

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, October 6, 2014

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 6:03 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote Tom McGreevy, Pat Kenny, Rick Pappas, Dave Prudden, George Spadoni, Bill Gage, President Petersen

Also Present: Director of Streets Ron Adams, Jade Bolack, Al Kaminski, Library Director Nancy Krei, Clerk Theresa Linneman, Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Micki O'Connell, Cory Schultz, Village Attorney Dale Thorpe (arrived at 6:15 pm), Treasurer Scott Vilona

Visitors Heard

None

Announcements

Martin stated that the General Election will be held on Tuesday, November 4, 2014, and staff has been busy with voter registrations and mailing out absentee ballots.

Approval of Village Board Minutes

The minutes for the September 8, 2014 Village Board Meeting were distributed.
Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meeting held September 8, 2014, as presented, and the MOTION carried without negative vote.

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

The September 2014 reports were distributed.
Trustee Kenny/Trustee Spadoni 2nd 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

Martin asked the board members to also consider an invoice received that day from Collins Engineers, Inc., which was distributed separately. Trustee Pappas asked about a municipal court prosecution fee included on the list of payables and Martin replied a substitute prosecutor was hired because a defendant had conflict of interest with the village attorney's office.
Trustee McGreevy/ Trustee Kenny 2nd made a MOTION to approve the Village and Utility payables as distributed, including the \$17,344 invoice received from Collins Engineers, Inc., and the MOTION carried without negative vote.

General Business – President Petersen

South Lakeshore Drive Bridge Replacement Preliminary Plans – Cory Schultz

Engineer Cory Schultz of Collins Engineers, Inc., presented the preliminary plans and an overview of the permitting progress for the new South Lakeshore Drive bridge. In order to expedite the DNR permit approval process and receive authorization to work in the spring months, the new bridge is required to remain at the same height, clearance and span; and the Geneva Lake channel under the bridge is required to remain at its current width. One board member asked if the electrical lines could be buried as part of the project. Schultz stated that he has only drafted the preliminary bridge plans and he is not sure if that was in the plan, but he said some lines will have to be temporarily removed during construction. President Petersen iterated to Schultz and the board to make sure the plan stays on track and if Alliant needs to be involved due to relocation of the electrical lines, to contact them immediately. Pappas asked about the timeline of the project and Martin replied that staff has been in contact with DNR regarding permits and everything is on track for the bridge to be completed by

July 4, 2015 at the latest. Pappas suggested doing the work the following year so the bridge could be completed by Memorial Day in 2016. Pappas stated it is not practical to have the bridge unusable for the first part of the summer. Schultz explained that there are certain months that the DNR does not permit any water work to be done so the village would run into the same scenario the following year if construction was pushed back. He pointed out there is only so much work that can be done in the winter, not only because of DNR regulations, but also because of certain materials such as asphalt and concrete which can only be laid in warm weather. Village Board advisor Al Kaminski stated the majority of the heavy work will be done in the winter when the population is minimal and the noise from pile driving will affect less people. He also stated that although it is inconvenient to have to reroute traffic, it is not going to deter people from coming to Fontana in the early summer. He added material costs including concrete and steel are rising quickly so pushing off the project for another year will only increase the price. As a business owner that is dependent on season, Trustee Gage said with the exception of Memorial Day weekend, he would rather lose some potential customers in May and June than in September and October. Responding to a question regarding the bridge walkway, Schultz said the sidewalk located on the Country Club Estates parking lot side would be lit at night and 6-feet-wide. Martin stated that if the Village Board wants to stick with the initially presented schedule, a motion should be considered to approve the preliminary plans as presented so the permitting and SIB Loan application approval processes can remain on track.

Trustee Spadoni/President Petersen 2nd made a MOTION to approve the preliminary plans as drafted by Collins Engineers, Inc., and the MOTION carried without negative vote.

Approval of Halloween Trick or Treat Hours for October 31, 2014, 4:00pm – 7:00pm

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to set the Halloween Trick-or-Treat Hours for Friday, October 31, 2014, from 4:00 to 7:00 pm, and the MOTION carried without negative vote.

Operators License Applications Filed by Cynthia Ann Macaulay – Abbey Resort; Jessica A. Soberg and Tricia L. VandeBogert – SteveO’s Park Place

Martin stated there were no concerns with any of the applicant’s background checks and they all are recommended for approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator’s License applications filed by Cynthia Ann Macaulay, Abbey Resort; and Jessica A. Soberg and Tricia L. Van De Bogert, SteveO’s Park Place. The MOTION carried without negative vote.

Election Inspector Appointments of Susan M. Olson, Duane J. Ratay, Sally A. Ratay

Martin stated that the village is not limited on the total number of election inspectors that can be appointed, and the three registered voters being proposed for approval all expressed interest. More inspectors will assist the clerk in securing the necessary number of workers for the elections with large turnouts.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the appointments of Susan M. Olson, Duane J. Ratay and Sally A. Ratay as Election Inspectors, and the MOTION carried without negative vote.

138 Fontana Boulevard Lease Proposal for Upper Unit

Martin stated copies of the completed rental applications and proposed 10-month lease were included in the meeting packets. The proposed lease with Gregory Rosencrans and Nicholas Voss is for the upper residential unit at a rate of \$800 per month, with a 90-day notice for termination in case the property is sold. Martin stated that there we no background check concerns with either of the applicants.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the lease for the upper residential unit at 138 Fontana Boulevard with Gregory Rosencrans and Nicholas Voss, as presented, and the MOTION carried without negative vote.

Peddler’s Permit License Application Filed by Robert M. Lee, Charter Spectrum

A Peddler’s Permit application was filed by Robert M. Lee to authorize door-to-door sales for Charter Spectrum. Chief Olson had no concerns with the background check. Martin stated the applicant was informed of the Village Board’s past concerns with solicitation permit applications.

There was an initial motion made by Trustee Spadoni and seconded by Trustee Kenny to deny the application; however, Attorney Thorpe stated there has to be a legal basis to deny the application and he recommended tabling the application for further review.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the Peddler's Permit License application filed by Robert M. Lee for further review, and the MOTION carried without negative vote.

Park Commission – Trustee Pappas

MPC Park Permit Application for June 13, 2015 Duck Pond Recreation Area and Pavilion

Pappas stated that a cost recovery condition has been recommended by the Park Commission for the MPC company picnic to cover the expenses for the dumpster that is required for the large event.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the Park Permit application filed by MPC Inc., Walworth, for the Duck Pond Recreation Area and Pavilion with a Beer/Wine consumption permit on Saturday, June 13, 2015, subject to payment of the application fee and cost recovery for the Village's dumpster expenses, as recommended. The MOTION carried without negative vote.

Replacement Plantings for Dead Trees

Pappas stated the Park Commission recommended replacement of the trees on the public property that died this past year for an amount not to exceed \$3,000, which has already been budgeted. There was a quote included in the packet with an estimate from Harvard Nursery, Inc., to replace the dead arborvitae in Reid Park. Petersen inquired about the dead trees along Highway 67 and stated they should be removed or replaced. Pappas responded that those trees are currently on the Park Commission's list of trees and shrubs to be replaced, but they have to prioritize which locations should be addressed first. Pappas said the commission could ask for more money in the 2015 budget for that area.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to authorize replacement of the dead trees for a cost not to exceed \$3,000, as recommended, and to approve the \$1,610 proposal submitted by Harvard Nursery, Harvard, IL for the purchase and planting of arborvitae in Reid Park, as presented. The MOTION carried without negative vote.

Ground Water Monitoring Well Proposal for Fontana Fen

The Geneva Lake Environmental Agency has proposed installing groundwater monitoring wells at their expense at the Fontana Fen. Pappas said the Park Commission recommended approval of the proposal, subject to review by the Geneva Lake Conservancy and with the condition the installation is coordinated with the Village of Fontana DPW.

Trustee Kenny/Trustee Pappas 2nd made a MOTION to approve Geneva Lake Environmental Agency proposal to install groundwater monitoring wells in the Fontana Fen at the GLEA's expense, subject to the Geneva Lake Conservancy approval and coordination with the Village of Fontana DPW. The MOTION carried without negative vote.

Finance Committee – Trustee Kenny

Appointment of New Members

Martin stated that the Village ended up getting five volunteers who expressed interest in filling the two open positions on the Finance Committee, and upon review, staff Chairman Kenny are recommending the appointment of Karl Floody and Thomas Freytag.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to appoint Karl Floody and Thomas Freytag to fill the open Finance Committee positions, and the MOTION carried without negative vote.

RFPs Received for Village Attorney/Prosecution; Assessor; Cleaning Service

RFPs were sent out in August for Village Attorney/Prosecution, Assessor, and Cleaning Services. Martin said the proposals are for three-year contracts beginning in 2015. Martin stated Accurate Appraisal, LLC is the current Village Assessor and came in as the lowest bidder at \$21,500 per year. Associated Appraisal submitted a proposal calling for \$23,000 per year. Staff recommended approval of the RFP filed by Accurate Appraisal.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the RFP submitted by Accurate Appraisal, LLC for the Village Assessor services, and the MOTION carried without negative vote.

Martin said that despite the current cleaning company being a little more expensive than the only other bidder that submitted a RFP, staff recommends that the Village Board consider approving the higher bid based on the four years of excellent service the Village has received. Martin stated that at \$895 per month, KAS Custom Clean, Elkhorn, also includes the cleaning of the Village Hall exterior windows and the company worked with the village to reduce the contract during the last few years when the budget became tight. Total Facility Maintenance, Inc., Wood Dale, IL submitted a bid of \$850 per month.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the RFP submitted by KAS Custom Clean, Elkhorn, for the Village Hall and Library cleaning service, and the MOTION carried without negative vote.

Martin stated the RFP submitted by the longtime Village attorney and municipal court prosecution service provider, Thorpe & Christian, SC, came in at \$120 per hour, which was less than all of the other RFPs submitted except for the RFP submitted by Seymour, Kremer, Koch, Lochowicz & Duquette, LLP, which had a proposed rate of \$110 per hour. Martin stated that due to the current level of service and familiarity with the Village of Fontana, staff recommended that that Village Board consider approval of the RFP as submitted by Thorpe & Christian, SC. Pappas asked if the RFP called for the same rate in each of the three years, and Martin replied that it calls for a cost of living increase in the second and third years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the RFP for the Village Attorney/Prosecution services submitted by Thorpe & Christian, SC., Delavan, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Prudden

Glenwood Springs Request for Lift Station Winter Storage

Prudden stated the committee recommended approval of the Glenwood Springs Association request to store approximately 17 of their lift stations on village property due to the sale of the property at 404 Harvard Avenue. This is a one-time event and the Village property would be used for storing the lift stations from October 2014 until May 2015. The Lakefront Committee approved a motion to recommend Village Board approval of the Glenwood Springs Association request to store from October 2014 through May 2015 a maximum of 20 of its boat lifts on Village lakefront property located to the west of the current driveway on the property at 404 Harvard Avenue. Following discussion on the construction of a new access driveway to the small beach from Harvard Avenue, the Village Board members reached a consensus that the proposal could be approved for this one winter season; however, the exact location for the lift stations storage should be worked out with the DPW when the new village driveway is planned.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the Glenwood Springs Association request to not to exceed 20 of its lift stations on the Village lakefront property located by the small beach area from October 2014 through May 2015, as recommended, with the condition the exact location for the lift stations is worked out with the DPW. The MOTION carried without negative vote.

Authorize Planning and Permitting for New Pier Proposal

Prudden stated the committee approved a motion at its September 24, 2014 meeting to recommend that the Village Board authorize staff to work with Darrell Frederick at Austin Pier Service to formalize the preliminary plans and to complete and file the required Wisconsin DNR permit applications for the construction and installation of a new 200-foot pier between the current Pier No. 1 and Pier No. 2 in front of the Lake Geneva Marine building, with 22 boat slips, 26-feet in length, as presented at the September 27, 2014 Lakefront and Harbor Committee meeting.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to authorize staff to work with Darrell Frederick at Austin Pier Service to formalize the preliminary plans and to complete and file the required Wisconsin DNR permit applications for the construction and installation of a new 200-foot pier between the current Pier No. 1 and Pier No. 2 in front of the Lake Geneva Marine building, with 22 boat slips, 26-feet in length, as recommended. The MOTION carried without negative vote.

GLLEA

2015 Proposed Budget

Martin stated the 2015 budget approved by the Geneva Lake Law Enforcement Agency Board of Directors calls for the same amount of funding as this year.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the 2015 GLEEA budget as submitted, and the MOTION carried without negative vote.

FW/WPCC

2015 O&M Budget

The Fontana-Walworth Water Pollution Control Commission Board of Directors approved the 2015 O&M budget as presented.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the FW/WPCC 2015 O&M Budget as submitted, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Upper Storage Building Shingle Replacement Project Bids

There were two bids received for the budgeted installation of a new roof on the upper storage building at the Public Works garage. Utesch Construction, Inc., Walworth, submitted a bid totaling \$8,494; and Elkhorn Roofing Co., Inc., Elkhorn, submitted a bid totaling \$9,950.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the \$8,494 bid submitted by Utesch Construction, Inc., Walworth, for shingle replacement on the upper storage building at the Public Works garage, and the MOTION carried without negative vote.

Church and Van Slyke Reconstruction Contract Change Order and Pay Request No. 1

The change order adding \$35,315 work to the Church and Van Slyke Drive Reconstruction contract with Payne & Dolan, Inc., is for remaining punch list item work from the Shabbona Drive construction project that still has not been completed by McGuire Inc. The funds will be derived from the retainer amount still being held by the Village for the Shabbona Drive construction project contract. The \$260,682 Pay Request No. 1 submitted by Payne & Dolan for the Church and Van Slyke Drive Reconstruction contract has been reviewed by the Village engineer and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$35,315 change order as submitted, and the \$260,682 Pay Request No. 1 as submitted by Payne & Dolan, Inc. for the Church and Van Slyke Drive Reconstruction contract, as recommended, and the MOTION carried without negative vote.

Plan Commission

CSM Approval for Diane Urlakis South Lakeshore Drive Parcel – Initially Approved April 3, 2006

Spadoni stated that the Plan Commission recommended approval of the Certified Survey Map that was initially approved April 3, 2006. The CSM has to be reapproved because it was not recorded with the Walworth County Register of Deeds and the time limit has expired. Only the date and the addition of Walworth State Bank as the mortgagee have been changed on the re-filed CSM. Martin stated at the Plan Commission monthly meeting that the conditions that were part of the original approval in 2006, which included a notation to be “placed on the face of the CSM that states the restriction that either parcel cannot be further subdivided and that a deed restriction be entered into that states either parcel cannot be further subdivided,” also have been added to the CSM.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the Certified Survey Map as filed by Diane Urlakis, as recommended, and the MOTION carried without negative vote.

Closed Session

Trustee Spadoni/Trustee Pappas 2nd made a MOTION at 6:29 pm to adjourn into Closed Session pursuant to Wis. Stats. 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 Offer Received to Sell to the Village Portion of the Lot Located at 404 Harvard Avenue; Offer Received to Purchase 138 Fontana Blvd.; South Lakeshore Drive Water Main Project Easement Negotiations; and Snow Plowing Agreement Negotiations. The roll call vote was as follows:

Trustee Kenny – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Spadoni – Aye
Trustee Gage – Aye
President Petersen – Aye
Trustee McGreevy - Aye
The MOTION carried on a 7-0 vote.

Adjourn Closed Session

Trustee Pappas/Trustee McGreevy 2nd made a MOTION at 7:40 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without a negative vote.

Closed Session Business

Offer received to Sell to the Village Portion of the Lot Located at 404 Harvard Avenue

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to deny the request submitted by Frank Sottrel, and the MOTION carried without a negative vote.

Snow Plowing Agreement Negotiations

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to direct staff to mail out the proposed Snow Plow Agreement drafted by the Village attorney to the private property owner associations that have been receiving Village DPW snow plowing services of their private roads and driveways, and to the two new associations that have requested the same service, with the condition that the signed agreements and \$250 administrative fees are received by November 1, 2014 for the 2014-2015 winter season. The MOTION carried on a 6-1 vote, with Trustee Spadoni opposed.

Adjournment

President Petersen/Trustee McGreevy 2nd made a MOTION at 7:43 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: 11/3/2014