

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, March 3, 2014

Village President Arvid Petersen called the meeting of the Village Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote: Cindy Wilson, George Spadoni, Bill Gage, President Petersen, Pat Kenny, Rick Pappas

Trustee Absent: Tom McGreevy

Also Present: Village Clerk/Administrator Dennis Martin

Closed Session

Trustee Kenny/Trustee Pappas 2nd made a MOTION at 5:45 pm to go into closed session, pursuant to Wis. Stats. Chapter 19.85 (1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Village Administrator and Treasurer; and pursuant to Chapter 19.85 (1)(e), to deliberate or negotiate the purchase of public properties, the investing of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require, specifically Duck Pond Development Site negotiations, and the Roll Call vote was as follows:

Trustee Spadoni – Aye

Trustee Gage – Aye

President Petersen – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Wilson – Aye

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

Trustee Spadoni/Trustee Pappas 2nd made a MOTION at 6:02 pm to adjourn the closed session and to reconvene in open session, and the MOTION carried without negative vote.

President Petersen announced the Village Board was in open session at 6:02 pm.

Also Present

Director of Streets Ron Adams, Jade Bolack, Suzy Brady, Kevin Kirkland, Library Director Nancy Krei, David Lindelow, Building Inspector/Zoning Administrator Ron Nyman, Chief Steve Olson, Todd Reschke, Maureen Schiel, Jerry Sjoberg

Visitors Heard

None

Announcements

1. CDA Board Meeting – **Wednesday, March 5, 2014, 6:00 pm**
2. Public Works Committee Meeting – **Saturday, March 8, 2014, 8:00 am**
3. FW/WPCC Monthly Board Meeting – **Tuesday, March 11, 2014, 7:30 pm**
4. GLEA Board Meeting – **Wednesday, March 12, 2014, 10:00 am**
5. Protection Committee Meeting – **Monday, March 17, 2014, 5:00 pm**
6. Library Board Meeting – **Wednesday, March 19, 2014, 10:00 am**
7. Plan Commission Staff Meeting – **Wednesday, March 19, 2014, 1:00 pm**
8. Park Commission Meeting – **Wednesday, March 19, 2014, 6:00 pm**
9. Finance Committee Meeting – **Thursday, March 20, 2014, 6:00 pm**
10. GLEA Board Meeting – **Thursday, March 20, 2014, 7:00 pm**
11. Lakefront Committee Meeting – **Wednesday, March 26, 2014, 4:30 pm**
12. Plan Commission Monthly Meeting – **Monday, March 31, 2014, 5:30 pm**

Approval of Village Board Minutes

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the minutes for the meetings held February 3 and 6, 2014, as presented. The MOTION carried without negative vote.

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

The January 2014 Treasurer's Report and Payroll Overtime report were distributed; however the vendor reports have not yet been updated.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Treasurer's 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

Pappas stated that the monthly invoices listed for the Village engineering firm, Ruekert-Mielke, indicate that the approved budget for the Indian Hills storm water construction planning was exceeded with a total of \$6,738.48. Pappas stated that the Public Works Committee authorized allocating an amount not to exceed \$5,000 for the design engineering for the project. Martin stated that the invoice coding may have been done incorrectly for the payable list, or the item could encompass more projects than the Indian Hills planning, and he will review the Ruekert-Mielke item to make sure the project is not over the authorized budget and that it is allocated correctly.

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

General Business – President Petersen

A Resolution Adopting Post-Issuance Debt Compliance Policy for Tax-Exempt and Tax-Advantaged Governmental Bonds

A state statute amendment requires municipalities to have an adopted Post-Issuance Debt Compliance Policy for Tax-Exempt and Tax-Advantaged Governmental Bond sales. Martin stated that the distributed draft was supplied by Ehlers Associates.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Resolution 030314-01, adopting a post-issuance Debt Compliance Policy for Tax-Exempt and Tax-Advantaged Governmental Bonds, as presented, and the MOTION carried without negative vote.

A Resolution Authorizing and Providing for the Sale and Issuance of \$4,475,000 General Obligation Corporate Purpose Bonds, Series 2014A, and All Related Details

Ehlers Financial Specialist Maureen Schiel presented the sale day report for what turned out to be the \$4,430,000 total bond sale for the General Obligation Corporate Purpose Bonds, Series 2014A. Schiel stated that the sale went very well for the Village, which received an A1 rating from Moody's for the sale. Schiel stated that the low bid was submitted by BOSCO, Inc., Milwaukee, and the True Interest Rate following the 20-year debt service period is 3.21 percent, with the first seven years at 2 percent and the final four years at 4 percent. Schiel stated the bond sale was downsized due to a reduction in the anticipated interest costs.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve Resolution 030314-02, authorizing and providing for the sale and issuance of \$4,430,000 General Obligation Corporate Purpose Bonds, Series 2014A, and All Related Details, as presented, and the Roll Call vote was as follows:

Trustee Spadoni – Aye

Trustee Gage – Aye

President Petersen – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Wilson – Aye

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

Temporary Operator's License Application Filed by Joseph Abell, Big Foot Lions Club, Lobster Boil July 26, 2014

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Temporary Operator's License application filed by Joseph Abell for the Big Foot Lions Club Lobster Boil and Steak Fry event on July 26, 2014, and the MOTION carried without negative vote.

Village Administrator Employment Agreement Approval

The agreement was reviewed and recommended for approval in the closed session.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the Village Administrator Employment agreement with Dennis Martin, retroactive to February 1, 2014, as presented, and the MOTION carried without negative vote.

Extension of Interim Treasurer Agreement

The contracted services agreement with Scott Vilona for serving as village treasurer was discussed in the closed session.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to authorize the second 30-day extension to the contracted services agreement with Interim Village Treasurer Scott Vilona, and the MOTION carried without negative vote.

Operator's License Applications Filed by Troy R. Vermett (Pie High Pizza) and William L. Roman (Abbey Resort)

There were no concerns with the required background checks.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the Operator's License applications filed by Troy Vermett, an employee at Pie High Pizza Company, and William L. Roman, an employee at the Abbey Resort, and the MOTION carried without negative vote.

Lake Street Marina Building Lease Extension & Building Renovation Plan Approval

Lake Street Marine building tenant Kevin Kirkland and Jerry Sjoberg of Home Design Mfg. presented the updated façade improvement plans, which were favorably reviewed last month with the exception of circular windows and the initially proposed blue-tinted color for the new windows. Sjoberg stated that the proposed design was updated to incorporate only square windows and to change the color of the new windows to a bronze tint. Sjoberg stated that the plans also were expanded to include the installation of new siding on all four sides of the building, to match the beach house, and the garage doors on parking lot and lake sides of the building will be transparent. Nyman stated that a building permit has been applied for and the plans are approvable as submitted. Following a discussion on the initially proposed blue tinted color for the new windows, Kirkland stated he agreed with Trustee Wilson and he prefers the new bronze tinted color. Entrance gables and window awnings also will be included in the façade improvement plan, which is being funded by Kirkland. At the February 3, 2014 Village Board meeting, the Board approved a motion to authorize a 10-year lease extension for Kirkland for the Lake Street marine building under the current lease rate terms, with the current 90-day termination notice deleted and replaced with an initial five-year termination notice, and a subsequent five-year termination period in which the village agrees to reimburse Kirkland for half of the construction costs for the façade improvement plan if the Village terminates the lease prior to the 10th year; with the approval subject to the Village attorney rewriting the current lease with the new terms.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to grant final approval to the façade improvement plan for the Lake Street building as presented, subject to the receipt of a Village Building Permit, and to reaffirm the previous approval of a 10-year lease extension for Kirkland under the current lease rate terms, with the current 90-day termination notice deleted and replaced with an initial five-year termination notice, and a subsequent five-year termination period in which the village agrees to reimburse Kirkland for half of the construction costs for the façade improvement plan if the Village terminates the lease prior to the 10th year. The MOTION carried without negative vote.

138 Fontana Boulevard Lower Level Direction

Martin stated that following the January 10, 2014 discovery of burst water pipes that froze at 138 Fontana Boulevard and flooded the building, the Village DPW crew cleaned the building and the Village property insurance policy covered the required repair and renovation work expenses, less the \$1,000 deductible. Martin stated that as well as renovating the upper residential unit, the insurance claim covered the renovation of the lower level. Martin stated that if terms are established for the utility bills currently paid for by the residential unit tenants, the lower level could be leased for a commercial or retail use. The building currently only has one water meter, one gas meter and one

electrical meter. The Village Board has directed Realtor Jay Hicks to list the property, which includes the building and two lots, for sale on the MLS for \$375,000. Martin stated that he has received inquiries on if the Village will be leasing the lower level. Following discussion, the Village Board directed staff to contact Hicks to determine an appropriate amount to charge for renting the lower level commercial unit at 138 Fontana Boulevard and to list the lower level available for lease; and to draft a commercial lease agreement for the lower level, and an amendment to the upper level residential lease agreement to account for the utility bills.

Golf Cart Ordinance Proposal

Spadoni stated that he has concerns with some of the provisions and the necessity of the draft ordinance which would allow people to drive golf carts to and from golf courses in the Village. Spadoni stated that the proposal should be referred to the Protection Committee for review and a recommendation. Spadoni stated that Village residents and property owners have been driving their golf carts to and from the golf course for 50 years and the situation does not require an ordinance since it is allowed in the state statutes. Police Chief Steve Olson stated that the draft ordinance is required for the village to adopt the provisions of the state statutes.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the item and to direct the golf cart ordinance proposal to the Protection Committee for review and a recommendation. The MOTION carried without negative vote.

Park Commission – Trustee Wilson

Park Permit Applications Filed by Fontana Garden Club for Annual Plant Sale, Porter Court Plaza, May 23 to 25, 2014; Crystal Conwell for Wedding Ceremony, Reid Park Gazebo, Sept. 6, 2014; Community Church of Fontana for Easter Sunrise Service, Reid Park Gazebo, April 20, 2014; and Geneva Lake United Soccer Club Meeting, Park House, March 11, 2014

Wilson stated that the Park Commission monthly meeting was cancelled in February, so the applications have not yet been reviewed by the commission. Wilson stated that she would like the Village Board to consider approval, contingent on favorable review by the Park Commission at its next meeting. Martin stated that two of the events are annual events, and there are no conflicts with the other two events.

Trustee Wilson/Trustee Kenny 2nd made a MOTION to approve the Park Permit applications filed by the Fontana Garden Club for its annual plant sale at the Porter Court Plaza, May 23 to 25, 2014; by Crystal Conwell for a wedding ceremony at the Reid Park gazebo on Saturday, September 6, 2014; by the Community Church of Fontana for its Easter sunrise service at the Reid Park gazebo on Sunday, April 20, 2014; and by the Geneva Lake United Soccer Club for a meeting at the Park House on Tuesday, March 11, 2014. The MOTION carried without negative vote.

Creative Landscape Mohr Road Creek Plan Approval

The Village Board approved a motion October 7, 2013 to approve the \$2,040 design and permitting expenses for the Mohr Road creek drainage stream stabilization project as submitted by Creative Edge Landscapes, Twin Lakes, subject to the final project plans being submitted for Village Board approval. The DNR also will have to approve the plan as part of the required DNR permit application. The construction costs are being paid for by the adjacent property owners. Creative Edge Landscapes submitted the final plans on February 13, 2014.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the final plans as submitted by Creative Edge Landscapes, Twin Lakes, for the Mohr Road creek stream stabilization project, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee Kenny 2nd made a MOTION at 6:34 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk/Administrator

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: 4/7/14