

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, March 2, 2015

Village President Arvid Petersen 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: Tom Howell, George Spadoni, Arvid Petersen, Tom McGreevy, Pat Kenny, Rick Pappas

Trustee Absent: Dave Prudden

Also Present: Greg Blizard, Jade Bolack, Merilee Holst, Clerk Theresa Linneman, Jim Mann, Administrator Dennis Martin, DPW Manager Brett McCollum, Fire and Rescue Dept. Chief Wolfgang Nitsch, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Dave Patzelt, Scott Peterson, Dale Thorpe (arrived at 6:22 pm)

Visitors Heard

None

Announcements

Martin indicated the March calendar was included in the packets and mentioned the Spring Election is coming up on April 7, 2015. There was a successful Park Commission volunteer event at the Fontana Fen to pull buckthorn. Pappas thanked DPW Manager Brett McCollum for having the pulled buckthorn picked up and disposed of before it snows.

Approval of Village Board Minutes

The open and closed session minutes for the February 2, 2015 meetings were distributed.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the open and closed session minutes for the meeting held February 2, 2015 as presented, and the MOTION carried without negative vote.

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

The February 2014 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Spadoni/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

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Approval of Force Main Relocation Project for 2015 Utility Budget and 2015 Bond Series

Martin stated that the Public Works Committee and staff members have discussed adding the force main relocation project at the Abbey Harbor channel to the construction planning for the new bridge, and the Village engineering firm provided an estimate of \$130,000 for the project. Martin stated that Village Board authorization is required to add the proposal to the 2015 Utility Budget, and to add the project funding to the 2015 Bond Series being considered later on the meeting agenda. McGreevy said it makes sense to undertake the sewer project while constructing the new bridge.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the Force Main Relocation Project for the 2015 Utility Budget and 2015 Bond Series, and the MOTION carried without negative vote.

2015 Utility Budget Approval

Martin stated that the preliminary 2015 Utility Budget has been reviewed by the Finance Committee

and Public Works Committee; however, the two Water Budget projects approved at last month's meeting and the sanitary sewer force main relocation project authorized in the previous agenda item will have to be plugged into the Utility Budget that was distributed for the meeting.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the 2015 Utility Budget as presented, with the addition of the two water projects and the sanitary sewer force main relocation project, and the MOTION carried without negative vote.

Authorization to Sell 1993 Ford Super Duty Chipper Truck

McCollum indicated the 1993 Ford is currently on its last leg and he would like to sell the truck and modify a currently owned truck to work with the chipper.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to auction the 1993 Ford Super Duty Chipper Truck on E-Bay to the highest bidder, and the MOTION carried without negative vote.

2015 F-250 Truck Purchase Approval

McCollum stated that the Utility Department is seeking authorization to purchase a 2015 F-250 Truck from Kunes Ford for an amount not to exceed \$28,000. Similar trucks were researched and listed and Kunes offered the lowest purchase price. The truck purchase is in the 2015 Utility Budget.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the purchase of a 2015 Ford F-250 truck from Kunes for an amount not to exceed \$28,000, and the MOTION carried without negative vote.

Authorize DPW Mechanic Position

Martin requested authorization from the Board to create a salaried Village Mechanic Position for current DPW crew member James Hoover whose mechanic skills have been a huge asset to the DPW and Police departments. The position would remove him from other duties such as snow plowing and have him strictly work as a mechanic. Hoover is not a union member so there would be no conflict in creating the new salaried, non-management position. The proposed salary range would be from \$50,000 to \$55,000, which is comparable to the \$51,000 Hoover made in 2014. Chief Olson stated Hoover has already saved the Police Department budget funds by working on squad cars and not having to drive the squads in and out of town for repairs.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to authorize the creation of a Village Mechanic Position and the MOTION carried without a negative vote.

Utility Dept. Supervisor and Street Dept. Advisor Contracts

The meeting packets included drafts of the proposed Utility Supervisor and Street Dept. Crew Advisor job descriptions to replace the Utility and Street Director positions previously held by Dennis Barr and Ron Adams. Spadoni pointed out they are job descriptions and not contracts, and Martin added the main change is that the positions are to report to the new DPW Manager as well as the Village administrator. Martin stated that one of the items that was included in the Utility Director job description for Barr was removed from the new Utility Supervisor job description; and there are only two of the items from the Street Director job description for Adams that have been included in the Street Dept. Crew Advisor job description.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Utility Department Supervisor and Street Department Advisor job descriptions as presented, and the MOTION carried without negative vote.

Approve Bid for South Lakeshore Drive/Brookwood Water Main Project

Village engineering firm Ruckert-Mielke put together bid documents received from the two bidders for the South Lakeshore Drive/Brookwood Water Main project, which is a budgeted item. Wanasek Corporation came in with the lowest bid at \$980,316 and is recommended for approval. Globe Contractors submitted a bid totaling \$1,135,219.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the \$980,316 bid submitted by Wanasek Corporation for the South Lakeshore Drive/Brookwood Water Main Project, as recommended, and the MOTION carried without negative vote.

Bridge Project Bidding and Construction Schedule Update

Fontana staff and engineering consultants decided, based upon scheduling concerns, to push back

the construction on the South Lakeshore Drive Bridge. Construction is now scheduled to begin on October 5, 2015 with a completion date of Memorial Day, 2016. Martin said they recently shot the elevation of the repaired temporary bridge and it is holding solid; there should be no issue with extending its usage through the end of this summer.

CDA – President Petersen

Approve Bond Counsel Engagement Letter with Foley and Lardner

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Bond Engagement Letter with Foley and Lardner, and the MOTION carried without negative vote.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$135,000 General Obligation Bonds for Sewerage Improvements

Martin stated \$5,000 was added for contingency and issuance costs to the \$130,000 which was the previously authorized estimated construction cost for the Force Main Relocation Project in the 2015 Utility Budget.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve Resolution 030215-01 authorizing the issuance of not to exceed \$135,000 General Obligation Bonds for Sewerage Improvements, and the Roll Call vote was as follows:

Trustee Whowell – Aye

President Petersen – Aye

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

The MOTION carried on a 6-0 vote, with Trustee Prudden absent.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$205,000 General Obligation Bonds for Water System Improvements

The same concept as the previous item, \$5,000 was added to the \$200,000 authorized for the two water main projects. Mann stated the \$5,000 is to cover the issuance expenses.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Resolution 030215-02 authorizing the issuance not to exceed \$205,000 General Obligation Bonds for Water System Improvements and the Roll Call vote was as follows:

President Petersen – Aye

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Whowell – Aye

The MOTION carried on a 6-0 vote, with Trustee Prudden absent.

An Initial Resolution Authorizing the Issuance of Not to Exceed \$7,600,000 General Obligation Refunding Bonds

The proposed 2015 Bond Series was initiated by the CDA to refund the 2006 and 2008 TIF bonds.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve Resolution 030512-03 authorizing the issuance not to exceed \$7,600,000 General Obligation Refunding Bonds, and the Roll Call vote was as follows:

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Whowell – Aye

President Petersen – Aye

The MOTION carried on a 6-0 vote, with Trustee Prudden absent.

A Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$7,940,000 General Obligation Corporate Purpose Bonds; and Other Related Details

Mann stated the refunding is mainly for the 2006 and 2008 CDA bonds refunding, and the two obligations for sewer and water utilities projects. The refunding for 2006 was predominately for the related Tax Incremental District and a small portion for general village projects. The 2008 refunding was predominately TID related and a small portion for village utilities. Mann explained there is a net savings of about \$470,000 for the remaining life of the bond. Mann said most importantly, it falls to the bottom line of what the village is levying for debt service because the TID is not meeting all its debt service obligations and the village General Fund must advance funds to the TID. Mann said the Village is still optimistic that additional development in the TID will help the village recover the TIF shortfall sooner than currently projected.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 030512-04 authorizing and providing the sale and issuance of not to exceed \$7,940,000 General Obligation Corporate Purpose Bonds, and the Roll Call vote was as follows:

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Whowell – Aye

President Petersen – Aye

Trustee McGreevy – Aye

The MOTION carried on a 6-0 vote, with Trustee Prudden absent.

General Business – President Petersen

Operator’s License Application Filed by Carrie E. Lueders – Abbey Resort

There were no concerns with the required background check and the \$60 fee has been paid.

President Petersen/Trustee Spadoni 2nd made a MOTION to approve the Operator’s License application filed by Carrie E. Lueders, and the MOTION carried without negative vote.

138 Fontana Blvd. Residential Lease Termination Notice

The Village entered into a residential lease with Greg Rosencrans who submitted his 90-day notice to terminate on February 18, 2015.

President Petersen/Trustee Kenny 2nd made a MOTION to accept the 90-day notice to terminate submitted on February 18, 2015 for the upper residential unit at 138 Fontana Boulevard, and the MOTION carried without negative vote.

138 Fontan Blvd. Commercial Lease Approval

The commercial lease approved at the February Village Board meeting was reviewed and slightly amended by the Village attorney’s office and Dave Patzelt from Shodeen Construction Company. Shodeen will be using the unit as a sales office for their townhome construction project. Due to costly upgrades that the Shodeen Company will be making to the building and unit, the lease has a 120-day notice to terminate clause after the first year.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Commercial Lease Agreement between the Village of Fontana and Shodeen Construction Company at 138 Fontana Boulevard, as presented, and the MOTION carried without negative vote.

Approve Resolution for Abbey Channel Dredging Project Grant Application

Authorizing staff to provide documentation to apply for grant to deal with this issue. Have to put grant in our name.

The Abbey Harbor Association has received a DNR construction permit to dredge the channel prior to this boating season and has requested that the Village apply for a matching fund grant from the DNR to provide financial assistance for the project cost. Martin stated that adopting a resolution to authorize participation in the Wisconsin Waterways Commission Financial Assistance Program for the purpose of dredging the Geneva Lake channel is the first step in the grant application process. Martin said the authorization will allow him to work with the Abbey Harbor staff to complete and file the grant application, and the only cost for the village to apply for the grant is staff time.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Resolution 030215-06 authorizing the Abbey Channel Dredging Project Grant Application, and the MOTION carried without negative vote.

St. Benedict Church Request to Hang Event Banners on Highway 67 Light Poles

St. Benedict Catholic Church will be celebrating its 100th anniversary this year and they have requested to hang summer event banners on the light poles on Highway 67.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to allow St. Benedict Catholic Church to hang 100th anniversary event banners on the Highway 67 light poles, and the MOTION carried without negative vote.

Accept Retirement of Library Director Nancy Krei

Library Board member Trustee Whowell presented the retirement notice submitted by Library Director Nancy Krei with a March 31, 2015 retirement date. Whowell said Krei has been with the library for 11 years and has contributed a lot to the Village. Library Board President Genie Murphy will be organizing an event to honor Krei for her service. In response to a question from Pappas, Martin said a new director will be hired, but the current staff is very proficient so the hiring process will not be rushed by the Library Board.

Trustee Whowell/Trustee Pappas 2nd made a MOTION to accept the March 31, 2015 retirement notice of Library Director Nancy Krei, and the MOTION carried without negative vote.

Consider Resolution Opposing State Budget Proposal to Transfer Municipal Property Assessment Authority to Counties

The meeting packets included an opinion from the League of Wisconsin Municipalities opposing the state budget bill proposal to transfer property assessment authority from the municipalities to the counties and a resolution drafted by Thorpe opposing the proposition. Martin said he contacted State Representative Amy Loudenback and Senator Steve Nass to relay the Village concerns, and Thorpe said he received a call from Representative Tyler August who stated it is his belief that the proposal will be removed from the budget bill due to growing opposition, but suggested still approving the resolution. Spadoni suggested that moving assessments from the village to the county level would be detrimental and recommended that citizens contact the state legislators and Governor Walker.

President Petersen/Trustee Kenny 2nd made a MOTION to approve Resolution 030215-07 opposing the assessment proposal in the state budget bill, and the MOTION carried without negative vote.

Park Commission – Trustee Pappas

Park Permit Application Filed by Fontana Garden Club, Annual Plant Sale, Porter Court Plaza, May 22 to 24, 2015

The Park Commission recommended approval of the application received from the Fontana Garden Club for its annual plant sale at Porter Court Plaza from May 22 to 24, 2015.

Trustee Spadoni/Trustee Kenny made a MOTION to approve the park permit application filed by the Fontana Garden Club for its annual plant sale from May 22 to 24, 2015 and the MOTION carried without negative vote.

Native Areas Maintenance Plan Contract Approval

Pappas stated that the proposed contract has not yet been filed with the village.

Protection Committee – President Petersen

Offer to Purchase 1989 Pierce Aerial Ladder Fire Truck by Village of Johnson Creek

A letter of intent to purchase the 1989 Pierce Aerial Ladder Fire Truck for \$45,000 was submitted by Mark Johnsrud, administrator for the Village of Johnson Creek. Thorpe suggested the “as-is” condition be included along with a “Bill of Sale.” Fire and Rescue Department Chief Wolf Nitsch said representatives from Johnson Creek have come down twice to look at the truck and do an inspection and the DOT has been by once for an inspection. In response to a question, Nitsch replied that a brokerage firm estimated that the truck would sell for \$30,000 to \$45,000, but the Village would also have to pay a brokerage fee.

Trustee Pappas/Trustee Kenny 2nd made a MOTION to approve the Village of Johnson Creek offer to purchase for \$45,000 the 1989 Pierce Aerial Ladder Fire Truck, subject to the conditions suggested by Attorney Thorpe, and the MOTION carried without negative vote.

Ordinance Amendment Chapter 74-2 to Adopt ATV State Statute

Chief Olson explained that currently the state statutes on ATVs must be handled through the DNR

or the county court. The Protection Committee recommended adopting the state statute on ATVs so enforcement can be handled by the Fontana Municipal Court.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Ordinance 030215-02 amending Section 74-2 of the Village of Fontana Code to adopt Wisconsin State Statute 23.33, and the MOTION carried without negative vote.

Ordinance Amendment for Selection of Fire and Rescue Department Officers 34-79

Nitsch stated he reviewed without concern the ordinance amendment drafted by staff to authorize the Police and Fire Commission to review and approve the officer appointments.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Ordinance 030215-03 amending Section 34-79, Selection of Fire and Rescue Department Officers, as recommended by the Protection Committee, and the MOTION carried without negative vote.

Lakefront – Trustee Prudden

Pier Permit DNR Application Filed by James Voss, 296 Sylvan Lane – Tabled 2/2/15

There was reportedly no objection by the Buena Vista Association to the pier extension application submitted by James Voss, 296 Sylvan Lane. Building Inspector/Zoning Administrator Ron Nyman's report states that if the Village Board considers approval of the permit, it should be with the conditions that the applicant provide a statement assuming all responsibility for the placement of the pier extensions with the understanding that should the pier extensions prove to be undesirable or unworkable (improperly located) to either the association or the village, that the applicant shall be responsible for making the proper corrections; and that an As-Built Survey depicting the installed pier and the adjacent pier be filed with the Village following the completion of the project.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the pier permit extension application submitted by James Voss, 296 Sylvan Lane, with the conditions that the applicant provide a statement assuming all responsibility for the placement of the pier extensions with the understanding that should the pier extensions prove to be undesirable or unworkable (improperly located) to either the association or the village, that the applicant shall be responsible for making the proper corrections; and that an As-Built Survey depicting the installed pier and the adjacent pier be filed with the Village following the completion of the project. The MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Ordinance Amending Chapter 18 Accessory Structure Setback Requirements

The draft ordinance recommended for approval was distributed in the meeting packet. Spadoni thanked Trustee Pappas and the Zoning Department for their effort in the zoning change. The accessory structure setback requirements would be applicable to all residential zoning districts.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Ordinance 030215-01 amending accessory structure requirements as presented, and the MOTION carried without negative vote.

Shodeen Construction Company PIP Resolution for Fontana Row Homes Planned Development

Staff and the Plan Commission recommended approval of the resolution for the Fontana Row Homes Planned Development's Precise Implementation Plan.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Resolution 030215-05 to accept the Shodeen Construction Company PIP for the Fontana Row Homes Planned Development, and the MOTION carried on a 5-1 vote, with Trustee Pappas opposed and Trustee Prudden absent.

Shodeen Construction Company Condo Plat and Declarations for Fontana Row Homes Planned Development

Attorney Thorpe had not yet arrived at the meeting but Martin indicated all of Thorpe's concerns have been resolved and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Shodeen Construction Company Condominium Plat and Declarations for the Fontana Row Homes Planned Development, and the MOTION carried without negative vote.

Closed Session

Trustee Spadoni/Trustee McGreevy made a MOTION at 6:31pm to adjourn into Closed Session pursuant to 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 for WPPA Union Contract, and DPW Lump Sum Bonus Pay; and pursuant to 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 WPPA Union Contract Renewal. The Roll Call vote was as follows:

Trustee Whowell – Aye

President Petersen – Aye

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

The MOTION carried on a 6-0 vote, with Trustee Prudden absent.

Adjournment Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a motion at 6:41 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve annual lump sum bonus pay amounts totaling \$12,000 for the Utility Department Supervisor position, and \$4,000 for the Street Department Crew Member Advisor position, and the MOTION carried without negative vote.

Adjournment

Trustee Kenny/Trustee Pappas 2nd made a MOTION at 6:42 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, 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: _____