

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Tuesday, September 5, 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 Prudden, Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill, Trustee Pappas

Also Present: Dennis Barr, Jeff Cates, Bob Chanson, Lawrence Galinski, Theresa Loomer, Dennis Martin, Bridget McCarthy, Brett McCollum, Ron Nyman, Ed Svitek, Scott Vilona

Visitors Heard

Ed Svitek introduced himself as the new president of Visit Lake Geneva and provided a brief background on his marketing experience. He stated he is looking for branding of the Geneva Lake Area and anyone that has any thoughts or ideas including history, experience, etc. is encouraged to contact him.

Martin said the Village had to close South Lakeshore Drive at Indian Hills Road for the next two weeks, but traffic can still get through Indian Hills Road from Highway B to Berwyn Drive and anyone that lives on Indian Hills will be getting a notice tomorrow morning indicating that they will still be able to get to into their driveway.

Approval of Village Board Minutes

The minutes for the August 7, 2017 meeting were distributed.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the village board minutes for the August 7, 2017 meeting, as submitted, and the MOTION carried without negative vote.

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

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Treasurer's Report, 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. An additional invoice was added for Josh Skolnick from Heartland Creations in the amount of \$1,250 for work completed in the Fen and is part of the \$5,000 that was allocated for that purpose.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented, with the addition of the \$1,250 invoice submitted by Josh Skolnick from Heartland Land Creations, and the MOTION carried without negative vote.

General Business

Authorize Village Parcels for Annual Deer Hunting

The 2016-2017 Deer Bow Hunting Authorization list was distributed in the packets to indicate which Village parcels hunting is allowed and Martin stated that every year he updates the list with the current hunters. Petersen wants to make sure the hunters know the rules and regulations and that they abide by them. Martin stated Britt Isham coordinates the schedule and makes sure there are not too many people out hunting on one parcel at any given time. Pappas requested the list be updated to reflect the correct phone numbers for each individual allowed to hunt on village land.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to authorize Deer Bow Hunting for Village of Fontana Property including the DPW/Compost Site, Two Lots Off County Highway B (Tax Parcels STFV 00166 & STFV 00166C), and Wells No. 1 and 3, and the MOTION carried without negative vote.

Boat Damage Claim Filed by David Luczak

A claim was filed by David Luczak of Lake Forest, IL who reported he was driving his boat in Fontana Bay when he pulled up to Pier No. 1 and a broken plastic resin protective board on the pier had left a large exposed bolt that gouged Mr. Luczak's boat. The claim is for \$300. Martin spoke to Darrell Frederick from Austin Pier Service who said it is possible the boat ran into the pier and that is what exposed the bolt, but there is no way of telling what or when the bolt became exposed. McGreevy stated that most people upon seeing a bolt sticking out would either park somewhere else or use a bumper in between the boat and the pier. Several trustees stated that by approving the claim the Village would be opening themselves up for similar claims.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to deny the boat damage claim filed by David Luczak in the amount of \$300, and the MOTION carried without negative vote.

Operator's License Applications Filed by Avery J Lettenberger, Pie High Pizza; and Michael F McErlean and Kurt G Pilcher, Abbey Resort

There were no concerns with the background checks and the \$60 fees have been paid.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the Operator's License applications filed by Avery J. Lettenberger (Pie High Pizza) and Michael F. McErlean and Kurt G. Pilcher (Abbey Resort), and the MOTION carried without negative vote.

Finance Committee – President Kenny

Resolution Establishing Referendum to Exceed Levy Limits Pursuant to State Statute 66.0602(4) and Certifying Question for November 14, 2017 Special Election

Martin stated the Finance Committee approved the proposed resolution and the treasurer has been in contact with the Department of Revenue on the wording requirements of the referendum question. The state statutes require a 70-day advanced notice for a referendum which would bring the earliest election date possible to Tuesday, November 14th. The proposed referendum question was distributed and Martin disclosed the legal wording of the first few sentences cannot be changed, but asked for input on the last sentence and several ideas were discussed. The contact from the Department of Revenue who ultimately approves levy limit referendum questions conveyed they want municipalities to include a specific purpose and dollar amount to eliminate any voter confusion. After discussion, it was determined the final sentence of the referendum should state, "This is a necessity for the Village to continue to provide 24-hour Emergency Medical Services for our Village. The funds will be used exclusively for this purpose."

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve Resolution 090517-01 Establishing Referendum to Exceed Levy Limits Pursuant to State Statute 66.0602(4) and Certifying Question for November 14, 2017 Special Election to read "Under state law, the increase in the lvey of Village of Fontana-on-Geneva Lake for the tax to be imposed for the next fiscal year, 2018 is limited to 1.683%, which results in a base levy before debt service of \$2,383,700. When allowable debt service is added the new net levy limit is \$3,588,669. Shall the Village of Fontana-on-Geneva Lake be allowed to exceed this limit and increase the levy for an ongoing basis by up to \$250,000 per year, which for 2018 equals 6.9% and results in a total municipality levy of \$3,838,669? This is a necessity for the Village to continue to provide 24-hour Emergency Medical Services for our Village. The funds will be used exclusively for this purpose. YES/NO." The MOTION carried without negative vote.

Accurate Appraisal Contract Renewal Recommendation

The Village's current contracted assessor, Accurate Appraisal, LLC., submitted a four year renewal contract for the years 2018-2021 for Market Revaluation/Maintenance in the amount of \$156,800. In response to a question posed by Pappas, Martin said if the state determines a revaluation is required the contract would need to be renegotiated. Vilona added the state recommends requesting that the assessor try to maintain the Village at 100% so no revaluation is necessary.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the contract between Accurate Appraisal and the Village for the years 2018-2021, in the amount of \$156,800, as presented and recommended, and the MOTION carried without negative vote.

2018 Beach, Parking and F Sticker Rates Recommendation

The Lakefront and Finance Committees reviewed the 2018 Beach, Parking and F Sticker Rates. The Lakefront Committee recommended eliminating the Big Foot High School District season pass which sells for \$40 and is one-half of the \$80 non-resident rate; Finance Committee did not support that recommendation but did support increasing the Big Foot High School District rate as well as the rate for out of town residents. Lakefront Committee recommended increasing the daily beach pass fee for children from \$4 to \$5 and for adults from \$8 to \$10. Historically, season beach passes for residents have been in line with the daily rate at the beach, which would make the first six resident beach passes \$5 each and the next six \$10 each. There was discussion on whether to raise the beach rates since by doing so Fontana would be the highest on the lake; however, Pappas stated that if the Village is trying to make the lakefront more accessible to residents, raising the rate would be one way to do so. O'Neill recommended keeping the season resident rates the same but increasing Big Foot District and non-resident season pass rate. Increasing parking rates was also discussed at the committee level and it was pointed out that Lake Geneva recently raised their parking rates from \$1 an hour to \$2 an hour without concern. The recommendation out of Lakefront Committee was to charge a higher rate for parking on weekends and holidays, however, in order to change the rates, the parking meters would have to be reprogrammed and it is possible that any money gained from an increased parking fee would go to TPS to reprogram the meters. Special event parking on holidays could be reconsidered, but there is also a cost to pay employees to manage the lots and collect money. Resident and Lakefront Committee member Bob Chanson expressed his concerns that the taxpayers in Fontana pay 3.5 Million dollars annually to the Village while the beach and parking revenue from out of town residents nets only around \$200,000 per year. He said residents cannot find parking spots at the lakefront in order to access the beach or their boats stored on Village leased pier slips. He feels that as citizens and taxpayers, Village residents should have access to the prime parking spots along the lakefront. Chanson suggested designating the first 50 parking spots in Lot No. 1, the lot closest to the lake, as F Sticker Only which would guarantee that only residents could park in those spaces using their F stickers. There was discussion about which parking spots could be designated for that purpose, how many, and whether the lot across the street next to the Abbey would be more appropriate to designate as an F Sticker Only lot. Chief Cates addressed raising the parking rates and stated that while some visitors may not bat an eye and may pay the increased rates, it might also push more parked vehicles onto the side streets. He stated the police department receives numerous complaints daily about cars parked on side streets which block driveways or other access points. He proposed resurfacing Lake Street and creating angled parking which would add approximately 20 more stalls; however, Martin stated that would only be possible by referendum due to a legal settlement that took place several years back and recommended taking the item to the Protection Committee for follow up. McGreevy asked about raising parking citation rates which are currently only \$15 per day, and that request was also directed to Protection Committee for follow up.

Trustee O'Neill/Trustee Livingston 2nd made a MOTION to approve Resolution 090517-02 amending Resolution 050117-01 amending the fee schedule to increase the season beach pass rate for out of town residents to \$100, increase the season beach pass rate for Big Foot High School residents to \$50, and increase the daily beach pass rate to \$5 for children ages six to 11 and \$10 for adults ages 12 and older, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

2018 Mooring Lease Rates Recommendation

The Lakefront Committee recommended increasing mooring lease rates by 3% across the board for the 2018 season. This is part of Resolution 090517-02.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to increase the mooring lease rates by 3% for the 2018 season. The new lease rates will be \$2,626.50 for 24-foot slip rental, \$2,842.80 for 26-foot slip rental, \$291 for non-motorized ramp rental and \$576.80 for motorized ramp rental, and the MOTION carried without negative vote. President Kenny and Trustee Prudden abstained due to leasing Village boat slips.

Proposal for Additional Geneva Lake Channel Marker and Slow/No Wake Buoy

Pappas stated there were complaints from Country Club Estates residents about boats leaving the Abbey Harbor too quickly and causing a wake in the slow-no-wake zone. Although it is an enforcement issue which the Geneva Lake Law Enforcement Agency has been advised of, the committee recommended extending the line of slow-no-wake buoys to the channel and adding one

additional buoy in line with the rest of them. Darrell Frederick from Austin Pier Service stated it would not cost more than \$300 for the installation of the additional buoy.

Public Works – Trustee McGreevy

Reconsideration for Utility Invoice Reduction for Lawrence Galinski Residence, 353 Hillcrest Drive – Tabled August 7, 2017

The item was tabled at last month's meeting for homeowner Lawrence Galinski to obtain a letter from his plumber confirming there were no issues in the house which would have caused 200,000 gallons of water to run through the meter. The request had previously been denied but was brought back for reconsideration. Water Dept. Lead Dennis Barr stated that according to Public Service Commission rules, the Village is only responsible for the water meter in the house, not the water that runs through it, and the meter checked out fine at both the DPW shop and at an independent lab. He stated from the water main to the buffalo box is the Village's responsibility and from the buffalo box to the house is the homeowner's responsibility. It is not up to the Village to find out where or how the water that went through the meter was used, and according to the PSC the Village should have no further involvement. When asked where the water could have gone, Barr stated the water softener is a possibility. The homeowner provided a letter from a plumber as requested at the last monthly meeting so Pappas stated the board should follow through and approve the agreed upon refund.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve a refund of \$2,000 for the utility invoices from April 1 and July 1, 2017 for Lawrence Galinski, 353 Hillcrest Drive, and the MOTION carried without negative vote.

Reconsideration for Sewer Repair Invoice Issued for Construction at 489 Waubun Drive

Ray Martinez was working with a contractor who crushed the sewer main at his residence located at 489 Waubun Drive. The contractor is required to inquire with the Village before construction commences regarding water and sewer mains, laterals, etc. and Barr confirmed that he never did. The invoice for \$2,781 was sent to the homeowner for payment since the homeowner is responsible for the portion of the sewer main that was crushed outside his home. Martin stated he has discussed with the Building & Zoning Dept. adding to the Building Permit Application that all applicants and contractors must contact the Village prior to construction in order to avoid this type of situation in the future and so every applicant knows the expectations. There was discussion about why the homeowner is being billed for damage done by the contractor. The Public Works Committee recommended splitting the cost with the homeowner and Pappas stated in the future the committee should be less lenient on these types of requests as it is not fair to the other taxpayers to have to fund part of the cost.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve splitting the \$2,781.79 invoice with Ray Martinez, 489 Waubun Drive, and credit him \$1,390.90 for sewer repair invoice, and the MOTION carried on a 5-2 vote with Trustee Petersen and Trustee Livingston opposed.

Tarrant Drive Lift Station Contract Pay Request No. 1

Pay Request No. 1 for the Tarrant Drive lift station replacement that is set to start this fall was reviewed by the Village engineers and is recommended for approval.

Trustee Livingston/Trustee Petersen 2nd made MOTION to approve the Tarrant Drive Lift Station Contract Pay Request No. 1 from Super Excavators, Inc., in the amount not to exceed \$11,875, and the MOTION carried without negative vote.

Mohr Road Reconstruction Contract Change Order No. 1 and Payment Recommendation No. 2

Change Order No. 1 for Mohr Road Reconstruction was received in the increased amount of \$8,530.86 due to construction damage at the O'Halleran residence. Pay Order No. 2 in the amount of \$34,091.84 was reviewed by the Village engineers and is recommended for approval.

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve the Mohr Road Reconstruction Contract Change Order No. 1 for an increase of \$8,530.86 and Payment Recommendation No. 2 from Odling Construction in the amount not to exceed \$34,091.84, and the MOTION carried without negative vote.

Road Reconstruction & Drainage Improvements Contract Payment Recommendation No. 1

Pay Request No. 1 for the road reconstruction and drainage improvements in Country Club Estates and Indian Hills was received from Super Excavators, Inc. in the amount of \$257,052.42. The pay request was reviewed by the Village engineers and is recommended for approval.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve Pay Request No. 1 submitted by Super Excavators, Inc., for the road reconstruction and drainage improvements in Country Club Estates and Indian Hills in the amount not to exceed \$257,052.42, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Chief Cates Probationary Period Review Recommendation

The Human Resource Committee reviewed Chief Cates after the completion of his probationary period and recommended approval of a \$2,500 pay increase as specified in his contract.

Payroll Resolution Amendment for Contracted Raise Recommendations

The Public Works Manager was approved for a raise earlier in the year with a \$2,500 increase given at the beginning of the year and \$2,500 once he completed OSHA and PASER trainings, which he has. Martin stated that the administrator position should be higher than the chief of police so his salary was also increased by \$2,500. Although not included on the Resolution, Treasurer Scott Vilona requested a \$2 an hour increase as he has not received an increase since he started working for the Village almost four years ago.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve Resolution 090517-03 Amending Resolution 0171017-01 Setting Exempt Salaried and Hourly Non Union Personnel Rates for the 2017 Calendar Year, as presented, with the addition of a \$2 per hour increase for the Village Treasurer position, and the MOTION carried without negative vote.

CLOSED SESSION

A motion was made by Trustee Petersen and seconded by Trustee McGreevy at 6:52 pm to go into closed session, however, following discussion and concerns from Trustee Pappas, the Village Board decided to not adjourn into closed session, and that it would not be appropriate to go back to the Visitors Heard item under the open session agenda as the audience had left. The Board decided to adjourn the meeting and staff will provide any necessary updates on the Offer to Purchase the safety building parcel.

Adjournment

Trustee Petersen/Trustee Prudden 2nd made a MOTION at 7:00 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: 10/02/17