

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, April 6, 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: Arvid Petersen, Tom McGreevy, Pat Kenny, Rick Pappas, Dave Prudden, Tom Whowell

Trustee Absent: George Spadoni

Also Present: Bob Allen, Dennis Barr, Greg Blizard, Jade Bolack, Joe Eberle, Merilee Holst, Jon Kemmett, 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, Dale Thorpe, Treasurer Scott Vilona

Visitors Heard

None

Announcements

Martin announced the annual Organizational Meeting is scheduled for Tuesday, April 21, 2015 at 11:00 a.m. and thanked President Petersen for his six years of service as Village President.

Approval of Village Board Minutes

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

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

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

The March, 2015 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Kenny/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

There were additional payables that did not make the meeting packet and will be added as a supplemental payable list at the Organizational Meeting.

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

General Business

Resolution Authorizing and Providing for the Sale and Issuance of \$7,900,000 General Obligation Corporate Purpose Bonds, Series 2015A, and All Related Details

Ehler's representative Jim Mann was present to explain the results of the bond sale for the 2006 and 2008 General Obligation Refunding proposal. Wells Fargo was the best bidder out of five bids. Mann explained the bond size was reduced by \$95,000 with a future value savings of \$681,649 and present value savings of \$596,199. According to the result of the sale, "the net result of the sale provides a debt service that is \$226,000 less than the preliminary estimate, with an overall positive impact to the General Fund is in excess of \$635,000." Mann said the Village hit the market at a good time and if the bonds had been sold even two weeks earlier, the savings would have been reduced by as much as 25 percent. Additionally, the Village's Moody's bond rating report went up from A1 to Aa3.

Trustee Whowell/Trustee Kenny 2nd made a MOTION to approve Resolution 040615-01 Authorizing and Providing for the Sale and Issuance of \$7,900,000 General Obligation Corporate Purpose Bonds, Series 2015A, and the roll call vote was as follows:

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Whowell – Aye

President Petersen – Aye

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

**Authorize Appraisal Work for Tarrant Drive Lift Station Gravity Sewer Line Proposal;
Brookwood Water Tower Replacement Project**

Martin stated the Village has used Lynn Duesterbeck for appraisals for a number of years; however, Thorpe indicated he has retired and provided a list of other appraisers to Martin. Martin requested approval to solicit appraisals for a parcel of land owned by the Big Foot Country Club for a proposed gravity few sanitary sewer line to replace the Tarrant Drive Lift Station, and for a parcel of land for the Brookwood Water Tower replacement project.

President Petersen/Trustee McGreevy 2nd made a MOTION to authorize appraisal work for the Tarrant Drive lift station gravity sewer line proposal and for the Brookwood Water Tower replacement project, and the MOTION carried without negative vote.

Temporary Operator’s License filed by Richard J. Murphy, Big Foot Lions Club Lobster Boil, July 25, 2015

President Petersen/Trustee Kenny 2nd made a MOTION to approve the Temporary Operator’s License application filed by Big Foot Lions Club member Richard J. Murphy for the Lobster Boil and Steak Fry on July 25, 2015, and the MOTION carried without negative vote.

Operator’s License filed by Annalissa Block, Matthew W. Timmons – Abbey Resort; Nav Kiran Thind – Fontana Shell; Deborah L.T. Grant, Marissa M. Holcomb, Kayla C. Richards – Gordy’s

After discussion, the Operator’s License applications were taken in separate motions categorized by employer. Due to concerns with the application received by Marissa Holcomb, Trustee Whowell requested to withdraw the application at this time.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the Operator’s License applications filed by Annalissa Block and Matthew Timmons, Abbey Resort, and the MOTION carried without negative vote.

Trustee Whowell/Trustee McGreevy 2nd made a MOTION to approve the Operator’s License application filed by Nav Kiran Thind, Fontana Shell, and the MOTION carried without negative vote.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve Kayla Richards and Deborah Grant, Gordy’s, with the condition Grant completes her application, and the MOTION carried without negative vote. Trustee Whowell abstained.

Public Works Committee Appointment Approval

President Petersen/Trustee Pappas 2nd made a MOTION to table the Public Works Committee appointment until the Organizational Meeting scheduled for April 21, 2015 beginning and 11:00 a.m. and the MOTION carried without negative vote.

CDA Appointment Approval

President Petersen/Trustee Pappas 2nd made a MOTION to table the CDA appointment until the Organizational Meeting scheduled for April 21, 2015 beginning and 11:00 a.m. and the MOTION carried without negative vote.

Park Commission

Native Areas Maintenance Plan Contract Approval

Pappas presented the Native Areas Maintenance Plan submitted by Tom Vanderpoel which creates a management plan for natural areas in Fontana. The plan presented is not to exceed \$4,000.

Trustee Pappas/President Petersen 2nd made a MOTION to approve the Native Areas Maintenance Plan Contract submitted by Tom Vanderpoel in an amount not to exceed \$4,000, and the MOTION

passed without negative vote.

Arbor Day Proclamation Approval

Arbor Day has been declared on April 24, 2015. The annual proclamation is required for the Tree City USA designation which Martin read into the record. Pappas expressed concern with the amount of trees being cut down and whether the Village will be able to continue to qualify as a Tree City. Trustee Kenny/Trustee McGreevy 2nd made a motion to approve the Village of Fontana Arbor Day Proclamation as presented, and the MOTION carried without negative vote.

Farmer's Market Season Approval – Porter Court Plaza June to September

There are no changes proposed from the first two years of the program, which runs from June through Labor Day at Porter Court Plaza, and is administered by Maryanne Bruss. Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the 2015 Farmer's Market events at the Porter Court Plaza, and the MOTION carried without negative vote.

Lakefront

Village of Fontana Pier Permit Application for New Pier

Prudden stated an application has been submitted to the DNR seeking approval for construction of a new Village pier by Austen Pier Service. Approval is expected from the DNR by the end of the month.

Trustee Pappas/Trustee Kenny 2nd made a MOTION to approve the Fontana Pier Permit Application for the Village's new pier, and the MOTION carried without negative vote.

Annual Village Mooring Applications Approvals

The committee recommended approval for Village staff to move forward with paperwork and deposits for annual mooring renewal applications. The renewals are typically very routine and staff has had little to no issues in the past with most of the applicants. Most leaseholders have all the documents on file from previous years and the only requirement is paying the fee.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to authorize the approval of Village Mooring Lease renewal applications with the conditions the necessary paperwork and fees have been submitted, and the MOTION carried without negative vote.

Gage Marine Pier Lease Renewal

Martin stated the proposed lease renewal terms for Gage Marine to use the Village Pier is for a 2-year term for 2015-16 with a 4 percent rate increase each year, which is consistent with the past five or six years. He stated he spoke with Bill Gage's assistant earlier in the day who was reviewing the contract. Martin recommended approval; however, wanted to leave the door open in the event Gage submits something different, then staff would bring it back to the Lakefront and Harbor Committee and then back to the Village Board. Since the current contract was written more than 10 years ago, Thorpe requested to review the contract prior to engaging in any renewal agreement.

Trustee Pappas/Trustee Kenny 2nd made a MOTION to approve the renewed pier lease agreement between the Village of Fontana and Gage Marine for two-years with a 4 percent increase in the fee for 2015 and a 4 percent increase in 2016, subject to Village Attorney Thorpe's review, and the MOTION carried without negative vote. President Petersen abstained.

Pier Permit Extension Application, Kenneth Harkness, 443 N. Lakeshore Drive

The application filed by Kenneth Harkness for a pier permit extension was tabled at February's Village Board Meeting due to not having a survey on file. The survey has since been submitted to staff and the permit application is now recommended for approval.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the Pier Permit Extension Application filed by Kenneth Harkness at 443 N. Lakeshore Drive subject to submitting an as-built survey, and the MOTION carried without negative vote.

Finance

2015-16 LWMMI Insurance Package Renewal Recommendation

Martin provided an overview of the Village insurance renewal package through the League of Wisconsin Municipalities Mutual Insurance program recommended by the Finance Committee. The

major changes include an increase in premium to Worker's Compensation which went up 55.2 percent, or \$19,106, due primarily to the Experience Modification factor increasing from .80 to 1.13 which was the result of two workers compensation claims. Other changes include an additional \$449 in premium to increase the building limits by 4 percent and the Business Personal Property by 2 percent, and for an additional \$326 in premium to increase the Crime limits from \$250,000 to 500,000. All other premiums are in line with previous years.

Trustee McGreevy/President Petersen 2nd made a MOTION to approve the 2015-16 LWMMI Insurance Package Renewal as recommended, with an additional \$449 in premium to increase the building limits by 4 percent and the Business Personal Property, Property in the Open, Mobile Equipment and docks by 2 percent; and for an additional \$326 in premium to increase the Crime limits from \$250,000 to \$500,000. The MOTION carried without negative vote.

Plan Commission

Shodeen Development Chapter 16 Approvals – Clarifying Motion

Resolution 03-02-15-05 was approved at the previous monthly meeting to authorize the Shodeen Construction Company's Rowhomes of Fontana Planned Development precise implementation plan; however, the storm water management variances discussed at the Plan Commission staff meeting were not included in the resolution or approval motion. Attorney Thorpe stated he arrived late to the last meeting and by the time he got there the resolution had already passed. Staff went through Section 16 and reached consensus on four points. The new resolution clarifies the variances granted pursuant to Section 16-18(b), specifically that total suspended solids do not need to achieve an 80 percent reduction required for a new development. Pappas asked for an explanation regarding suspended solids and the requirements. The engineering report calls for the Shodeen Construction Company to submit certification from the manufacturing engineer that the proposed underground storm water retainage tank system will not leak. Thorpe stated it needs to be signed off on by the manufacturer of the tank, not by Shodeen's project engineer.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to adopt Resolution 040615-02 as presented, and the MOTION carried without negative vote.

Glenwood Springs Beach Access Road Easement Agreement

After being unable to reach an agreement with new owners at 404 Harvard Avenue, the Village will be installing a new driveway on Village property to access the small beach from the gate on Harvard Avenue. A small portion of the new driveway will be crossing property owned by Glenwood Springs and they have asked for the Village to provide an easement agreement, which needs Village Board approval before Thorpe can draft the agreement.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to direct Attorney Thorpe to draft an easement agreement for the small beach access road between the Glenwood Springs Association and the Village of Fontana, subject to favorable review by the Plan Commission, and the MOTION carried without negative vote.

Public Works

Library/138 Fontana Blvd. Parking Lots Asphalt Bid Approval

Separate quotes were received from Payne & Dolan, Inc., Merit Asphalt, and Hastings Asphalt Services, Inc., to pave the new library parking area planned for behind Village Hall on the vacant Second Avenue lot, and for the 138 Fontana Blvd. alley. The low quote for the library parking lot was submitted by Merit Asphalt for a total of \$4,332. Since no quote was presented that specifically addressed only the cost to complete the alley work portion of the lot, and not the entire lot, the board initially voted to table the 138 Fontana Blvd. alley paving bid; however, after discussion, DPW Manager Brett McCollum stated the cost would not exceed \$4,000 to pave the alleyway based on the square footage cost in the quote from Merit. Petersen recommended making a motion to approve the alleyway work since Merit Asphalt would already be in the area for the library parking lot, and for the contractor to have to come back a second time would increase the cost.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the quote received by Merit Asphalt to pave the new library parking lot, for an amount not to exceed \$4,332, and the MOTION carried without negative vote.

Trustee Kenny/Trustee McGreevy made a MOTION to approve the Merit Asphalt quote to pave only the alley portion of the parking lot at 138 Fontana Boulevard, for an amount not to exceed

\$4,000, and the MOTION carried without negative vote.

DPW Mechanic Position Job Description Approval

The DPW Mechanic Job Description was written to contract current DPW employee Jim Hoover as the Village Mechanic. The job description was drafted by staff and reviewed by HR Consultant Al Kaminski and the village attorney's office. All agreed the position description is appropriate.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the DPW Mechanic Position Job Description as presented, and the MOTION carried without negative vote.

DPW Mechanic Employment Agreement Approval

A copy of the employment agreement was distributed in the meeting packets and includes salary and benefit information. Since Hoover was not previously represented by the union, there are no significant changes. Martin indicated Hoover has reviewed the agreement without concern. The agreement was also reviewed and approved by the Village attorney's office.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the DPW Mechanic Employment Agreement between the Village of Fontana and Jim Hoover, and the MOTION carried without negative vote.

DPW Manager Employment Agreement Approval

The draft of the contract for the new DPW Manager position provided by the Village attorney's office was slightly revised after being reviewed by Martin and McCollum. The newest agreement reflects a manager position rather than a director position and includes pay and benefit information. Pappas noted the agreement still includes the old language on vacation and sick time policies which he thought had been changed. Martin replied the new Employee Handbook is currently being worked on and both new employees are aware of the approved changes. Pappas reiterated he did not think it was clear in the contract.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the DPW Manager Employment Agreement between the Village of Fontana and Brett McCollum as presented, and the MOTION carried without negative vote.

Tire Changer and Wheel Balancer Purchase Approval

McCollum stated that he obtained three quotes for the purchase of a rim clamp tire changer and for a wheel balancer. The proposed new tire changer can handle most sized tires with the exception of fire truck tires. Martin indicated \$3,000 was allocated last month for a computer automotive repair code machine; however, Hoover recommended waiting on that purchase until an actual repair job is required, and he suggested purchasing the tire changer with those funds. Martin stated that McCollum and the DPW Street Dept. completed road crack filling last month and there is leftover budgeted funds from that project which can also be applied to the purchase of the wheel balancer.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the purchase of a Coats rim clamp tire changer from Rubber, Inc., Chicago, for a cost not to exceed \$4,000, and the MOTION carried without negative vote.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the purchase of a wheel balancer from Rubber, Inc., Chicago, for a cost not to exceed \$4,000, and the MOTION carried without negative vote.

Public Library Carpeting and Lighting Project Bids

The low bids for the purchase of new carpeting for the back half of the Public Library and for the Village Hall meeting room projects came in under the budgeted amounts of \$14,000 and \$4,000, respectively. The quotes were submitted by Jim Lehner and by Carpet Corner, Elkhorn. The budgeted amount for the library project includes funds for removing the old carpeting and for temporarily moving and replacing the books and shelving in the back half of the library. After discussion, it was determined the carpet in the Village Hall meeting room and in the lobby between the main entrance and elevator could be replaced for less than \$4,000 budgeted for the project, and the additional area covering the lobby and elevator hallway should be included in the motion. Martin said the bids had not come in for the lighting replacement project at the library and would like to wait until those come in to pass a motion.

Trustee Kenny/Trustee 2nd made a MOTION to approve the quote for the purchase of the new

carpet for the back half of the library from Jim Lehner for a cost not to exceed \$7,900, and to approve the quote for the purchase of the new carpet for the Village Hall meeting room, lobby and elevator hallway room from Jim Lehner for a cost not to exceed \$4,000, and the MOTION carried without negative vote.

Abbey Springs Water Main Break Emergency Repairs

A water main break was discovered last week by Utility Supervisor Dennis Barr on the Abbey Springs Golf Course adjacent to a pond near the second green. The DNR is opposed to drawing the water out of the pond to repair the break, so the plan is to directional drill and install a new 170-foot poly water line loop under dry ground and reconnect on both ends to the existing water main. In response to a question, Barr stated he found an old map which shows the Village has 10 foot easements on both sides of the water line. Village Engineer Joe Eberle was present to explain the engineering involved with the emergency repair, and also the quote received from Globe Contractors, Inc., Pewaukee, for \$35,000 to reconstruct the break. Eberle said he wanted to make sure the board understands it is only an estimate and could be less or more than \$35,000 depending on the actual length of water main that has to be replaced. Thorpe explained that due to the emergency situation and the welfare of the community being at risk, the work could be approved without putting the work out for bids.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to authorize the emergency water main repairs and bypass the state bid statutes in order to repair the Abbey Spring water main, and to approve the construction estimate submitted by Globe Contractors, and the MOTION carried without negative vote.

Protection Committee

Rescue Boat Pickup Truck Purchase Approval

Fire and Rescue Department Chief Wolfgang Nitsch reported the Fire Department's current F250 pickup truck, which tows the dive team boat, is having increasing mechanical issues and brake failure and is leaking oil. Also, the F250's maximum recommended towing capacity is 8,500 pounds, and the rescue boat weighs approximately 12,000 pounds. The old ladder truck has been sold to the Village of Johnson Creek for \$45,000. The old trucks expected sale price was less than \$30,000, so the Village received more than \$15,000 over the expected value. Nitsch requested to use a portion of the proceeds from the sale of the old ladder truck toward the purchase of a crew cab new pickup truck, potentially a Chevy 3500. The original price of a new truck is around \$46,000 but after sales incentives, a new truck can be purchased for \$32,000; roughly the same cost as a used truck. Nitsch said he would like to add a skid unit and trailer to transport ice, rescue and dive gear to make the truck as versatile as possible. Nitsch requested \$35,000 from the sale of the 1989 Pierce ladder truck and the department will fund the purchase of the additional equipment he wants to add with money in the donated funds account. Pappas said the \$800,000 for the new fire truck was borrowed so there is not actually "extra money" from the sale of the old truck and believes it is foolish to borrow money for a "want". He added the rescue boat is only used twice per year, one in spring and one in fall and the boat is only towed a few miles from where it is stored to where it is launched, and suggested using a truck from Public Works instead rather than spending unbudgeted money. Prudden questioned what would happen during an emergency if there was no truck. Nitsch stated the MABAS agreement includes the Village of Fontana Rescue Boat and it also has been transported at times to Lake Como for training activities. Pappas believes the Village should only be providing equipment we already own for MABAS and not making it a priority.

President Petersen/Trustee Kenny 2nd made a MOTION to approve the purchase of a Chevy 3500 pickup truck for an amount not to exceed \$35,000 with the funds derived from the sale of the 1989 Pierce ladder truck, and the MOTION carried on a 5-1 vote, with Trustee Pappas opposed.

Ordinance 42-122 Amendment to Correct Typo and for E-Cigarettes

Martin said that an incorrect statute is cited in the previously adopted ordinance section. The corrected ordinance was included in the meeting packets.

President Petersen/Trustee McGreevy 2nd made a MOTION to approve Ordinance 04-06-15-01 and the MOTION carried without negative vote.

Peace Officer's Memorial Day Proclamation Approval

Martin stated May 15, 2015 has been designated as Peace Officer's Memorial Day, which falls during National Police Week, and requested the board adopt the proclamation as distributed to recognize Peace Officer's Memorial Day.

President Petersen/Trustee Kenny made a MOTION to approve the annual Peace Officer's Memorial Day Proclamation as presented, and the MOTION carried without negative vote.

FW-WPCC

Annexation Resolution Approval

Walworth annexed a small piece of property that was added to the Fontana-Walworth Water Pollution Control Commission service area for sanitary sewer service and authorization from Fontana in Resolution form is required for SEWRPC.

President Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution 040615-03 FW-WPCC annexation approval as presented, and the MOTION carried without negative vote.

Closed Session

Trustee Spadoni/Trustee McGreevy made a MOTION at 6:48 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 for WPPA Union Contract Renewal; 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 138 Fontana Blvd. Residential Unit Lease, Big Foot Country Club Easement and Storm Water Agreement, and WPPA Union Contract Renewal.

The Roll Call vote was as follows:

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Whowell – Aye

President Petersen – Aye

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

Adjournment Closed Session

President Petersen/Trustee Kenny 2nd made a motion at 7:01 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

WPPA Union Contract Renewal

President Petersen/Trustee McGreevy 2nd made a MOTION to approve the WPPA union contract renewal for 2014 with the previously adopted text clarification amendments and with a 1.66 percent cost of living wage increase, and to invite the WPPA Union members to enter into negotiations for a multi-year contract renewal in 2015, and the MOTION carried without negative vote.

138 Fontana Blvd. Residential Unit Lease

Trustee Prudden/Trustee Pappas 2nd made a MOTION to deny entering into a new residential lease with Nick Voss for the upper level unit 138 Fontana Blvd., and the MOTION carried without negative vote.

Adjournment

President Petersen/Trustee McGreevy 2nd made a MOTION at 7:03 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: _____