pursuant to Wis. Stats. Chapter 19.85(1)(g), “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” specifically Municipal Citation Issued to William Barrett, and Municipal Citations Issued to Bill Coyne.

The Roll Call Vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

The MOTION carried on a 7-0 vote.

Adjournment Closed Session

Trustee McGreevy/Trustee Prudden 2nd made a MOTION at 6:56 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Adjournment

Trustee Livingston/Trustee Petersen 2nd made a MOTION at 6:57 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: