

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

(Official Minutes)

2017 BUDGET HEARING & RESCHEDULED MONTHLY MEETING
of the VILLAGE BOARD OF TRUSTEES

Monday, November 21, 2016

Village President Pat Kenny called the 2017 Budget Public Hearing meeting and rescheduled 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: President Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas, Dave Prudden, Stan Livingston, Arvid Petersen

Also Present: Greg Blizzard, Police Sergeant Jeff Cates, Nick Egert, Jon Kemmett, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Fire & Rescue Dept. Chief Wolfgang Nitsch, Police Chief Steve Olson, Scott Peterson, Duane Ratay, Attorney Dale Thorpe, Treasurer Scott Vilona

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the open and closed session minutes for the meeting held October 3, 2016, and the MOTION carried without negative vote.
Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the minutes for the meeting held October 13, 2016, as presented, and the MOTION carried without negative vote.

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

Trustee McGreevy/Trustee Whowell 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

Trustee McGreevy/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.

Protection Committee – Trustee Prudden

Paratech Ambulance Service, Inc. 2017 Agreement Approval – Contingency Fund Authorization for Night Hours

Authorization for an annual special assessment to be added to the property tax bills to fund the expenses for the EMS services is proposed to go to referendum in April 2017 at the Spring Election, but until then, staff and the Protection Committee has recommended that coverage for the 6:00 pm to 6:00 am shift should be continued in 2017 and paid for from the Contingency Fund. Martin stated that if the referendum is approved, the Village will be able to use the special assessment process to recoup the funds taken out of the contingency and to fund future emergency medical services expenses and to keep the General Fund expenses within the levy limit set annually by the state. The published budget for 2017 only contains funds for the day shift as that amount brings the Village to its total levy limit for the 2016 tax bills. The contract presented will have to be amended to include continuous coverage for the night shift as well as a rate increase proposed by Paratech, and Martin stated he will work with Fire & Rescue Dept. Chief Nitsch to make sure the appropriate language appears in the contract. There was discussion about making two motions in the event the referendum fails; however, only one motion was made.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve 24-hour emergency service coverage by Paratech Ambulance Service, Inc., through April 30, 2017, subject to the Village

Attorney's review of the updated Paratech Contract, with the funds for the nighttime service to be taken from the contingency fund, and the MOTION carried without negative vote.

April 4, 2017 Referendum Planning for EMS Services Special Assessment Funding Authorization

Martin explained that in order to authorize the establishment of a special assessment district to fund the expenses for EMS services outside of the General Fund and the annual local tax levy, a referendum must be approved by the residents. The proposed referendum would appear on the April 4, 2017 Spring Election ballot. If approved, the annual operating budget for the EMS would be broken down into a special assessment for each tax parcel in the Village, and that assessment would be included on the annual property tax bills. Thorpe explained the difference between a special assessment district just for EMS services, and a multi-jurisdictional fire and rescue district. Martin stated that the referendum question will have to be approved by the Village Board and then certified by the state sometime in January 2017, 70 days prior to the election date.

Trustee McGreevy/Trustee Livingston 2nd made MOTION to direct staff to plan for EMS special assessment funding referendum question(s) to be certified for placement on the April 4, 2017 Spring Election ballot, and the MOTION carried without negative vote.

Proposed Ordinance Obstructing/Interfering with Government Services or Employees

Police Chief Olson explained that several situations have come up recently where a Village staff member has been unable to perform their job because of harassment or obstruction by a citizen. This has included situations where fire personnel were dispatched to an alarm and the person on-site would not let the firefighters clear the home, and DPW employees checking meter readings. Thorpe asked if the proposed ordinance falls under the general umbrella of disorderly conduct. Olson explained that situations have to meet certain criteria in order to be charged with obstructing or disorderly conduct, and the examples given do not meet those conditions.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to direct the Village Attorney to prepare the proposal in ordinance form and present it at the next monthly meeting, and the MOTION carried without negative vote.

FEMA Grant Application Submission Approval

The authorization is to apply for a grant for the Fire and Rescue Department to obtain equipment.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to authorize the submission for an application for the FEMA grant program, as presented, and the MOTION carried without negative vote.

GLLEA – Trustee Petersen

2017 Proposed Budget

The GLLEA proposed budget for 2017 is a decrease of 4.22 percent over last year for the total amount of \$186,250.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the 2017 GLLEA budget, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

2017 Services Agreements for Keizer and Sons and Johns Disposal

There is a \$300 per month increase requested for the 2017 residential garbage collection contract with Keizer and Sons, Inc. for a total monthly cost of \$17,978. There was no increase requested for the 2017 recyclable collection contract with John's Disposal. The monthly cost will remain flat at \$5,994 per month.

Trustee Pappas/Trustee Livingston 2nd made a MOTION to approve the 2017 contracts between the Village and Keizer and Sons, Inc. and John's Disposal, as presented, and the MOTION carried without negative vote.

GLEA 2017 Proposed Budget

The proposed 2017 budget is for the amount of \$124,506. There is no increase over last year.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the 2017 GLEA budget, as presented, and the MOTION carried without negative vote.

Geneva Lake Water Safety Patrol 2017 Proposed Budget

There is about a \$1,000 increase in the 2017 budget over last year for the total amount of \$39,920. Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the 2017 Geneva Lake Water Safety Patrol proposed budget, as proposed, and the MOTION carried without negative vote.

2017 Village of Fontana Municipal Budget Public Hearing

President Kenny opened the Public Hearing at 6:12 pm. Vilona explained the proposed budget works to rebuild working capital which is required to be 30 percent of revenue. After the purchase of the new fire truck last year, the working capital fund went below 30 percent but the 2016 bonding has made up for the difference. He said the assessed value has went up, which has helped increase the levy limit. The MIL rate for the Joint 8 School district is \$13.74 per \$1,000, for the Joint 6 School district it is \$13.46 per \$1,000 and for the Joint 1 School District it is \$17.88 per \$1,000. No one spoke for or against the proposed 2017 budget. The public hearing was closed at 6:14 pm.

Resolution Adopting the Tax Rate for 2016 and Collected in 2017

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve Resolution 11-21-16-01, adopting the tax rate for 2016 and collected in 2017, as presented. The MOTION carried without negative vote.

Resolution Recognizing the 2016 Tax Levies

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Resolution 11-21-16-02 Recognizing the 2016 Tax Levies as presented, and the MOTION carried without negative vote.

Ordinance to adopt the 2016 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 2017 Fiscal Year

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve Ordinance 11-21-16-01 adopting the 2017 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 2017 Fiscal Year, and the MOTION carried without negative vote.

Operator's License Application Filed by Tim Atherden (Abbey Resort)

There were no issues with the background check and the \$60 fee has been paid. Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the operator's license application filed by Tim Atherden, and the MOTION carried without negative vote.

2017 Audit Engagement Letter

The annual audit engagement letter submitted by CPA Patrick Romenesko was distributed and is on file at Village Hall. Martin said there is a slight increase in the cost over last year.

Trustee Prudden/Trustee Whowell 2nd made a MOTION to approve the 2017 audit engagement letter as submitted by CPA Patrick Romenesko, SC., and the MOTION carried without negative vote.

Holiday Party Planning

Trustee Whowell/Trustee Petersen 2nd made a MOTION to schedule the 2016 holiday party at Gordy's Boathouse on Monday, December 19, 2016, from 6:00 to 9:00 pm, and the MOTION carried without negative vote.

Reschedule December and January Meetings

If needed, the December meeting will be scheduled for December 19, 2016. Since the January 1 holiday is observed on the first Monday of the month, the January meeting was rescheduled to Monday, January 9, 2016.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to reschedule the December Village Board meeting for Monday, December 19, 2016, if needed, and reschedule the January Village Board meeting for Monday, January 9, 2016, and the MOTION carried without negative vote.

FW/WPCC – Trustee Petersen

Approval Recommendation for Lease of Commission Agricultural Land 2017

The land is leased from Tom Kauer of Kauer Farms in Walworth at a rate of \$175/acre with the same terms as the 2016 agreement.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the 2017 Farm Lease, as presented, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Glenwood Springs Association Request to store Boat Lifts on Municipal Beach

Pappas summarized the history of the Glenwood Springs Association boat lift storage during the winter months. Pappas stated the Village has denied other associations the ability to store lifts on lakefront property and felt it is only fair to deny Glenwood Springs too.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to deny the request from Glenwood Springs for permission to store boat lifts on the Village owned public beach parcel, and the MOTION carried without negative vote.

Indian Hills Association Request to Store Boat Lifts on Municipal Beach

An emailed request was received from Wes Samuels, President of the Indian Hills Homeowners Association, asking permission to store the Indian Hills Association boat lifts on Village property for the winter season.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to deny the request from Indian Hills for permission to store boat lifts on Village property, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Memorial Tree Application for Hildebrand Conservancy Mill Street Park Entrance – Courtney Dudek

Trustee Whowell/Trustee Pappas 2nd made a MOTION to approve the memorial tree application for a magnolia tree in the Hildebrand Conservancy Mill Street Park Entrance as submitted by Courtney Dudek, and the MOTION carried without negative vote.

Memorial Bench Application for Lakefront Path – Beau Roddy

Trustee Whowell/Trustee McGreevy 2nd made a MOTION to approve the memorial bench application for the Reid Park lakefront path as submitted by Beau Roddy, and the MOTION carried without negative vote.

Reid Park Backstop Fence Proposal

Whowell stated the Park Commission has the money to repair or replace the backstop fence in Reid Park and would like to have the board's approval. Pappas asked whether the whole backstop should be replaced instead of reusing the posts and rails. Whowell explained the quote covers a completely new backstop, but if any of the parts are in good shape and can be reused, then they will.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the B&M Fence Company, Inc. proposal to replace the backstop fence in Reid Park for an amount not to exceed \$4,700, and the MOTION carried without negative vote.

Tree City/Bird City Wisconsin Renewal Application

Martin asked the board to pass a motion to recommend the filing of the annual renewal applications for Tree City USA and for Bird City Wisconsin. The Tree City application has already been filed, but Martin stated that the Village Board should still consider a motion to formally approve the application.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve filing the Tree City application, as presented, and the MOTION carried without negative vote.

Trustee Whowell/Trustee McGreevy 2nd made a MOTION to approve the filing of the annual renewal application and Resolution 11-21-16-04 Recognizing International Migratory Bird Day, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Chapter 17 Amendment to Reincorporate Lot Line Adjustment Approval Process

The amendment to Chapter 17 will reincorporate an ordinance to go with the fee for the zoning review to ensure the lot line adjustment approval process complies with the zoning code. Trustee Prudden/Trustee Whowell 2nd made a MOTION to approve Zoning Code Ordinance 11-21-16-02 to reincorporate the requirement for review of lot line adjustments, as recommended by the Plan Commission, and the MOTION carried without negative vote.

122 Fontana Avenue CSM Approval Condition Removal

McCarthy explained that when the conditions were set as part of the CSM approval process for the lots at 122 Fontana Avenue, it was believed that the lots would be sold as individual lots; however, the new owner purchased both lots and is using them as a single lot. It's recommended that Condition No. 8, which states, "The existing accessory structure on Lot 1 shall be removed within 90 days from approval of the CSM unless permits to build a principal structure on the lot are obtained within this timeframe," is removed.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to remove Condition No. 8 of the approved CSM for 122 Fontana Boulevard, as recommended, and the MOTION carried without negative vote.

Resolution Setting Public Hearing to Consider Vacating and Discontinuing a Portion of Hillcrest Drive

A proposed Resolution and survey map were included in the packets. Thorpe explained there is a triangle piece of land on Hillcrest Drive that the owner located to the north would like to claim title to; however, there are no good records of the chain of title to that portion of the road. At the last Plan Commission meeting, members directed the Village Attorney to sort out the title flaw and bring a solution to the Village Board. Martin said there are no objections from Public Works or the Village engineer to discontinue the triangle piece of land on Hillcrest Drive. In order to vacate the road, a Class III notice must be published and a hearing must be scheduled at least 40 days out to accommodate the notice. The Department of Transportation must also be notified. A final recommendation after the hearing must come from the Plan Commission, so a special Plan Commission meeting will tentatively be scheduled prior to the January 9, 2017 Village Board meeting. Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve Resolution 11-21-16-03, setting a public hearing for January 9, 2017 at 5:30 pm to consider vacating and discontinuing a portion of Hillcrest Drive, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Proposed Ordinance Amendment Establishing Tourism Commission

Due to a room tax law passed last year, staff is recommending establishing a Tourism Commission in order to keep control of allocating the local room tax proceeds. The commission will be made up of a representative from the hotel or motel industry, one staff member (either the treasurer or administrator), one trustee, and two local business owners. All appointments must be made by the village president and confirmed by the village board.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to adopt Ordinance 11-21-16-03 creating Division 13, Sections 2-447 to 2-452 of the municipal code, establishing a Tourism Commission, and the MOTION carried without negative vote.

Public Works Committee – Trustee McGreevy

Paving Proposal for Reid Park Pavilion Site

Three quotes were obtained to pave area abutting the alley and Chuck's parking lot by the Reid Park Pavilion site and the lowest quote came in at \$7,372, with an additional \$950 for 4-inch asphalt lifts in place of 3-inch lifts, if desired. The quote was submitted by W.N. Yoss Construction, Inc., Janesville. Martin stated staff would like to get it paved this week, if possible, to help control erosion problems with the dirt and assist with snow plowing in the winter. Public Works and Park Commission will be finalizing the landscaping and parking plan recommendations for the final site plan. Pappas suggested putting in two lifts, one now and one in spring in order to ensure the quality of the final surface layer. Trustee Livingston/Trustee Whowell 2nd made a MOTION to approve the proposal as submitted for a 3-inch asphalt surface in two lifts, but to only install the first lift this fall if possible, and to install the second lift in the spring. The MOTION carried without negative vote.

Human Resources – President Kenny

Employment Agreement for Police Dept. Administrative Assistant

Pappas brought up the incomplete sick hour accrual provision outlined in the proposed employee agreement and Martin confirmed that the old maximum of 720 hours is now 480 hours for new employees and that paragraph had gotten cut off in the printed copies distributed in the meeting packets. The agreement will be amended to reflect the correct amount of sick hours. Pappas stated that the updated employee handbook needs to be presented so that there is concise policies and language that can be applied to all employees. Martin stated that the ongoing project to update the Employee Personnel Policies Manual and he hopes to get it finalized and presented to the Village Board early in the next year.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve the Employment Agreement for Police Dept. Administrative Assistant Stephanie Klug with the amended provision for a maximum of 480 sick hours, as discussed, and the MOTION carried without negative vote.

Payroll Resolution Amendment for Zoning Administrator One-Year Anniversary Contracted Pay Raise

Martin said Zoning Administrator Bridget McCarthy’s contract calls for a \$2,500 wage increase after one year of employment.

Trustee Livingston/Trustee Whowell 2nd made a MOTION to approve Resolution 11-21-16-05 amending Resolution 10-03-16-01 Setting Exempt Salaried and Hourly Non Union Personnel Rates for the 2016 Calendar Year, and the MOTION carried without negative vote.

CLOSED SESSION AGENDA

Closed Session

Trustee Whowell/Trustee Prudden 2nd made a MOTION at 6:46 pm to adjourn into Closed Session Pursuant to Wis. Stats. Chapter 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 PFC Direction and Recommendation for Chief of Police Replacement, WPPA Union Contract Negotiations, AFSCME Pay Scale Amendment Proposal, Police Dept. Administrative Assistant Employment Agreement and Payroll Amendment for Zoning Administrator Contracted Salary Increase, and Chapter 19.85(1)(e), “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require,” specifically PFC Direction and Recommendation for Chief of Police Replacement, WPPA Union Contract Renewal Negotiations, and AFSCME Pay Scale Amendment Proposal, and the Roll Call vote was as follows:

Trustee McGreevy – Aye

Trustee Whowell - Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

The MOTION carried on a 7-0 vote.

Adjournment Closed Session

Trustee Petersen/Trustee McGreevy 2nd made a motion at 7:30 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee Prudden 2nd made a MOTION at 7:30 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: