

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, September 8, 2014**

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote George Spadoni, President Arvid Petersen, Rick Pappas, Dave Prudden

**Trustees Late:** Bill Gage (arrived at 5:35), Tom McGreevy (arrived at 5:33) and Pat Kenny (arrived at 5:36)

**Also Present:** Clerk Theresa Linneman, Administrator Dennis Martin, Village Attorney Dale Thorpe

**Closed Session**

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION at 5:31 pm to adjourn 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 2014 salary for Police Chief; and pursuant to Chapter 19.85(1)(e) deliberating or negotiating purchase of public properties, investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require, specifically the Abbey Springs water main and standpipe project easement negotiations; offer received to sell to the village portion of the lot located at 404 Harvard Avenue; Shabbona Drive Lots sale direction. The roll call vote was as follows:

President Petersen – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Spadoni – Aye

The MOTION carried on a 4-0 vote, with Trustee McGreevy, Trustee Gage and Trustee Kenny not yet at the meeting.

**Adjourn Closed Session**

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION at 6:02 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without a negative vote.

**Also Present:** Director of Streets Ron Adams, Director of Utilities Dennis Barr, Greg Blizard, Jade Bolack, Britt Isham, Library Director Nancy Krei, Building Inspector/Zoning Administrator Ron Nyman, Micki O’Connell, Chief Steve Olson, Mike Seick, Jamie Whowell, Treasurer Scott Vilona

**Closed Session Business**

**Abbey Springs Water Main and Standpipe Project Easement Negotiations**

Trustee Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to direct staff to begin preliminary planning and easement negotiations for an alternate Abbey Springs water main and water tower replacement project, and the MOTION carried without a negative vote.

**Shabbona Drive Lots Sale Direction**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a motion for Administrator Martin to seek an opinion letter from Village engineering firm Ruckert-Mielke as to the storm water runoff conditions of the two lots on Shabbona Drive, and in the absence of their written opinion, to seek an opinion from an outside engineering firm for an amount not to exceed \$1,000. The MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to hire Keefe Real Estate agent Jay Hicks at the standard rate of commission to list the two separate lots on Shabbona Drive, and to exclude the three contractors who have previously approached the village with interest in the properties. The MOTION carried without a negative vote.

## **Visitors Heard**

None

## **Announcements**

Spadoni asked if arrangements had been made with the police department for the weekend of September 27 and 28, 2014, for the annual antique and classic boat show taking place at the Abbey Marina. Spadoni stated in past years a police officer has been assigned to direct traffic and assist pedestrians to cross the street at the entrance of the marina. He also requested police refrain from issuing parking tickets to anyone that might go over on the meters on those particular days. Martin stated that he checked with Chief Olson and plans have been made same as past years. Martin stated the September calendars were included in the packet and also asked members to take a look at the budget schedule located on the following page. He said the budget schedule had been revised since the previous board meeting and some of the dates had been pushed out to give the Village more time to plan. Martin stated there was no Protection Committee meeting last month, and in lieu of Protection Committee minutes, the packets contained the Monthly Administrative Report submitted by Chief Olson and the Incident Summary Report for August.

## **Approval of Village Board Minutes**

Trustee Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held August 4 and August 25, 2014, as presented, and the MOTION carried without negative vote.

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

The August 2014 reports were distributed.

Trustee Kenny/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the reports as distributed and to place them on file for the annual audit, and the MOTION carried without negative vote.

## **Approval of Village and Utility Payables**

Trustee Spadoni requested the Trustees look at the list of payables and take notice that the eighth highest expense, and first highest service provider cost, which is Ruckert-Mielke in the amount of \$206,585.66. Spadoni said when people criticize and complain about other services, they should look at the number one cost.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility payables as distributed, and the MOTION carried without negative vote.

## **General Business – President Petersen**

### **Approve SIB Loan Application for Bridge Projects**

Martin stated the Village has not qualified for any of the state or federal aids that have been applied for to obtain grant funds to finance reconstruction of the lakefront bridge. Martin stated a Wisconsin DOT State Infrastructure Bank Loan is the Village's best bet as the loan is at 2 percent and the Village can create its own repayment schedule. Martin stated the boring information is now in Collins Engineering hands. They received the complete results last week and have been moving forward with preliminary plans. Martin stated he is optimistic that he might be in contact with the Village Trustees for a special meeting later in the month if the preliminary plans get to the point where the Village can move forward with the bridge.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to submit the Wisconsin Department of Transportation State Infrastructure Bank Program Loan application as presented, and the MOTION carried without negative vote.

At the end of the meeting, Pappas asked for a bridge status update. Martin stated Collins Engineers, Inc., is moving forward and has received the final boring results. The preliminary design indicated they are going to have to go back into the embankment to get into solid ground for the new foundation. Martin stated that Tom Collins indicated that the channel under the bridge is naturally going to get wider now and the clearance under the bridge is going to increase by a few inches because of the new building materials. Martin stated that the surface level of the new bridge is going to be the same height as the current bridge. Due to the extensive planning and permits it would take to make major adjustments to the new design, the plan is to have the new channel funnel into the current ingress and egress areas from the Abbey Harbor with no change. Martin stated that what will need to be decided by the board is how fancy to make the

bridge at ground level. The preliminary design is basically a blueprint and it's up to the board how many bells and whistles to add. Pappas asked about a timeline and Martin replied that the original plan presented last month is still in place. The preliminary work is set to be done in winter with the bridge being razed in January. He said once the water melts they'll be back in with the outside hope of getting the bridge done by Memorial Day, but for sure by the Fourth of July. He said if the village can get Collins to the point where these preliminary plans are ready for the board to consider, the Village Board could call a special meeting and commence with the bidding process. Petersen suggested asking Al Kaminski to come up with a written report to be presented to the board. Prudden stated Kaminski is currently out of town and said he had apologized for not being at the meeting, but he is on top of everything.

#### **Proposed Amendments for Municipal Code Chapter 2 – Tabled August 4, 2014**

Attorney Thorpe stated his staff worked with Martin to make the proposed minor changes and clarifications to Chapter 2 of the Municipal Code regarding Village Committee Compositions. Thorpe said the ordinance was ready for adoption. Pappas stated the Village spent close to \$2,000 to make the changes and it was a complete waste of taxpayer money. Spadoni said he agreed but Pappas was the one who brought it up and it is now fixed. Pappas stated he brought up that committees were being created and members appointed and approved improperly and said it could have been resolved through discussion rather than changing the ordinance.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 090814-01, adopting an amendment to sections 2-60(2), and amending language to be clearer and to 2-86(b) two additional Village Trustees, as presented, and the MOTION carried without negative vote.

#### **Sick and Vacation Time Personnel Policy Amendments – Tabled August 4**

Thorpe stated that he completed the policy amendment to the Personnel Policy, Section 407, in the Employee Handbook which addresses severance pay. Thorpe stated the history on the severance payouts were part of a pay arrangement created through some "strange and generous union benefit package." Thorpe stated he had distributed a letter in December, 2013, which detailed the step-by-step practice on how the past practice of how severance pay came about. The policy, as currently written, awards severance pay to "Regular full-time employees as outlined in the union and individual contracts." Since this practice is longstanding, Thorpe said there are employees who are counting on these payouts. He said in the proposed resolution he drafted a sharp line of distinction between past practice and new employees. Anyone hired after January 1, 2014, does not get the benefit of sick or vacation buyout. Those hired before that date will still receive the payout benefits as has been done in the past. Thorpe stated he also strongly suggests the 13-year-old Personnel Policy Manual be re-written because in its current form it is not doing anyone any favors. Spadoni made an initial motion to approve Resolution 090814-01 to modify section 407 Severance Pay. Martin requested the board also approve giving staff direction to start working on updating the employee handbook. Pappas stated he had a question about the portion written next to the asterisk which states, "Regular full-time employees as outlined in union and individual contracts." He asked if it would be better to clean it up and list union employees as represented employees and individual contracts as non-represented employees. Thorpe stated he thought about that but decided it would not benefit the Village as it does not change the past practice. He said we have a good handle on what the interpretation was and believes it should be left alone rather than trying to codify a past practice. He suggested coming up with an entirely new Personnel Manual. Martin stated it falls in line with hiring a new Public Works Manager. Specifically, he would like to remove the language from the handbook that refers to the policy as it is spelled out in the union contract. Thorpe stated he would like Martin to work with Al Kaminski on creating a new handbook.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 090814-01 to amend section 407 Severance pay in the Employee Handbook, as presented, and to direct Martin to work with Al Kaminski on rewriting and updating the Employee Personnel Manual, and the MOTION carried without negative vote.

#### **Outdoor Service Area Approval for SteveO's Park Place, 268 Reid Street, for September 20, 2014 Fat Tire Tour Event**

Martin stated that Steve Fairchild requested authorization for the same outdoor service area that he created for last year's Fat Tire Tour event, and there were no concerns reported. Martin stated that staff recommends approval with all conditions the same as last year.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize the outdoor premises service area for Steve O's Park Place Lounge, 268 Reid Street, on Saturday, September 20, 2014, with the condition that the service area is inspected and approved prior to the event by the Building and Zoning Department and the Police Department, and the MOTION carried without negative vote.

#### **Further Direction on Bow Hunting Permit Process for Village Parcels**

Martin stated staff is seeking further direction on whether the village should allow individuals to hunt on village owned parcels, and if allowed, how permission should be granted. Martin stated there are a few local residents who had been granted permission on the Village parcels as part of the Resolution approved last year, as well as a few of the DPW workers. Pappas stated that with the new state statutes, nobody can hunt on village parcels unless permission is authorized. Pappas and Spadoni said they are in favor of allowing hunting on village land. Pappas asked whether it should be the Village's responsibility to give permission or if a permit should be issued. Spadoni said it should just go through the Village Administrator. Thorpe suggested creating a policy. Pappas said there was an ordinance created in the past and Martin clarified that it was a resolution specifying permission to specific individual for specific parcels in the current year.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to authorize hunting on village property and to direct the Village Administrator to work out the details, and the MOTION carried without negative vote.

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

##### **Authorize Sale of 2003 Ford F-250 Truck**

Trustee McGreevy stated that the agenda item contained a typo and the old truck to be sold is actually an F-550. The new truck has been delivered and has been placed in service, and the Public Works Committees recommended selling the old one on E-Bay.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to authorize the sale of the 2003 Ford F-550 truck, via an online auction, and the MOTION carried without negative vote.

##### **Boom Truck Purchase and Sale Authorization**

Trustee McGreevy stated Director of Streets Ron Adams thinks the Boom Truck could be sold for \$8,000 to \$9,000. McGreevy said Adams believes they could purchase a used boom truck that is fully operational for about \$25,000.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Public Works Committee recommendation to sell the DPW boom truck if a new used boom truck can be purchased for an amount not to exceed \$25,000, with the condition the necessary funds are available in the budget. The MOTION carried without negative vote.

##### **Upper Storage Building Shingle Replacement Project Bids**

McGreevy stated they had one bid and Adams stated they are still working on getting more bids.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item until more bids are received, and the MOTION carried without a negative vote.

##### **Leaf Compost Area Authorization to Seek Proposal**

McGreevy stated that leaf composting is a big consumption of resources for the DPW employees and Gifford Tree Service, Inc. has offered to come in with their tub grinder and take over on a trial basis for one year. Martin stated he would like to get clarification from Thorpe if the proposal has to be posted to solicit RFPs from more firms than just Gifford, since Gifford Tree Service would be running the compost at their expense, but it would be on village property. They would use the materials for their customers but the Village would still be able to use the mulch for its landscaped areas. Petersen stated more information is needed. Martin stated he still had to research if it would be a cost savings and if it should go out as an RFP.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item until more information is received, and the MOTION carried without negative vote.

##### **Proposal for Preliminary Design Cost Estimate for Tarrant Drive Lift Station Gravity Line**

McGreevy stated Ruekert-Mielke submitted a proposal not to exceed \$4,500 to start designing a new gravity sanitary sewer line to replace the Tarrant Drive lift station. Spadoni asked if the Village wants to give its most expensive provider for services more money. Petersen stated the engineering firm is paid for what

the Village asks them to do. Spadoni replied that sometimes the Village asks them to do something and they don't do it.

Trustee McGreevy/Trustee Pappas made a MOTION to authorize the proposal submitted by Ruekert-Mielke not to exceed \$4,500 to complete the preliminary design and cost estimate planning for a proposed new gravity sanitary sewer line to replace the Tarrant Drive lift station. The MOTION carried on a 6-1 vote with Trustee Spadoni opposed.

### **Recommendation for Brookwood Water Main and Water Tower Replacement Easement/Land Purchase Negotiations**

The recommendation was approved earlier in the meeting.

### **Approve Bid Statute Compliance Documents for Emergency Lift Station Pump Purchase**

Thorpe said he drafted a resolution to authorize the emergency repair work and pump replacement at the Main Lift Station. Thorpe said the process has started; however, there is no contract for the pump replacement work to be completed by L.W. Allen, Inc., and he would like permission to work with Martin to draft a contract to be referenced in the resolution. He stated there is an approved proposal but it needs to be a formal municipal contract and include the right insurance, wage rate affidavit information, etc., to ensure the village is protected should someone get hurt. Thorpe stated it would be similar to any other municipal contracts, with an AIA form agreement, have usual supplemental contract conditions, and a respectable amount of insurance and bonds. McGreevy asked if this contract would be standard for any other emergencies. Thorpe said there have only been two emergency contracts the village has approved in the last 25 years. Later in the meeting, Thorpe asked if quicker action was required on the emergency pump repairs, would the board entertain getting together for a special session to get contract approved. Petersen stated yes, and with the current board a quorum could most likely get together within hours if necessary. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Resolution 090814-02, authorizing the emergency repair work and pump replacement at the Main Lift Station, and to direct Thorpe to work with Martin to draft a contract for the pump replacement installation that complies with village requirements, and the MOTION carried without negative vote.

### **Winter Snow Plowing**

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without a negative vote.

### **Park Commission – Trustee Pappas**

#### **Park Permit Application Filed by Geneva Lake United Soccer Club**

Pappas stated the permit was filed by the Geneva Lake United Soccer Club for October 4, 2014, for use of the Duck Pond Recreation Area and Pavilion. Pappas stated that the Park Commission recommended waiving the application fee for the non-profit organization.

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by the Geneva Lake United Soccer Club and to waive the fee for the non-profit group for the Duck Pond Recreation Area and Pavilion on Saturday, October 4, 2014, from 8:00 am to 8:00 pm. The MOTION carried without negative vote.

### **Geneva Lake Conservancy Memo of Agreement Approved April 2013**

Pappas presented the management agreement with the Geneva Lake Conservancy concerning the Fontana Fen that was approved April 8, 2013 subject to Attorney Thorpe's review. Thorpe stated the GLC proposed the elimination of a mutual indemnification clause, and it is not a risky undertaking. Petersen stated that this applies to the Fen and the Fen only; no other public properties. Thorpe pointed out it is an agreement to undertake services.

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to authorize the removal of the hold harmless agreement from the Memo of Agreement approved at the April 8, 2013 Village Board Meeting, and the MOTION carried without negative vote.

### **Finance Committee – Trustee Kenny**

#### **Arlene Patek Resignation**

Kenny stated Arlene Patek has submitted her resignation. He said he would like her to come in for the next Finance Committee meeting or Village Board meeting, to give her some sort of thank-you

for her many years of service. Martin stated he would have to do some research, but he believes she was on the Finance Committee for a couple of decades. Petersen stated he thought there would be a recommendation tonight on new members to fill the two open seats. Kenny replied that at least four residents and property owners have expressed interest in filling the two positions and a recommendation will be presented to Petersen for the next Village Board meeting.

Trustee Pappas/Trustee Kenny 2<sup>nd</sup> made a motion to regretfully accept the resignation of Arlene Patek from the Finance Committee. The MOTION carried without negative vote.

### **138 Fontana Blvd. Lease Renewal Recommendation**

Kenny gave a brief overview of the current situation. The current rent is \$500 during the winter months (January – April) and \$700 during the remaining summer months. The Finance Committee decided to go forward with a recommendation to raise the rent to \$800 per month due to the upgrades that were done on the premises last winter. Petersen asked what kind of lease would be offered. Kenny asked if a one-year lease is what was offered in the past. Martin stated due to the property being for sale, Jay Hicks recommended a 30-day notice to terminate be included in the lease, and the Finance Committee felt that a 90-day notice to terminate was fairer. Martin stated Hicks recommended \$700-\$800 for the upper residential unit, and \$600-\$700 for the lower unit. He suggested lowering the amount a couple hundred dollars if someone wanted both the upper and lower units in order to get one tenant for the whole building. Hicks suggested putting For Rent signs in the window as he has already had people asking him about it. Martin stated the current residents have given notice that they are moving out when their lease is up at the end of September.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to lease the upper unit at 138 Fontana Boulevard for \$800 per month with a 90-day termination notice, and to lease the lower unit at 138 Fontana Blvd for \$700 per month with a 90-day termination notice, and the MOTION carried without negative vote.

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to list the upper and lower level units at 138 Fontana Boulevard for \$1,350 per month with a 90-day termination notice, and the MOTION carried without a negative vote.

### **Authorize Credit Card for Fire and Rescue Department**

Martin stated there are items the Fire and Rescue Department needs to buy online with a credit card and the card would have a \$3,000 limit. Petersen asked if it was one card and one account. Martin stated yes and he and Vilona would monitor the usage.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve obtaining a credit card for the Fire and Rescue Department with a \$3,000 limit, and the MOTION carried without negative vote.

### **Lakefront Committee – Trustee Prudden**

#### **Rip-Rap Repair Permit Filed by Larry Quist, Pier Docktors, for Neilson-Havens Property at 403 N. Lakeshore Drive**

Trustee Prudden stated the DNR permit has already been approved.

Trustee Kenny/Trustee McGreevy made a MOTION to approve the Rip-Rap Repair Permit application for the property at 403 N. Lakeshore Drive, as approved by the Wisconsin Department of Natural Resources, with the conditions that the Village of Fontana Building Permit application is approved and that an as-built survey is filed upon completion of the project, and the MOTION carried without negative vote.

### **Village Pier Proposal to Swap Buoys for New Slips**

Trustee Prudden said the DNR is currently allowing the swap of one buoy for one boat slip. The Lakefront Committee approved a motion at its last monthly meeting to recommend that the Village Board authorize the committee and the Village pier service provider, Austin Pier Service, to commence with the formal planning and permitting process to construct a 200-foot pier, with 22 slips, between Pier 1 and Pier 2 in front of the Village's Lake Street marine building leased to Kevin Kirkland, with two of the new slips assigned to Kirkland and 20 of the slips assigned to the Village. Prudden stated that a preliminary drawing from Austin Pier Service was included in the packets.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to authorize the Lakefront and Harbor Committee and Austin Pier Service to commence with the formal planning and permitting process to construct a 200-foot pier, with 22 slips, between Pier 1 and Pier 2 in front of the Village's Lake Street

marine building leased to Kevin Kirkland, with two of the new slips assigned to Kirkland and 20 of the slips assigned to the Village, and the MOTION carried without negative vote.

## **GLLEA**

### **Municipal Court Assignment Situation/Direction**

Martin stated he and Chief Olson just wanted to bring the Geneva Lake Law Enforcement Agency municipal court situation to the Village Board's attention. Williams Bay has long held municipal court for the citations issued by the GLLEA boat patrol officers and the GLLEA Board has discussed having the court duties transferred to Lake Geneva or Fontana. Petersen said there has been longstanding talk of having the court rotate between municipalities, but it has always remained in Williams Bay. There may be an upcoming proposal asking if Fontana will take over. Petersen stated Williams Bay has not been able to operate it as a break even situation and it has been costing the village, not a substantial amount, but a couple hundred dollars per municipality last year.

### **Adjournment**

Trustee Prudden/Trustee Spadoni 2<sup>nd</sup> made a MOTION at 6:34 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: 10/06/14