

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, March 7, 2016

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: Dave Prudden, George Spadoni, Arvid Petersen, President Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas

Also Present: Jade Bolak, Christina Green, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Building Inspector Ron Nyman, Susan Pruessing, Duane Ratay, Eddie Snyder, Village Attorney Dale Thorpe, Treasurer Scott Vilona

Visitors Heard

Susan Pruessing introduced herself and stated she is running for County Board Supervisor, District 9. She stated she lives nearby on Six Corners Road and her husband Bob Pruessing is the Police Chief in Williams Bay and will be retiring in June. She stated she retired as one of the managers for the Walworth County Fair and has been on the School Board for 20 years. She is currently working part-time as the Communications Media Specialist at the Big Foot High School and will have time on her hands to serve her community.

Announcements

None

Approval of Village Board Minutes

The Open and Closed session minutes for the February 8, 2016 meeting were distributed. Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the February 8, 2016 Open and Closes Session minutes, and the MOTION carried without negative vote.

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

The February 2016 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 McGreevy/Trustee Whowell 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

General Business – President Kenny

Temporary Operator's License Application Filed by Pat Kenny, Big Foot Lions Club, Lobster Boil, July 30, 2016

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the Temporary Operator License application filed by Pat Kenny for the Lobster Boil and Steak Fry on July 30, 2016. The MOTION carried without negative vote. President Kenny abstained.

Final Approval for Updated Abbey Springs Water Main Easement

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the updated Abbey Springs Water Main Easement agreement, and the MOTION carried without negative vote.

Extend Deadline for 138 Fontana Blvd. Offer to Purchase Agreement

Thorpe stated that he spoke to Attorney Green who is representing the Munson's in the Offer to Purchase submitted for the property at 138 Fontana Boulevard. The current offer to purchase is set

to expire on March 8, 2016, and Attorney Green requested an extension until April 29, 2016. Thorpe stated he believes the intent is clear that once all the hurdles have been cleared and the Village would like to get to closing as soon as possible. Martin stated the Munson's would like to submit the Phase II site plan to the Plan Commission, and then have the recommendation for both phases presented to the Village Board for approval consideration at the same time. Thorpe added that presenting both Phases at the same time will remove the potential for any surprises and the board will get to see exactly what permanent site plan is being proposed. Staff has no concerns with extending the Offer to Purchase deadline.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to Approve Extending the Deadline to April 29, 2016 for the Offer to Purchase 138 Fontana Boulevard, and the MOTION carried without negative vote.

Final Approval and Determination of Automobile Insurance Coverage Amounts for Brookwood Water Tower Contract and Abbey Springs Water Main Contract

Martin stated the construction contracts went out with insurance specifications that called for higher limits than necessary for automobile liability coverage, and following discussions between the Village attorney and the insurance provider hired by the contractors, staff is seeking authorization to amend the insurance requirements for the municipal construction projects. He stated Thorpe discovered shortfalls on auto coverage, but after consultation, staff gave approval with the condition it is approved by the Village Board. Thorpe stated the required insurance has changed dramatically in the standard bid documents. He said some insurances might not be needed, and might be unnecessarily complicated and expensive. He stated with the Board's approval, the bid terms would retroactively reduce the automobile insurance from \$2,000,000 to \$1,000,000.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Reduction of Automobile Insurance Coverage Amounts for the Brookwood Water Tower Contract and Abbey Springs Water Main Contract from \$2,000,000 to \$1,000,000, and the MOTION carried without negative vote.

Human Resources Committee – Trustee Prudden

Approve Ordinance Amending Name of Public Safety Board of Appeals

The Human Resources Committee recommended changing the name of the Public Safety Board of Appeals to the Employee Board of Appeals because it is for all employees, not just the Public Safety employees.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Ordinance 030716-05 Amending the Name of the Public Safety Board of Appeals to the Employee Board of Appeals, and the MOTION carried without negative vote.

2016 Pay Resolution Recommendation

Martin stated some of the increases in the proposed resolution were approved by contract and all of them have been reviewed by the Human Resources Committee and approval is recommended. Martin stated the agenda item is also listed under Closed Session in case anyone had a question they wanted to ask at that time.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 030716-03 amending Resolution 102715-01 setting exempt salaried and hourly nonunion personnel rates for the 2016 calendar year, as presented, and the MOTION carried without negative vote.

Resignation Submitted by Barbara Dorsey

Martin stated that the agenda item is also listed under closed session and there will be something presented on her last check, but this agenda item is just to accept Dorsey's resignation.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to accept the Resignation of Police Department Administrative Assistant Barbara Dorsey, and the MOTION carried without negative vote.

Direction on Hiring Police Department Administrative Assistant

Martin stated Police Dept. Chief Olson has contracted with an employee of the Genoa City's Police Department to provide interim hourly service following the retirement of Dorsey. Olson stated that the employee is available to provide support and then training for the new person hired to fill the vacated position. Martin said the HR Committee members decided to defer to the Village Board

regarding posting for the Police Department Administrative Assistant Position. With the new computer program at the Police Department, Martin relayed that during slow times a person is only needed at the Police Department five mornings per week, but it is to be determined what the need will be during summertime and the busy season. Martin stated he and Chief Olson would like to post for a full-time position. Kenny said when it is a full-time position with benefits, the quality of the applicants tends to go up. Martin agreed and stated the last time the position was posted, Chief Olson received more than 80 applications. Prudden asked if it was a part-time position, and Martin stated it would be a full-time position shared between the Police Department and Village Hall, helping the Administrator, Clerk, Treasurer and possibly the Building and Zoning Department. McGreevy agreed it makes sense to have a full-time employee since the position will be split amongst all departments. Petersen stated a different skill level is needed for someone down at the Police Department versus someone selling beach passes and stated the position should be part-time. Prudden stated bringing a person in part-time initially, could be used to build an initial template, and then build off that job with the staff and Village Board's input. Petersen made an in initial motion to table the item. Pappas asked how long the contracted service person is willing to work for the Village. Martin stated the position is open ended; however, the HR Committee recommended that it does not exceed 10 hours per week. Kenny asked if the position could be posted part-time to begin with, with the possibility of it becoming full-time with benefits, so it would still attract higher quality applicants. Martin said that exact scenario was used when hiring for Nyman's assistant, but that person is not interested in expanding to full-time and he said he does not want to have the same situation again. Martin stated the position with the desired number of hours should be posted for because there might be some people that don't want the job if it is more than part-time, and maybe we will find someone that is just looking for 20 hours per week. Chief Olson stated that the position likely will not be full-time at his department, but from the extra work needed at the Village Hall, there is enough work to fill 40-hours per week. Olson stated he agrees the Village would get better applicants if the position is posted as full-time. Trustee Petersen withdrew his motion to table. Trustee Whowell/Trustee Pappas 2nd made a MOTION to approve posting the Police Department Administrative Position as a Full-Time Position, and the MOTION carried without negative vote.

Lakefront & Harbor Committee – Trustee Pappas

Approval of Austin Pier Service Maintenance, Repair and Construction Proposals

Pappas stated the proposal from Austin Pier Service for the repairs recommended for this year is included in the packet and is for the amount of \$11,915.21. The swim pier needs two new cribs and is proposed to be replaced in the fall for the amount of \$6,478. One proposal not reviewed by the Lakefront and Harbor Committee is \$4,564.50 for two new boat landings on the north pier for use by Lake Street marina building tenant Kevin Kirkland. The Lakefront and Harbor committee did review annual maintenance and repair proposals and recommended Village Board approval. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the three proposals submitted by Austin Pier Service, Inc., totaling \$22,957.71 for repair of the Village Swim Pier, the Boat Landings, and the annual repair work to the Municipal piers and moorings, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Approve Vandewalle and Associates Proposal for Park and Open Space Plan Update

Martin stated he and Park Commissioner Sarah Lobdell went over the expiring Park and Open Space Plan and the proposal submitted by Vandewalle and Associates to facilitate the requirements for updating the plan, the cost of which has been reduced to \$9,790. Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the Vandewalle and Associates Proposal for Park and Open Space Plan in an amount not to exceed \$9,790, and the MOTION carried without negative vote.

GLLEA – Trustee Petersen

Adopt Proposed Ordinance for Unsafe Boating

Petersen stated the Geneva Lake Law Enforcement Agency is seeking authorization from the lake municipalities to amend the Joint Uniform Lake Law Ordinance to incorporate the state statute which states, "No person shall operate or use any boat powered by an engine or any other boat, or manipulate any water skis, aquaplane or similar device in or upon the waters of Geneva Lake in a

careless, negligent, or reckless manner so as to endanger another person's life, safety or property of another." Petersen stated under the state statute which the GLEEA officers had been issuing tickets meant that the judge would have to withdraw the safety certificate for the boat involved, requiring it to get fixed, and re-inspected, and the operator would have to get recertified. It was so cumbersome that the judge would often times not prosecute. Passing the ordinance allows the agency to adopt a less severe penalty.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to adopt Ordinance 030716-06 amending the Village of Fontana Municipal code and the Joint Uniform Lake Law Ordinance to include the Unsafe Boating section as recommended, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Village Board Consideration of Plan Commission Recommendation on Phase 1 Site Plan Filed by Munson Marine for Lot Located at 138 Fontana Boulevard – Tabled 01/25/16

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to table the Phase 1 Site Plan filed by Munson Marine for the lots located at 138 Fontana Boulevard, as requested by the applicants, and the MOTION carried without negative vote.

Approve CUP Applications filed by the Abbey Harbor Condominium Association, 271 Fontana Blvd., for New Accessory Structure

Spadoni stated the Conditional Use Permit application was reviewed by the Plan Commission and the Building & Zoning Department. He stated the applicants agreed to all recommendations and did a great job negotiating with the neighbor who had a concern.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 030716-01 authorizing a Conditional Use Permit as filed by the Abbey Harbor Condominium Association at 271 Fontana Boulevard for an Accessory Storage Structure, with the conditions as recommended by the Plan Commission, and the MOTION carried without negative vote. Trustee Prudden abstained.

Approve CUP application filed by Geoff & Megan Hoffmann, 389 N. Lakeshore Drive, for Driveway Entry Pillars and Gate

The Plan Commission recommended approval of the CUP with the condition the pillars do not exceed 6-feet in height.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 030716-02 authorizing a Conditional Use Permit as filed by Geoff and Megan Hoffmann at 389 N. Lakeshore Drive for Entry Gate and Pillars, with the staff report conditions as recommended by the Plan Commission, and the MOTION carried without negative vote.

Approve Proposed Ordinance Authorizing Amendments to Zoning Code Sections 18-38 and 18-82 Regarding VC District and Nonresidential Bulk Standards

Spadoni stated the proposed ordinance removes the Single family (7,000 sq. ft. lot) from the Principal Land Uses Permitted by Right in the VC District. Pappas asked if someone already has a house in the VC District now, would the ordinance change prevent them from building an addition. Zoning Administrator Bridget McCarthy replied that they would be allowed to maintain what is currently there or add onto it, but not to construct a new single-family residence. The ordinance change would not make anything go away, it just would not permit any new developments. Thorpe stated he agreed with McCarthy's interpretation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 030716-01 Amending Zoning Ordinance Sections 18-38 and 18-82 Regarding VC District and Nonresidential Bulk Standards, as recommended, and the MOTION carried without negative vote.

Approve Proposed Ordinance Authorizing Amendments to Zoning Code Section 18-28(m), Lakefront Residential (LR-0) District

Spadoni stated the proposed ordinance reduces Maximum Building Coverage in the Lakefront Residential (LR-0) District from 30 percent to 25 percent. The reduction is to allow for property owners to plan items for impervious surface areas such as decks, driveways, patios, etc.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve Ordinance 030716-02 Amending Ordinance Section 18-28(m), Lakefront Residential LR-0 District, as recommended, and the MOTION carried without negative vote.

Approve Proposed Ordinance Authorizing Amendments to Zoning Code Section 18-229 Article XII Regarding Performance Standards Exemption

The ordinance change would allow certain exemptions to certain portions of performance standards required for any new development in the VC District including access standards, visibility standards, off-street parking standards, circulation standards, and off-street loading standards.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 030716-03 Amending Zoning Ordinance Section 18-229 Article XII, Performance Standards Exemption, as recommended, and the MOTION carried without negative vote.

Approve Proposed Ordinance Authorizing Amendments to Zoning Code Sections 18-83(c), 18-249(b) and 78-41, Regarding Utility Setbacks and Easements for Public Lines

Thorpe stated the Village has consistently run across properties with public sewer lines running through them without easements. In the past, staff was without any tools to try to tie future building or zoning permits to the need to acquire easements where they are needed going forward. The ordinances are both zoning provisions and utility ordinance provisions in Chapter 74 that would allow staff tools to work with property owners to get easements in place when it comes to their attention via permit applications. The problem will slowly get fixed, one-by-one. Pappas asked if a 20-foot easement (10-feet on both sides of the sewer line) is too broad considering the small size of some of the lots. Thorpe stated 10-feet on both sides is standard language, but if it is impossible to fix due to proximity of improvements, staff will present it to the Village Board to consider changes; however, the ultimate goal is to have a full width easement wherever possible.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve Ordinance 030716-04 Amending Zoning Ordinance Sections 18-83(c), 18-249(b), and 78-41, Utility Setbacks and Easements, as recommended, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Pay Request No. 4 Submitted by Zenith Tech for South Lakeshore Drive Bridge Construction Contract

The pay request was reviewed by staff and project engineers and recommended for approval. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Pay Request No. 4 Submitted by Zenith Tech for the South Lakeshore Drive Bridge Construction Contract in the amount of \$183,613.21, and the MOTION carried without negative vote.

Home Design Mfg. Proposal for “Light House” Stop and Go Lights at Geneva Lake Channel Entrance

Martin stated that the proposal is to replace the current traffic control light fixture at the entrance to the Abbey Harbor Channel from a traditional traffic light to one designed like a lighthouse. Jerry Sjoberg from Home Design Manufacturing submitted a proposal to construct and erect a lighthouse-style traffic light fixture that matches the decorative lighthouse by Little Foot Playground in Reid Park. The total cost for materials and construction is \$4,400. When asked where the proposal came from, Martin stated it was brought up at a bridge planning meeting, and Eddie Snyder from the Abbey Harbor said they have a similar proposal for the Abbey Harbor side of the bridge. Petersen recommended checking US Coast Guard regulations and erecting the type of signage as required for waterways because there are people that use their boats elsewhere and they are used to Coast Guard signage. Prudden said with the new bridge, it would be something to look at and more aesthetically pleasing than a traditional stop-and-go light, and the idea is that the Abbey Harbor would mirror it on their side. Prudden suggested approving the proposal based on meeting the criteria of Coast Guard regulations. As well as checking the applicable regulations, Pappas asked that staff request information on the proposed height and dimensions of the proposed lighthouse fixture.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to table the Home Design Mfg. proposal for “Light House” stop-and-go traffic lights at Geneva Lake Channel entrance to the Abbey Harbor, and the MOTION carried without negative vote.

Approve Bid for South Lakeshore Drive Reconstruction Contract

Martin stated two bids were received for the South Lakeshore Drive Reconstruction Contract. The lowest bidder was Payne & Dolan, Inc. in the amount of \$139,560. Martin stated they have done

good work for the Village in the past and the road is scheduled to be reconstructed from the bridge to the south through the intersection of Shabbona Drive and Harvard Avenue to Walworth Avenue, which is the first street leading into the Glenwood Springs subdivision going up the hill.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the low bid from Payne & Dolan, Inc., for the South Lakeshore Drive at Shabbona Drive Street Project, in the amount not to exceed \$139,560, and the MOTION carried without negative vote.

Approve Tire Purchase for Front End Loader

McCollum reported that by trading in the tires currently on the front end loader, the Village will receive a refund of \$2,000, making the total net price for the new tires \$5,500. McCollum stated if they wait and wear out the current tires, there will be no trade-in value.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the purchase of four tires from Goodyear Commercial Tire & Services Center, Butler, for the front end loader, in the amount not to exceed \$5,500, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Resolution Authorizing a Representative to Declare Official Intent for Federal Tax Law Purposes

Martin stated Foley and Lardner recommended adopting the proposed enabling resolution in order to have it on the books in case the Village goes to bond for a project and has already spent money on pre-costs including engineering fees or attorney fees. The resolution will allow the Village to allocate money from bonding to recoup those preliminary planning expenses.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 030716-04 Authorizing a Representative to Declare Official Intent for Federal Tax Law Purposes, and the MOTION carried without negative vote.

CLOSED SESSION

Closed Session

Trustee Petersen/Trustee McGreevy 2nd made a MOTION at 6:31 pm to adjourn into Closed Session 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” specifically 2016 Salary Resolution; Direction on Hiring Police Department Administrative Assistant; and Resignation Submitted by Barbara Dorsey; and Pursuant to Wis. Stats. Chapter 19.85 (1)(e) “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically Insurance Claim Filed by Jack Monco.

The Roll Call Vote was as follows:

Trustee Spadoni – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

The MOTION carried on a 7-0 vote.

Adjournment Closed Session

Trustee Spadoni/Trustee Prudden 2nd made a motion at 6:38 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

Resignation Submitted by Barbara Dorsey

Trustee Spadoni/Trustee Prudden 2nd made a MOTION to issue Barbara Dorsey last wages and all money due, as presented in Closed Session, and the MOTION carried without negative vote.

Insurance Claim Filed by Jack Monco

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to Deny the Insurance Claim Filed by

Jack Monco as recommended by Statewide Service, Inc., and to direct staff to mail out the required notice of denial, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee Petersen 2nd made a MOTION at 6:39 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: