

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

**(Official Minutes)**

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Tuesday, September 1, 2015**

Village President Pat Kenny called the rescheduled 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: President Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas, George Spadoni, Arvid Petersen

**Trustee Absent:** Dave Prudden

**Also Present:** Jade Bolack, Merilee Holst, Clerk Theresa Linneman, Administrator Dennis Martin, Police Chief Steve Olson, Mike Sheyker, Ed Snyder, IV, Village Attorney Dale Thorpe, Treasurer Scott Vilona

**Visitors Heard**

Merilee Holst thanked the emergency service departments for their help at the Lake Geneva Yacht Club's Regatta after an incident was reported. She said the response received from the emergency responders was great and much appreciated.

**Announcements**

None

**Approval of Village Board Minutes**

The minutes for the August 3, 2015 meeting were distributed.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held August 3, 2015, as presented, and the MOTION carried without negative vote.

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

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

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> 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 Petersen 2<sup>nd</sup> made a MOTION to approve the Village and Utility payable list as distributed with the additional payable list and late arriving invoice from BTO in the amount of \$381, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Operator License Application filed by Robert E. Bole (Pie High Pizza)**

There were no concerns with the background check and the applicant is recommended for approval.

Trustee Spadoni/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Robert E. Bole, and the MOTION carried without negative vote.

**Accept Finance Committee Member Resignation**

Finance Committee Member Craig Workman submitted his resignation in July, 2015 after taking a new position in Whitefish, Montana.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to regretfully accept the resignation of Craig Workman from the Finance Committee, and the MOTION carried without negative vote.

**Appointment Finance Committee Members**

The Finance Committee recommended the appointment of Michael Sheyker to fill the seat left vacant by Craig Workman. Sheyker is a former member of the Finance Committee who resigned

after temporarily moving out of state.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the appointment Michael Sheyker as a member of the Finance Committee, and the MOTION carried without negative vote.

#### **Amend Ordinance Section 54-161(d)(9)b Correcting Boat Parking Lot Number**

Chief Olson discovered an error in the Section 54-161 of the Municipal Code which incorrectly lists the boat trailer parking lot as Lot No. 3 although it was reassigned and posted as Lot No. 4 years ago.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to adopt Ordinance No. 090115-01, to correct the Boat Trailer Parking Lot to No. 4 under section 54-161(d)(9)b, and the MOTION carried without negative vote.

#### **Authorize Deer Hunting on Village Parcels**

Village Hall staff have received requests from the general public requesting to bow hunt for deer on village property. Last year, Martin stated that Village DPW employees and residents were authorized to hunt on the three Village parcels. Private property owners have discretion to grant permission to whoever they desire to hunt on their land as long as the parcel meets the statutory setback and lot size minimum standards. Pappas suggested giving first priority to village employees and residents to hunt on village property, and then allow the general public if there is enough hunting area on the village parcels. He recommended Martin include someone who is knowledgeable about hunting and how many individuals can be on a single lot at any given time, when he sorts out the details of the approval process. Martin said a list would have to be made and kept on file so staff knows who has been given permission to hunt.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to authorize Village employees and Village residents to bow hunt on the three village parcels that have been designated for hunting in the past, followed by the general public if there is adequate room, and directed Martin to work with village bow hunters to determine the number of individuals that can safely be on one lot at a time. The MOTION carried without negative vote.

#### **Proposed Ordinance Creating Section 74-281(p) No Parking Area on Bay View Avenue**

Parts of Bay View Avenue have been posted as No Parking from Reid to Lake Street, but has never been included in the village ordinances. Since it is posted, Chief Olson said it should be made official in the ordinances, though the street is small so it is typically not an issue. Spadoni requested that anyone who has been ticketed for parking on Bay View Avenue when it was not actually in the ordinances should be refunded their ticket amount. Chief Olson did not recall if a ticket had ever been issued for a No Parking violation on Bay View Avenue.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adopt Ordinance No. 090115-02 to add Section 74-281(p) to the Village of Fontana Code and establish a no parking area on Bay View Avenue, and the MOTION carried without negative vote.

#### **Payroll Resolution Amendment**

The item was discussed in closed session.

#### **Abbey Harbor Association Request for Channel Dredging Invoice Rebate**

The Abbey Harbor Condominium Association requested that the Village pay for half of the \$9,705 invoice issued for the association's portion of the dredging project that was not covered by a DNR matching fund grant. Village staff assisted the Abbey Harbor Condominium Association in applying for the matching fund grant to help fund the dredging of the harbor. The initial approval called for the Abbey Harbor to pay the other half, for a total amount not to exceed \$10,000. The Abbey Harbor Association is requesting the village provide a 50 percent rebate on the invoice, or \$4,852.75. Abbey Harbor employee Ed Snyder, IV, was present and stated the Abbey Harbor typically dredges at its own expense although it is the sand from the village beach and silt from the Pottawatomie Creek that creates the need to dredge. There was discussion about the possible need to install rip-rap out into the lake to help prevent beach sand from flowing into the channel. Staff had concerns with funding half the Abbey Harbor invoice for the project since it was not included in the budget, and also reported that there were concerns stated by some of the Finance Committee members that the Abbey Harbor and Abbey Resort are not contributing any funds for the new lakefront bridge construction project.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve splitting remainder of the cost of the dredging project after the DNR Grant is applied in an amount not to exceed \$4,852.75, and the MOTION carried without negative vote. Trustee Petersen and Trustee Whowell abstained, and Trustee Prudden was absent.

#### **Protection Committee – Trustee Prudden**

##### **Duty Crew Association Members of the Department for Training Purposes**

A recommendation was made at the last Protection Committee Meeting to amend the Fire and Rescue Department Municipal Code section to allow Paratech employees to be hired as associate members so they can train with the rest of the department and be covered by the Village insurance policies. When Paratech was first contracted with the village, the members were not allowed to partake in anything other than Paratech related duties, however, they have since been allowed to take on additional responsibilities such as cleaning. Martin said he does not believe any action is necessary and the Paratech employees can be hired onto the department just like the other members that have full-time jobs so long as Paratech allows it. All volunteer members of the department are covered under Workmen's Compensation in the event that someone gets hurt doing training or on a call. Martin indicated he briefly spoke with the village attorney on the issue and he will also do more research to determine if an ordinance change is necessary.

##### **Positive Police Officer Engagement Program Proposal**

Martin said the Protection Committee does not want to pursue the particular proposal that Spadoni had presented through information packets. Spadoni stated the proposal was not thoroughly discussed at the Protection Committee meeting and the proposal did not specifically say gift cards. He listed several programs that he has tried unsuccessfully to enact, and stated the motion that was made at Protection Committee to permanently deny the request was illegal per the village attorney. Petersen, who was present at the Protection Committee meeting, said the proposal was denied because it has been on several agendas and Spadoni did not present any new material at any of the meetings. After discussion, Spadoni was instructed by President Kenny to return to the Protection Committee with a new idea.

#### **Park Commission – Trustee Whowell**

##### **Geneva Lake United Soccer Club Permit Application for Duck Pond Pavilion on September 12, 2015**

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve and waive the fee for the Park Permit application as filed by Geneva Lake United Soccer Club at Duck Pond Pavilion on September 12, 2015, and the MOTION carried without negative vote.

##### **Park Permit Application filed by Michele Yops for Family Reunion for Reid Park on September 12, 2015**

Staff recommended approval with the condition the \$75 park fee is paid.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit application as filed by Michele Yops with the condition the \$75 park fee is paid, for a family reunion at Reid Park on September 12, 2015, and the MOTION carried without negative vote.

##### **The Kira Spedale Foundation Permit Application for Reid Park Gazebo on October 3, 2015**

Trustee Pappas suggested the fee be waived since the board typically waives the permit fee for all non-profit organizations.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit application, as presented, and waive the fee for the Kira Spedale Foundation fundraiser at the Reid Park Gazebo on October 3, 2015, and the MOTION carried without negative vote.

#### **Public Works Committee – Trustee McGreevy**

##### **Second Avenue Water Main Project Utility Burial Proposals**

Martin informed the Board that staff met with the representatives from the utility companies to plan the burial of the electrical, cable and telephone overhead lines. The request to bury the electric and cable lines was initiated by the Shodeen Construction Company and is not a budgeted item, so staff and the Public Works Committee recommended that the expenses be charged to the Shodeen

Construction Company. Village Hall and Library lines will be included, and staff recommends that the Shodeen Construction Company pay for all related expenses.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to authorize the burial of the village utility lines on Second Avenue with the condition that the Shodeen Construction Company pay for all related expenses, and the MOTION carried without negative vote.

#### **Valve Exerciser Purchase**

The Valve Exerciser is a budgeted item and approval is recommended for the lowest bid in the amount of \$7,150 from HD Supply Waterworks, Limited Model – Valvemaster counter trailer mount valve exerciser with a Honda engine.

Trustee McGreevy/Trustee Whowell 2<sup>nd</sup> made a MOTION to authorize the purchase of a valve exerciser from HD Supply Waterworks in an amount not to exceed \$7,150, and the MOTION carried without negative vote.

#### **Pheasant Ridge Lift Station Pumps**

Martin said the pumps for the Pheasant Ridge subdivision lift station are submerged and only used for that particular subdivision. Since last spring, the pumps have went down several times due to someone flushing diapers and other non-disposable items which clog and then burn out the pumps. Utility Supervisor Dennis Barr suggested one option is to purchase a grinder pump which runs around \$28,000. Staff consulted the village attorney who said the Village cannot charge the association for past repairs and emergency rebuild expenses; however, they could special assess the association property owners for the purchase of new equipment. Staff recommends giving the association one last warning, and if underwear or a diaper is flushed and causes the pumps to break down again, the village will proceed with ordering the new equipment and levying a special assessment on the association property owners to fund the purchase and installation. McGreevy recommended sending a warning letter via certified return receipt to each of the property owners in the Pheasant Ridge subdivision. Martin indicated he was informed by the village attorney that as long as the Village can prove they did everything they could to educate the property owners, it would be permissible to special assess the property owners.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to direct staff to contact the Pheasant Ridge Association members via email and certified mail regarding appropriate disposal of household items and the possibility of a special assessment to purchase and install new vortex pumps in the Pheasant Ridge lift station, and the MOTION carried without negative vote.

#### **Brookwood Water Tower Inspection Report – Direction**

The report from Dixon Engineering, Inc. was included in the meeting packets. Martin said staff met with Ruckert-Mielke and reviewed the report and their recommendation is to approve the \$500,000 repaint and renovation proposal, which will result in a minimum of 20 to 25 years of service from the water tower. The tower will work with the new water main lines that will be installed in the Abbey Springs subdivision. The report indicates the water tower could last much longer than 25 years if the village plans and completes minor maintenance projects every three to five years, as necessary.

Spadoni pointed out that nearly half the \$500,000 will be spent on work on the outside of the tower. Martin said he confirmed with Vilona that there are enough bonded monies for the Abbey Springs water main and stand pipe project that can be allocated for the refurbishment of the water tower.

McGreevy/Whowell 2<sup>nd</sup> made a MOTION to authorize the refurbishment of the water tower for an amount not to exceed \$500,000, as recommended, and the MOTION carried without negative vote.

#### **Town of Walworth Brick Church Road Project Proposal**

There were concerns from the Public Works committee about a Brick Church Road surface overlay project completed by the Town of Walworth. The Town of Walworth did not meet with any Fontana representatives and contracted a company from Lake Delton to resurface Brick Church Road which runs through portions of Walworth and Fontana, then sent the village the contractor's proposal, which calls for \$28,037 for Fontana's "portion" of the resurfacing project. Concerns were raised if the project was put out for bids and that there was not an approved intergovernmental agreement. Public Works Manager Brett McCollum stated that the road should have been reconstructed rather than just resurfaced as it is quite deteriorated in some spots. Martin stated he and McCollum looked at the road after the overlay project was completed, and there were already

areas of the pavement that were pulled up and displaced. Martin sought direction from the board on how to move forward with the proposal received from the Town Walworth. The Public Works Committee is opposed to allocating unbudgeted funds for the project, but Town Chairman Joe Abell was informed the Village would be willing to work with him on the project. Thorpe suggested there should be some shared maintenance agreement in place for these situations. Pappas asked whether Walworth met the bid requirements; however, since the Village did not receive any proposals or additional information, it is unknown.

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to send the Town of Walworth Brick Church Road invoice back to the Public Works Committee and invite a Town of Walworth representative to be present at the next committee meeting, and the MOTION carried without negative vote.

#### **1014 Tarrant Drive High Usage Utility Invoice**

The Public Works Committee made a recommendation to deny the credit request.

Trustee Spadoni/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny the request for credit for the sewer portion of the Utility account invoice issued to Dennis and Eileen Robleski, 1014 Tarrant Drive, and the MOTION carried without negative vote.

#### **Upper Brookwood Drive Restoration – Direction**

After an emergency water main replacement project was completed, the Village completely reconstructed the private roads in the Upper Brookwood subdivision. During the final walk through inspection it was noted that some of the mailboxes were not in their proper locations and some fell apart when moving them for construction. There were also areas of storm water runoff erosion along the new road. The DPW could reinstall the remaining mailboxes, however, the new road has resulted in runoff along large portions of the shoulder and there are now areas that are being severely eroded. The Brookwood Association requested that the Village engineer have a rock shoulder installed along the entire roadway, which will be very expensive because of the need for an underlying fabric layer to keep the rocks in place on the steep inclines. The estimated cost of the project is \$48,000. Martin stated the roadway is currently in better shape than it was when the project commenced, which is called for in the easement agreement. And the extra work to construct a new roadway has put the project \$200,000 over the initial budget. It could be argued that the reconstructed road has created the runoff damage and the Village is now responsible; however, it also could be argued that the road is in far better condition than it has been in since the subdivision was first annexed, and the association now has a brand new water line and road at no cost to the property owners. One option is to offer the association the municipal pricing for the rip-rap. Rip-rap is needed in three locations and McCollum stated it needs to be done soon to prevent further runoff and erosion. It was recommended village staff meet with Association President Janet Richter to discuss options and do another walk through without discussing the price or the maximum contribution amount.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to direct staff to meet with Janet Richter from the Upper Brookwood Association to review and discuss options to restore the areas along the reconstructed road where erosion has occurred, and the MOTION carried without negative vote.

#### **South Lakeshore Drive Water Main Project Pay Request No. 4**

The Pay Order was reviewed by village staff and engineers and was recommended for approval.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$157,996.12 Pay Order No. 4 submitted by the Wanasek Corporation for the South Lakeshore Drive Water Main Project, and the MOTION carried without negative vote.

#### **Finance Committee – President Kenny**

##### **Establishment of Tourism Commission Recommendation**

Due to Act 55 which was passed in this year's biennial budget, 70 percent of the tax collected from Room Tax on hotels, motels, and housing rentals, must go towards tourism. The funds were previously unrestricted as long as they were allocated for tourism related items in the general fund. This will not be the case following 2016 when the Village will have the option to either contract with a local tourism agency such as a chamber of commerce, or to create its own Commission which is recommended since it gives the municipality more control over how the money is being used. This requirement does not go into effect until January 1, 2017, and Thorpe said there is some opposition to the requirement so it may change, but the Finance Committee wanted to get ahead by getting

authorization of the concept of a Tourism Commission in case it is needed. According to Vilona, the Village takes in almost \$300,000 in room tax each year. The Village will not have any issue spending the required amount on tourism related projects since there are so many entities in Fontana that are geared towards tourism.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the establishment of a Fontana Tourism Commission, and the MOTION carried without negative vote.

### **Closed Session**

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 6:53 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 Police Department Employee Wages.

The Roll Call vote was as follows:

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Petersen – Aye

President Kenny – Aye

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

### **Adjournment Closed Session**

Trustee Whowell/Trustee Spadoni 2<sup>nd</sup> made a motion at 7:02 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 Pappas 2<sup>nd</sup> made a MOTION to approve Resolution 090115-01 amending the 2016 payroll resolution, and the MOTION carried without negative vote.

### **Adjournment**

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> 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: 10/13/15