

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
Virtual Monthly Meeting of the
VILLAGE OF FONTANA BOARD OF TRUSTEES
Tuesday, July 5, 2022

Village President Pat Kenny called the virtual meeting of the Village Board to order at 5:00 pm.

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

Trustees Absent: Trustee O'Neill, Trustee Pappas

Also Present: Liz Bauman, Chief Cates, Kevin Day, Sonja Kruesel, Sarah Lobdell, Theresa Loomer, Drew Lussow, Richard Manthy, Julie Navin, Chief Nitsch, Scot P, Brett Rosengren, Allison Schwark, Terry Tavera, Dale Thorpe, Scott Vilona

Visitors Heard

Resident Julie Navin stated she wanted to present a number of questions regarding short term rentals to get them on the village's radar. She asked if the short-term rental fees are high enough, whether there is enough staff to help process and review the short-term rental applications, whether there a list of all the properties that have obtained the proper licensing, and lastly what is the village doing about known properties that do not have the proper licensing. Administrator Loomer stated the Village has contracted with Granicus to process applications and monitor short term rental activity, but enforcement of unlicensed rentals is very difficult. She recommended if there is an issue (noise, trespassing, etc.) with a short-term rental property the police should be called to document the incident and investigate. She also stated that the board is looking at future ways to help discourage short-term rental violations and that it has been an ongoing topic at the staff and board level

General Business

Approval of Minutes

The minutes for the meetings held on June 2 and June 17, 2022 and were distributed to board members via mail and email.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the minutes from June 2 and June 17, 2022, as submitted, and the MOTION carried without negative vote.

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

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

Approval of Village and Utility Payables

Trustee Livingston/Trustee McGreevy 2nd made a MOTION to approve payment of the Village and Utility payable list, as presented including any late payables, and the MOTION carried without negative vote.

General Business – President Kenny

Policy Recommendation on Attending In-Person Meetings Virtually

At the in-person June village board meeting the board wanted to place an item on the next agenda to discuss attending in-person meetings virtually. Loomer stated it is somewhat difficult to run an in-person and virtual meeting with the limited staff and IT resources. The board discussed allowing a limited number of trustees to appear virtually a limited number of times throughout the year on a case-by-case basis. Trustee McGreevy stated he thinks in-person meetings should be in-person due to technological issues that sometimes happen in

virtual meetings, as well as issues hearing or cutting in and out when members speak. He did also however agree that in certain circumstances it makes sense to allow board members to appear virtually.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve allowing board members to attend in-person meetings virtually on a limited and case-by-case basis when warranted, and the MOTION carried without negative vote.

Fireworks Permit Application Requirements and Fees

Administrator Loomer stated that the board discussed fireworks permitting at last month's meeting and directed it to be placed on this month's meeting agenda. She stated that the Fireworks Permit Application does not currently require a fee, but with the increasing number of property owners who want to have their own display and the increased staff time it involves, she recommended an application fee of \$100. In addition, Loomer spoke with GLLEA Commander Tom Hausner, and they can only accommodate two shows on the lake per night for the whole lake. The Village Board also discussed an approved fireworks display that occurred recently and the launch took place almost two hours later than the time indicated on the permit. Trustee McGreevy took responsibility for allowing the late show but said it was a safety concern and he would rather have the fireworks display than have them tied to a pier. This led to discussion by the Board that if the fireworks fall outside of the time permitted on the application that they must cease operations and the Fire Chief would have authority to shut down the display.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the \$100 fee for a fireworks permit application and require the display take place only during the permitted time on the application, and the MOTION carried without negative vote.

Road Right-of-Way Encroachment Policy

Attorney Thorpe stated that he has drafted ordinance language that is still being worked out and has not yet been finalized. He said it is not currently ready for adoption but wanted to provide an update on the progress.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to table the Road Right-of-Way Encroachment Policy until the next Village Board meeting, or until it is ready for adoption, and the MOTION carried without negative vote.

Discussion and Possible Action on Ordinance Amending Section 42-48 re: Loud and Unnecessary Noise Prohibited

Administrator Loomer recommended approval of the proposed ordinance amending chapter 42-48, but staff is still reviewing the proposed noise ordinance in zoning chapter 18-227(b). Attorney Thorpe stated he has researched the topic and believes the proposed ordinance will help rectify some of the short-term rental noise complaints. Thorpe stated the ordinance was brought up to today's standards as the ordinance currently on the books is severely outdated. He stated language was added to allow both the short-term rental visitor and the property owner to be cited, as well as the property management company. These citations could also escalate if multiple infractions are incurred and that could be decided at the enforcing officer's discretion. The Village Board agreed with this idea and would like to see it help alleviate some of the issues the Village is currently experiencing with the short-term rentals in some areas.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to amend the Ordinance Section 42-48 regarding loud and unnecessary noise prohibited as presented, and the MOTION carried without negative vote.

Discussion and Possible Action on Ordinance Amending Zoning Code Section 18-227(b) re: Noise Standards

The ordinance is still being reviewed by staff. It is likely to come back to the board next month to be set for public hearing.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to table the amending of the Zoning Code Section 18-227(b) regarding noise standards until a future date or once finalized, and the MOTION carried without negative vote.

1924 100-Year Anniversary Committee

Administrator Loomer stated that Tom Whowell would like to see a committee formed to prepare for the village's 100-year anniversary in 2024.

Discussion and Direction on Amendments to Tree Preservation Ordinance Requirements

Attorney Thorpe stated direction was given at the last board meeting to address the new Tree Preservation Ordinance due to concerns brought forth by resident Lavezzi. Thorpe stated that when the ordinance was originally drafted it was done so with the previous building inspector in mind and now that the village has code enforcement who is willing and better able to enforce the ordinance, it would be a great time to revise the ordinance to reflect what is happening in the field. Staff discussed the possibility of amending the ordinance to require a 1:1 replacement requirement for dead trees.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the current direction and allow for the work on the amendments to begin and be presented potentially at a future Village Board meeting, and the MOTION carried without negative vote.

Update on 138 Fontana Boulevard ADA Compliance

Administrator Loomer stated that the bathroom at 138 Fontana Boulevard is allowed to remain non-ADA compliant per the state building code if the building and outdoor occupancy remain under 25 people. Loomer stated staff have reached out to the property owners since the last board meeting and have received no response. Attorney Thorpe recommended giving the property owners one additional chance to try and reach out to communicate with the Village, but if there is no response the village should escalate the matter.

Update on 269 Fontana Boulevard Abbey Resort Fire Inspection Progress

Chief Nitsch explained that upon his last walkthrough of the Abbey Resort property the ancillary system in the kitchen had been repaired. Nitsch stated some of the other minor issues had also been remedied, but there are still a few outstanding items which are scheduled to be discussed with the property owner last this month. A phased project plan will be set forth in order to gain compliance.

Operator License Applications filed by Josephine Alm, Charlie Carroll, Nicholas Freymiller, Bergen Greenley, Ethan Marunde, and Travis Melson

Chief Cates stated there were no concerns with any of the background checks.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the operator license applications filed by Josephine Alm, Charlie Carroll, Nicholas Freymiller, Bergen Greenley, Ethan Marunde, and Travis Melson, and the MOTION carried without negative vote.

Accept Resignation of EMS/Fire Employee Jason Witte

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the resignation of EMS/Fire Employee Jason Witte, and the MOTION carried without negative vote.

Plan Commission --Trustee Petersen

Adopt Ordinance for Rezone Application filed by Joshua Madigan for an Amendment to the Zoning Map to Rezone the Existing 16.6-Acre Lot from A-1, ETZ to A-5, ETZ Excluding Lands Currently Mapped as C-1, ETZ Located at W6099 Willow Bend Road, Walworth, for Parcel No. EA192900001

Trustee Petersen stated this item was recommended for approval by the plan commission and the Walworth ETZ committee. The applicant is requesting to amend the zoning map from A-1 ETZ Prime Agricultural Land District to A-5, ETZ Rural Residential District excluding lands currently zoned C-1 ETZ Lowland Resource Conservation District. The intent of the application is to allow for a second barn/garage to be renovated into a single family detached dwelling.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the ordinance for Rezone application filed by Joshua Madigan for an Amendment to the Zoning Map to Rezone the Existing 16.6-Acre Lot from A-1, ETZ to A-5, ETZ Excluding Lands Currently Mapped as C-1, ETZ Located at W6099 Willow Bend Road, Walworth, for Parcel No. EA192900001 with the following conditions:

1. The applicant shall record a deed restriction which prohibits further division of the property.
2. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote

Certified Survey Map Application filed by Joshua Madigan for Property Located at W6099 Willow Bend Road, Walworth, for Parcel No. EA192900001

Trustee Petersen stated this item has been recommended for approval by the Plan Commission. This in conjunction with the rezone application and would allow the applicant to renovate a detached vacant garage and repurpose it into a single detached dwelling for the property.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the Certified Survey Map Application filed by Joshua Madigan for Property Located at W6099 Willow Bend Road, Walworth, for Parcel No. EA192900001 with the following conditions:

1. The applicant shall record a deed restriction which prohibits further division of the property.
2. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

Adopt Amendment to Zoning Ordinance Section 18-249 regarding Zoning Permits

The zoning ordinance amendment ties the issuance of a building or zoning permit to the abandonment of a meter pit if one exists on the property. There are approximately 80 to 85 meter pits in the village and Trustee Petersen stated it will be an improvement to remove them and bring water meters inside homes.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to adopt the Amendment to the Zoning Ordinance 070522-03 Amending section 18-249 regarding Zoning Permits, and the MOTION carried without negative vote.

Approve Utility Easement for 712 and 724 S. Lakeshore Drive

Attorney Thorpe stated that staff received a copy of the title as well as some of the other documents that had been requested. Thorpe recommended that any approval be contingent on final review from himself and Village Engineer Tavera.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the Utility Easement for 712 and 724 S. Lakeshore Drive contingent upon final review from Attorney Thorpe and Village Engineer Tavera, and the MOTION carried without negative vote.

Annual Comprehensive Plan Amendment Process

Associate Planner Sonja Kruesel explained that the annual comprehensive plan amendment process is underway and has a deadline of August 1. The meeting packet included a proposed schedule and application form recommended by the plan commission. Kruesel explained the notification process and steps required by both the Village Board and Plan Commission including the PPP, notification, and publication process, and required meetings of the Village Board and Plan Commission. Administrator Loomer also added that the forms and process would be posted on the Village's website for the public to view for their own information.

Public Works --Trustee O'Neill

TID Project Award Recommendation

Engineer Terry Tavera stated there were three bidders on the TID project plan and the low bidder was Wolf Paving Co., Inc. with a Base Bid of \$1,122,063.258, Mandatory Alternate A of \$88,055.00 and Mandatory Alternate B of \$155,084.25. The other bidders were Asphalt Contractors and Payne & Dolan. Tavera suggested approval of the Base Bid and Mandatory Alternate B from Wolf Paving Co., Inc.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the 2022 Street Program and Fontana Boulevard Irrigation System and award the bid to Wolf Paving for the Base Bid of \$1,122,063.25.

and Mandatory Alternate B of \$155,084.25 for a total project cost of \$1,277,147.50, and the MOTION carried without negative vote.

Final Payment for the Indian Hills Overlay Project

Engineer Tavera stated there were a few punch list items that the contractor would need to address. Tavera stated the project in its entirety should still come in lower than for what it was bid at.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve the Final Payment for the Indian Hills Overlay Project upon repairs and all work completed, and the MOTION carried without negative vote.

Recommendation to Direct Village Engineer to Provide Calculations for Glenwood Springs Drainage Pipe

Engineer Tavera mentioned that a drainage pipe was installed during the S. Lakeshore Drive project to help reduce the amount of water that was overflowing into Glenwood Springs. Tavera stated he had previous discussions with Glenwood Springs, but they have hired their own engineers and the recommendation received from was to consider closing the pipe. Trustee McGreevy mentioned that we had asked for their involvement previously during the S. Lakeshore Drive project and they did not raise any concerns at that time. Attorney Thorpe stated that if this is something the village wishes to pursue the board may want to draft a Development Agreement with Glenwood Springs, that way the Village Board can further examine the benefits and costs of pursuing this as well as gather an opinion from the DNR and any other additional investigative work.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to direct Attorney Thorpe and Engineer Tavera to reach out to Glenwood Springs about a potential Development Agreement between the parties regarding the drainage pipe prior to running any calculations, and the MOTION carried without negative vote

Park Commission – Trustee Livingston

Creative Edge Landscape's Quote for Mohr Road Creek Bed in the Amount of \$4,060.00

Administrator Loomer stated the village previously had a contract with the Creative Edge Landscape Company for the past seven years and that it expired at the end of last year. Creative Edge has since provided two quotes. The first quote is for a basic package to continue to landscape Mohr Road Creek Bed for the remainder of this year which is in the amount of \$4,060.00 and the second quote would be for us to take into consideration for next year's budget.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to Approve Creative Edge Landscape's Quote for Mohr Road Creek Bed in the Amount of \$4,060.00 and budget the second quote for next year, and the MOTION carried without negative vote.

Request from Big Foot Rec. Dept. to Install Bat Houses on Hildebrand Property

The Big Foot Rec Dept. asked to build and install bat houses on the Hildebrand property. The Conservancy supports the project.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to Approve the request from Big Foot Rec. Dept. to Install Bat Houses on Hildebrand Property, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Approval of EMS/Fire Referendum Terms

Loomer stated that a joint finance committee meeting was held with Williams Bay last month. At that meeting a recommendation was made for 7 FTE at this years projected costs at a 5% rate annual increase for the term of five years for a sum of \$928,728.72. Loomer stated that Fontana already has \$250,000 built into the levy from the 2017 EMS referendum and recommended subtracting that amount for the purposes of the upcoming referendum. With the \$250,000 reduction the proposed amount of the 2022 November EMS referendum is \$678,728.72.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the November 2022 EMS/Fire Referendum Terms as discussed for a proposed referendum amount of \$678,728.72, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Approval of Conversion of Fire Department Meeting Room into Larger Bunk Room

Trustee Prudden stated converting the fire dept. meeting room into a larger bunk room is for sleeping quarters for the full-time employees of the fire department. Prudden said they are trying to have everything completed in an amount not to exceed \$15,000.00. Trustee Livingston also mentioned that he is working on getting a certified electrician to come in and do the electrical work for the project. Attorney Thorpe raised several concerns including whether the project may fall under the bid statute and require publication notices. Thorpe also said the Village engineer should review the plans to ensure all codes are met. The board approved the concept of the idea but wanted concrete plans to be brought back to a future meeting once the building codes are researched and the engineer has reviewed and signed off on the plans.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the concept of the plans to convert the Fire Department Meeting Room into Larger Bunk Room contingent on building plans and receiving approval from the Village Engineer and Village Building Inspector, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

1040 S. Lakeshore Drive Pier Permit Application

Loomer stated the application was recommended for approval by the Lakefront and Harbor Committee and meets all requirements of Chapter 54.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the 1040 S. Lakeshore Drive Pier Permit Application, and the MOTION carried without negative vote.

Ordinance Amendment Chapter 54-86 Pier Permit Required

Attorney Thorpe stated that the current amendments conflict with state law. He said would like to further discuss the amendments with Trustee Pappas and find the best way to move forward, and recommended tabling the ordinance.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to table the proposed amendments to Ordinance 54-86 for Pier Permits being required, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Approval of Employee Vacation Time Accrual

Administrator Loomer stated vacation accrual was modified from anniversary date to calendar year a few years ago. To apply vacation time as written in the handbook she suggested prorating vacation time in Year 1 for new hires and treating the second calendar year of employment as Year 2, etc.

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve applying vacation time accrual, as presented, and the MOTION carried without negative vote.

Approval of Employee Handbook Amendments

Administrator Loomer stated the amendments to the handbook were primarily for the EMS/Fire staff and include the clarified vacation schedule, that no carryover time is permitted, and spells out the work schedule. An additional amendment was made to require staff provide adequate notice upon resignation to resign in good standing and have accrued time paid out.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to approve the amendments to the Employee Handbook, as presented, and the MOTION carried without negative vote.

Recommendation on Probationary Period for EMS/Fire Employees

Administrator Loomer stated the HR Committee discussed whether a part-time EMS/Fire staff member should be required to serve the one-year probationary period, and whether an employee that was part-time who served a one-year probationary period and is hired full-time should serve a second probationary period. Loomer explained that with police and fire, the chiefs have the authority to dismiss an employee during their probationary period. After the conclusion of the one-year probationary period, any terminations must go

through the Police and Fire Commission hearing process. The committee recommended that all part-time/POC staff serve a one-year probationary period and that all full-time staff members serve a one-year probationary period (even if they served a probationary period as a part-time/POC staff member). Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the recommendation on the probationary period for EMS/Fire Employees, and the MOTION carried without negative vote.

Exempt Staff Exception Reporting

Administrator Loomer stated the new handbook calls for exemption reporting for salaried staff. In the past salaried staff have filled out time sheets but it is tedious when department heads take calls after hours, work on weekends, etc. Loomer presented an exception report form downloaded from the SHRM website that can be modified to fit the needs of the village.

Approval of Remote Work Policy

Administrator Loomer stated that some employees have expressed interest in the ability to occasionally work from home. She stated it would be a nice perk for the Village to offer some the option for the staff that can work from home. A proposed policy was included in the material and allows a maximum of one day per week based on staffing and other needs of the organization and requires the ability to work from home, allowed after one year of continuous employment, requires the ability to accept and respond to calls and emails during normal working hours. Employees must seek approval from their department heads, department heads from the administrator, and the administrator from the village board.

Trustee Prudden/Trustee Livingston 2nd made a MOTION to approve the Remote Work Policy, as presented, and the MOTION carried without negative vote.

Approval of Anniversary Recognition Program

Administrator Loomer stated she recommends an employee anniversary program to recognize employees that have worked for the village for 1, 5, 10, 15, etc., years. She recommended a lunch or dinner for employees that reach milestone anniversaries. President Kenny liked the idea and mentioned that if anyone else had any suggestions for the Village on additional ways how to show appreciation for their employees they would be willing to hear it.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the Anniversary Recognition Program, and the MOTION carried without negative vote.

Closed Session-President Kenny

Trustee Livingston/Trustee Petersen 2nd made a MOTION to go into Closed Session at 6:12 pm 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, requires a closed session,” specifically Consideration of Specific Probationary Period Status for Certain Fire Dept. Employees and Fire Chief Wolfgang Nitsch and Deputy EMS Chief Rick Manthy Compensation Review.

The roll call vote was as follows:

President Kenny – Aye

Trustee Prudden – Aye

Trustee McGreevy – Aye

Trustee Petersen – Aye

Trustee Livingston – Aye

The MOTION carried 5-0 without a negative vote and Trustee O’Neill and Trustee Pappas absent.

Adjourn Closed Session

Trustee Livingston/Trustee Petersen 2nd made a MOTION to go into open session at 6:15 pm, and the MOTION carried without negative vote.

Consideration of Specific Probationary Period Status for Certain Fire Department Employees

This item was discussed in closed session.

Trustee McGreevy/Trustee Livingston 2nd made a MOTION to recommend village board approval to laterally transfer the probationary period for the Metro employees that were hired as village employees on June 1, 2022. The MOTION carried without negative vote.

Compensation Review for Fire Chief Wolfgang Nitsch

This item was discussed in closed session.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to increase the Fire Chief Salary to \$30,000 per year. The MOTION carried without negative vote.

Compensation Review for EMS Chief Rick Manthy

This item was discussed in closed session.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to increase the Deputy EMS Chief Salary to \$4,500 per year. The MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee Livingston 2nd made a MOTION at 6:17 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow, 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:08/01/2022