

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, December 1, 2008

President Pollitt called the monthly meeting of the Village Board to order at 6:08 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: O'Connell, Spadoni, President Pollitt, Petersen, Kenny
Trustees absent: Turner, Lewis

Also present: David Audino, Steve Beers, Skip Bliss, Bob Chanson, Pam Carper, Rallee Chupich, Village Administrator Kelly Hayden-Staggs, Rob Ireland, Jon Kemmett, Library Director Nancy Krei, Matt Long, John Maier, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Wolfgang Nitsch, Building Inspector Ron Nyman, Police Chief Steve Olson, Treasurer Peg Pollitt, Terry Tavera, Cindy Wilson, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that monthly meeting of the CDA Board will be held Wednesday, December 3, 2008 at 6:00 pm; the annual Village Holiday Party will be held at Gordy's on Monday, December 8, 2008 at 6:00 pm; the Fontana Public Library will host its annual Holiday Open House on Friday, December 12, 2008, from 10:00 am to 4:00 pm; the monthly meeting of the Park Commission will be held Wednesday, December 17, 2008 at 6:00 pm; the quarterly Village of Fontana Newsletter article deadline is Thursday, December 18, 2008, at 5:00 pm; the Village Hall and Public Library will be closed for the Christmas holiday on December 24 & 25, 2008; the next monthly meeting of the Plan Commission will be held on Monday, December 29, 2008 at 5:30 pm; and the last day in 2008 to pay real estate taxes in person at the Village Hall will be Wednesday, December 31, 2008, from 8:00 am to Noon.

Approval of Minutes

Kenny/O'Connell 2nd made a MOTION to approve the minutes for the meetings held November 3 and 17, 2008, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

O'Connell/Petersen 2nd made a MOTION to accept the Treasurer's Reports for August, September and October 2008 and to place them on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Treasurer Pollitt distributed the list of payables via email.

Spadoni/Petersen 2nd made a MOTION to approve the Village and Utility Payables as submitted, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs
Abbey Resort Pigeon Eradication Program – Permit Expires December 31, 2008

The Abbey Resort requested renewal of its permit to use a pellet gun to shoot pigeons in the resort. Chief Olson stated that nobody came into the Police Department last year to request authorization to hunt; however, he did not have any concerns with renewing the permit. The Village Board members were in consensus that the Abbey Resort Pigeon Eradication Request should be approved for another year. The following conditions were included with the initial and renewed approvals:

1. Shooting to be done only during hours of daylight and no later than 10:00 am.

2. The Fontana Police Department will be notified 24 hours in advance prior to shooting.
3. Shooting will be done in safe manner consistent with proper hunting instruction.
4. Dead pigeons are to be properly and promptly disposed of.
5. Only stationary pigeons will be shot at.
6. Only pigeons located on the property of the Abbey Resort will be targeted.
7. Whenever possible the pellet gun will be carried in a case.
8. Only Abbey Employees who have been approved by the Fontana PD can discharge the pellet gun.

Spadoni/O'Connell 2nd made a MOTION to authorize the Abbey Resort Pigeon Eradication Request until December 31, 2009 with the same conditions as previous years, and the MOTION carried without negative vote.

Little Foot Park Playground Pirate Ship Purchase – Tabled 11/3/08

Hayden-Staggs stated that the Park Commission would like the Village Board to authorize the \$75,887 purchase of a new pirate ship and resilient surface for the Little Foot Playground. Hayden-Staggs stated that the current price for the pirate ship is \$56,077 and the current price for the handicapped accessible flooring material is \$19,810. Hayden-Staggs stated that if approved, the purchase will be recorded on the Village fund balance sheet as a loan to be repaid by the Park Commission through donated and raised funds. Hayden-Staggs stated that the Park Commission already has a commitment from the Big Foot Lions Club for \$30,000 of the \$75,887 current purchase price, and the inaugural Pig in the Park event netted about \$5,000 in total profit. Hayden-Staggs stated that the Rotary Club also will be solicited for a donation. President Pollitt stated that he is concerned that the salesman for Gerber Leisure Products, Inc. came back to the Village with a 5 percent increase over the initially quoted price and that the threat of another cost increase may be a sales tactic as the end of the year approaches. President Pollitt stated that he can't believe Gerber Leisure Products is considering further cost increases greater than 5 percent considering the economic condition of the entire country. President Pollitt stated that he also has concerns with the timing of the request with the Village funds being very tight at the end of the year. O'Connell stated that she is not opposed to the purchase of the new pirate ship, but she is concerned where the Village will get the funds for the purchase. O'Connell stated that the Park Commission has not raised very much of the funds other than the \$5,000 from the Pig in the Park event and the Lions Club \$30,000 commitment, which will be paid in \$6,000 annual payments over a five-year period. Petersen stated that he thinks the playground renovation should have been entirely funded by the General Fund since the playground is for the taxpayers, and he also resents the sales tactics of Gerber Leisure Products threatening further cost increases. Petersen stated that he is not opposed to the purchase of a new ship for the playground and the old that has been removed needs to be replaced. Spadoni stated that he agrees with Petersen.

Spadoni/Kenny 2nd made a MOTION to approve the purchase of the new pirate ship and resilient surface for \$75,887 from Gerber Leisure Products, Inc., as proposed, with the invoice to be paid in 2009, and the Roll Call vote followed:

Petersen – Aye

Kenny – Aye

O'Connell – Aye

Spadoni – Aye

President Pollitt – Aye

The MOTION carried on a 5-0 vote, with Trustees Lewis and Turner absent.

Phosphorous Ordinance Proposal – Tabled 11/3/08

Hayden-Staggs stated that the proposed ordinance delineates the regulations and exemptions for the use and application of lawn fertilizer and sales of fertilizer containing phosphorus. Petersen stated that the new ordinance should be made known to the public through the Village newsletter. Hayden-Staggs stated that the local newspapers may also write a story about the ordinance. Similar ordinances have been adopted by all the other lake municipalities.

President Pollitt/Kenny 2nd made a MOTION to approve Ordinance 12-01-08-02, amending Section 54, Public Works and Beaches, to include a new section, 168, pertaining to regulations for lawn fertilizer and sales, as presented. The MOTION carried without negative vote.

Georgie B's Beer/Wine License Premises Amendment

The premises serving area for the beer and wine license for Georgie B's Restaurant was amended to include the expanded service area in the second unit of the FairWyn Commercial Building at 441 Mill Street. The Building Inspector, Fire Chief and Police Chief have not yet completed the required inspections because the unit is still being renovated. The Village Board was in consensus that the expanded service area could be approved with the condition that the required inspections are successfully completed.

Petersen/President Pollitt 2nd made a MOTION to approve the amended premises service area delineated for Georgie B's Restaurant Beer and Wine License as submitted, with the condition that the required inspections are successfully completed after the renovation project is completed. The MOTION carried without negative vote.

Final Mill Rate Calculations

Hayden-Staggs distributed the final tax worksheet with the mill rates for the three school districts. The Fontana Joint 8 mill rate is \$12.27; the Linn Joint 6 mill rate is \$11.71, and the Walworth Joint 1 mill rate is \$15.40.

Protection Committee – President Pollitt

Part-Time/LTE Pay Proposal for Longevity

Chief Olson stated that the Protection Committee recommended approval of the proposal to offer part-time and Limited Term Employees (LTE) \$1 per hour more if they work more than one year. Chief Olson stated if approved the department could offer good LTE officers a higher salary in order to entice them into coming back for another year. Chief Olson stated that if part-time and LTE officers return after their initial year of employment, they do not have to be trained. President Pollitt stated that according to the union contract, the LTE officers already get annual salary increases depending on their level of education. O'Connell suggested that the proposal be discussed in closed session since it pertains to evaluation of employees. President Pollitt stated that the proposal is for employees in general and not about a specific person, but it could be discussed in closed session if desired by the Village Board members.

O'Connell/Spadoni 2nd made a MOTION to table the item until a closed session meeting to be held Monday, January 5, 2009 beginning at 5:00 pm. The MOTION carried without negative vote.

Operator's License Application Filed by Patricia A. Fedor (Fontana Corner Market)

There were no issues found in the required background check and approval was recommended.

O'Connell/Spadoni 2nd made a MOTION to approve the Operator's License application filed by Patricia A. Fedor, an employee at Fontana Corner Market, and the MOTION carried without negative vote.

Ambulance Purchase

Rescue Squad Chief Jon Kemmett stated that the Rescue Squad ambulance is 10 years old and the department is planning to sell it and purchase a new one. Kemmett stated that the standard ambulance has a life expectancy of five to seven years, so the current ambulance needs to be replaced. Kemmett stated that a committee of rescue squad members researched new ambulances and found a demonstration model for \$120,000, which includes a credit of \$25,000 for selling the current ambulance and a credit of \$5,741 for being a demo model. Kemmett stated that the ambulance would have cost \$150,741 new without the credits. Kemmett stated that the funds for the new ambulance will be taken from a Rescue Squad account and there will be no impact on the Village budget.

Plan Commission – Trustee Spadoni

Certified Survey Map Filed by Myron and Geraldine Audino & Subdivision Variance Requests – Tabled 11/3/08

There are still final documents that are being reviewed by the Village attorney and the attorney representing the applicants.

Spadoni/Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Jann Annexation Petition, Preannexation & Ordinance Agreement – Tabled 11/3/08

Spadoni stated that the Plan Commission recommended approval of the annexation petition and the preannexation agreement at its October 27, 2008 meeting. The item was tabled by the Village Board last month until the Village received approval from the Wisconsin Department of Administration. The Wisconsin DOA ruled on November 13, 2008 that the annexation has been reviewed and found to be in the public interest.

Spadoni/President Pollitt 2nd made a MOTION to approve the Jann Annexation Petition, the Preannexation Agreement and Ordinance 12-01-08-01 as presented, and the MOTION carried without negative vote.

BSOP Amendment for Georgie B's Restaurant – Tabled 11/3/08

Spadoni stated that the Plan Commission recommended approval of the amended Building, Site and Operational Plan with the five initial conditions. The matter was tabled last month until the applicants submitted the required amended documents. The amended documents were filed November 6, 2008.

Petersen/O'Connell 2nd made a MOTION to approve the amended Building, Site and Operational Plan application as submitted with the following five conditions: 1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved signage, and/or any interior remodeling or modifications normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits. Signage shall be constructed and located in accordance with the approved BSOP and Village of Fontana Municipal Code. 2. Approved signage shall consist only of one on-wall sign identification sign 2-feet-by-3-feet (6 square feet) to be located on the north wall and one 43-inches-by10-inches portion of a Group Sign (3 square feet) to be located at the northeast corner of the property (as previously approved in the Precise Implementation Plan for the FairWyn Ltd. Planned Development). 3. The two proposed LED open signs are acceptable as long as they are approved through a PIP amendment, and shall conform with the provisions of the Village of Fontana Municipal Code, including, but not limited to, placement of the proposed signage in windows not facing residential use properties. 4. Any future proposed modifications of this approved BSOP, including, but not limited to signage, shall require Village of Fontana approval in the form of an Amendment to the approved Building, Site and Operational Plan and its conditions. 5. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed. The MOTION carried without negative vote.

BSOP Extension for Jerry's Marine

Spadoni stated that the Plan Commission recommended approval of one more one-year extension on the temporary Building, Site and Operational Plan approved for the lot owned by Carol and Jamie Whowell at 102 W. Main Street. The BSOP was initially reviewed and extended for a three-year period with the condition that the property owners work with the CDA on a development that could be a permanent use for the lot.

Spadoni/O'Connell 2nd made a MOTION to approve a one-year extension of the temporary BSOP approved for Jerry's Marine for the lot at 102 W. Main Street with the conditions that the lot owners meet within six months with the CDA on a proposed permanent use for the lot and that the proposal is presented within nine months to the Plan Commission for consideration. The MOTION carried without negative vote.

Conditional Use Permit Application filed by Tradewell Builders, LLC to Construct Additional Principal Structure on Edward S. Lyon Property, 986 South Lakeshore Drive

Spadoni stated that the Plan Commission recommended Village Board approval of the CUP as presented with eight conditions.

Spadoni/O'Connell 2nd made a MOTION to approve the Conditional Use Permit application filed by Tradewell Builders, LLC to construct one additional principal structure on the Edward S. Lyon property at 986 South Lakeshore Drive with the following eight conditions:

1. A complete submittal for tree removal permits shall be applied for and obtained prior to the removal of any trees.

2. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any interior construction. CUP approval shall not alleviate the applicant from securing all required permits.
3. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.
4. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any occupancy permits.
5. At least one existing accessory structure shall be completely removed prior to the issuance of any occupancy permits.
6. Property maintenance throughout the entire subject property shall conform to the standards set forth in the Village of Fontana Municipal Code prior to the issuance of any occupancy permits. This includes, but shall not be limited to, the complete removal of all debris, garbage, building materials, lumber, piping, garbage, equipment, outdoor storage, etc.
7. A separate water meter for the proposed structure is required.
8. Water and sewer laterals must be depicted on the site plan submitted for building and zoning permits.

The MOTION carried without negative vote.

CDA – Trustee Turner

Commissioner Appointment

McHugh stated that the four-year term of Commissioner Skip Bliss is expiring and the CDA Board recommended the reappointment of Bliss to another term.

Petersen/O’Connell 2nd made a MOTION to approve the appointment of Skip Bliss to the CDA Board for a four year term commencing December 31, 2012, and the MOTION carried without negative vote.

Fontana Corner Market – Canopy Improvement Project Postponed for Six Months

McHugh stated that the Fontana Corner Market was directed to work with the CDA to improve the canopy on the gas station/convenience store building as a condition for approval of its Building, Site and Operational Plan. McHugh stated that the owner requested and received a six month postponement to fulfill the condition.

Fontana-Walworth Pedestrian Path – Project Contribution Proposal by Village of Walworth

McHugh stated that the Village of Walworth Board of Trustees reaffirmed its commitment to fund 10 percent of the project cost for the joint pedestrian path project that is being partially funded by a grant from the Wisconsin Department of Natural Resources. McHugh stated that the CDA Board will consider the proposal and make a recommendation to the Village Board. Petersen stated that the project will create an important link between the villages, and even though the Village of Walworth is making a very small financial commitment, the project should still be completed. Petersen stated that the majority of the path is now located in the Village of Fontana because of recent annexations. McHugh stated that the DNR matching grant funds are available until 2010 and the funds to complete the project are in the current CDA budget.

Petersen/O’Connell 2nd made a MOTION to recommend that the CDA move forward with the Fontana-Walworth Pedestrian Path Project as planned, and the MOTION carried without negative vote.

PDI Acquisition by Graef Anhalt Schloemer & Associates

McHugh stated that PDI has been acquired by Graef Anhalt Schloemer & Associates, Inc. and Carolyn Esswein requested that the Village assign its current contracts with PDI over to Graef Anhalt Schloemer & Associates. McHugh stated that the Village has current contracts for general services for the State Highway 67 project, the Porter Court project, and the lakefront. McHugh stated that PDI will no longer exist, so the new combined firm has requested the assignment of the current contracts over to Graef Anhalt Schloemer & Associates. Petersen stated that the PDI contracts are for specific people and he asked who would be providing the services after the merger. McHugh stated that the letter from Esswein dated November 18, 2008 and distributed in the meeting packets

indicates that the same team will be working with the Village; however, as of December 1, 2008 the Village will be receiving invoices from Graef Anhalt Schloemer & Associates rather than PDI. The professional staff and hourly rates would remain the same. President Pollitt stated that the contracts that PDI has with the Village are with the CDA and no Village Board action was required. McHugh stated that if the Village Board members did not have any objections, he will present the request for approval and consent to assign the rights under the current contracts with PDI to Graef Anhalt Schloemer & Associates to the CDA Board for consideration.

Third Avenue Project Payment Recommendation No. 3

McHugh stated that the \$456,745 pay request submitted by Mann Brothers, Inc. would increase the total paid on the project to more than 50 percent. Staff recommended approval of the pay request as submitted.

Petersen/O'Connell 2nd made a MOTION to approve Pay Request No. 3 totaling \$456,745 submitted by Mann Brothers, Inc. for the Third Avenue Project as presented, contingent on approval by the CDA Board, and the MOTION carried without negative vote.

Kinzie Avenue Project Change Order No. 2 & Payment Recommendation No. 3

Workman stated that a portion of the proposed change order calling for a contract increase of \$4,120 should be paid for by Ruckert-Mielke because of an engineering error regarding manholes that were initially installed with no chimney rings for adjustment and it was not noted in the project plans.

Workman stated that he will negotiate with Ruckert-Mielke for a contact credit in the future.

Workman stated that staff recommended approval of the change order, subject to a credit being negotiated with Ruckert-Mielke. Workman stated that the Pay Request No. 3 totaling \$77,675 submitted by Odling Construction for the Kinzie Avenue Reconstruction Project includes the change order.

Petersen/Kenny 2nd made a MOTION to approve Change Order No. 2 calling for a \$4,120 increase in the Kinzie Avenue Reconstruction Project contract, subject to Ruckert-Mielke providing a future credit to be negotiated by Workman, and to approve Pay Request No. 3 totaling \$77,675 submitted by Odling Construction for the Kinzie Avenue Reconstruction Project, contingent on approval by the CDA Board. The MOTION carried without negative vote.

Porter Court Plaza Project Payment Recommendation No. 8

Workman stated that the Pay Request No. 8 totaling \$18,078 submitted by Mann Brothers, Inc. for the Porter Court Plaza project would pay off the contract in full, less the \$8,222 contract retainer. Workman stated that the planters for the plaza have been order and will be installed in the near future. The Village Board members were in consensus following discussion that the pay order should be approved as submitted; however, the payment should not be made until the planters are delivered and installed.

Petersen/Spadoni 2nd made a MOTION to approve Pay Request No. 8 totaling \$18,078 submitted by Mann Brothers, Inc. for the Porter Court Plaza contract, contingent on approval by the CDA Board and with the condition that the payment not be made until the planters are delivered and installed in the plaza. The MOTION carried without negative vote.

Duck Pond Phase 1 Landscaping Change Order No. 1

McHugh stated that the CDA Board already voted to recommend approval of the change order calling for a contract decrease of \$1,922 because of a revision of the planting materials and the extension of the contract times.

Spadoni/Petersen 2nd made a MOTION to approve Change Order No. 1 for the Duck Pond Phase 1 Landscaping Contract calling for a decrease of \$1,922 as recommended, and the MOTION carried without negative vote.

Dade Road and Wild Duck Road Contract Pay Request

Workman stated that if Pay Request No. 10 totaling \$8,105 submitted by Mann Brothers, Inc. for the Dade and Wild Duck Roads Reconstruction contract is approved, the \$958,838 contract will be paid in full less a \$6,500 retainer being held for a few punch list items that have to be completed.

Spadoni/Petersen 2nd made a MOTION to approve Pay Request No. 10 totaling \$8,105 submitted by Mann Brothers, Inc. for the Dade and Wild Duck Roads Reconstruction contract, contingent on approval

by the CDA Board, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Timber Trail Drive & Indian Hills Road Pay Recommendation No. 3

Workman stated that Reesman's Excavating & Grading, Inc. did a great job on the Timber Trail Drive and Indian Hills Road reconstruction project. Workman stated that staff recommends approval of Pay Request No. 3 totaling \$183,474 submitted by Reesman's Excavating for the Timber Trail Drive and Indian Hills Road reconstruction contract.

Petersen/Kenny 2nd made a MOTION to approve Pay Request No. 3 totaling \$183,474 submitted by Reesman's Excavating & Grading, Inc. for the Timber Trail Drive and Indian Hills Road reconstruction contract, and the MOTION carried without negative vote.

Alliant Lease Agreement Discussion

Workman stated that the utility company would like to lease one of the interior bay parking stalls at the Public Works garage for one of their vehicles during the winter months. Workman stated that one of the Wisconsin Power and Light Company employees lives in the area and they would like to park a utility line truck close to his residence in Fontana area instead of in Elkhorn. Workman stated that if there is a local emergency, the utility company employee will be able to respond immediately. Workman stated that the DPW crew could make room in the garage if the proposal is approved.

Workman stated that seasonal equipment could be wrapped up in tarps and stored outside to clear enough room for the large utility vehicle. Workman stated that he has concerns about liability issues that he would like the Village attorney to address. Workman stated that the proposed lease is for one year for \$100 per month. Spadoni stated that the Village Board should table the item and refer the proposed lease to the Village attorney for review of the liability issues. Petersen stated that the Public Works Committee favors the proposal because of the immediate response time that will be available for emergencies and power outages. O'Connell stated that it would be a good idea to send the proposal to staff for review and to negotiate the lease price. Kemmett stated that from an emergency rescue point of view, the proposal is a great idea; especially in accident situations where there are downed power lines.

Spadoni/Petersen 2nd made a MOTION to table the item and refer the proposed lease staff for review of the liability issues and to negotiate a lease fee, and the MOTION carried without negative vote.

Timber Ridge Lift Station Abandonment Approval

Workman stated that the current budget has a line item totaling \$63,000 to upgrade the equipment at the Timber Ridge Lift Station; however, for \$73,876 the Village could have 500 feet of new sewer main installed and the lift station could be abandoned. Workman stated that the proposal to install sewer main is \$10,876 over the budget, but the funds will be recouped in future years because repair and upgrade expenses will be eliminated. Workman stated that the Public Works Committee recommended approval of the proposal. Workman stated that by using the directional drill option for installing new water main, the project can still be completed this year. Workman stated that some easements will be necessary if the project is approved, but he has had preliminary conversations with the property owners and they have indicated they would be willing to sign the easements for the project. Workman stated that the directional drill option costs about \$50,000 less than digging open the ground and installing the pipe. Workman stated that if approved, the project could be added to the Timber Trail Drive and Indian Hills Road reconstruction project contract with Reesman's Excavating & Grading, Inc. Workman stated that the budget shortfall may be recouped from the sanitary sewer camera item.

Petersen/President Pollitt 2nd made a MOTION to approve the \$73,876 base bid submitted by Reesman's Excavating & Grading, Inc. for directional drilling 500 feet of new sewer main to abandon the Timber Ridge Lift Station as presented, and to authorize Village staff to prepare a change order to add the project to the current contract with Reesman's Excavating & Grading, Inc. The MOTION carried without negative vote.

2008 Sanitary Sewer Camera Recommendations

Workman stated that there is \$100,000 in the 2008 budget for the Sanitary Sewer Camera Project and the estimated cost to rehab the identified problem areas currently totals \$14,500. Workman stated

that he would like approval to spend a portion of the budgeted item to rehab the problem areas that have been identified to date. Workman requested that the Village Board consider approving an amount not to exceed \$20,000 for the rehab work.

Spadoni/Petersen 2nd made a MOTION to authorize spending an amount not to exceed \$20,000 for the Sanitary Sewer Rehab budget item, and the MOTION carried without negative vote.

Construction Updates

Workman stated that with the winter weather and recent snow fall, the majority of the ongoing projects will remain in their current state until spring. There are some items that can be completed in the winter months, but the final surface layers and rehabilitation and landscaping work will not be completed until the spring.

Park Commission – Trustee Lewis

Tree City USA Application Approval

Hayden-Staggs stated that the annual renewal application for the Tree City USA designation has to be submitted by December 31, 2008. Hayden-Staggs stated that the Park Commission has one more meeting this year, but the Village Board will not be meeting again until January 5, 2009. Hayden-Staggs asked the Village Board to consider approving a motion to authorize the submission of the Tree City USA application subject to the application being completed by the Park Commission.

Petersen/Spadoni 2nd made a MOTION to authorize the submittal of the Tree City USA Recertification Application to be prepared by the Park Commission, and the MOTION carried without negative vote.

Parks and Open Space Plan 2009

Hayden-Staggs stated that the Park Commission also has to update the Parks and Open Space Plan by January 2009 because the current plan is expiring. Hayden-Staggs stated that the Park Commission has one more meeting this year, but the Village Board will not be meeting again until January 5, 2009. Hayden-Staggs asked the Village Board to consider approving a motion to authorize the submission of the Parks and Open Space Plan subject to the plan being updated by the Park Commission. In response to a question from Petersen, Hayden-Staggs stated that there is no cost for updating the Parks and Open Space Plan.

Petersen/Spadoni 2nd made a MOTION to authorize the submittal of the updated Parks and Open Space Plan to be completed by the Park Commission, and the MOTION carried without negative vote.

Duck Pond Recreation Area Phase 2 – 25 Percent Plan Approval

McHugh stated that the Park Commission recommended approval of the 25 percent plans for the second phase of the Duck Pond Recreation Area plan. The second phase includes the proposed development of a loop road and the reconstruction of the parking lot in the recreation area. McHugh stated that he presented the approval process and construction schedule prepared by Ruekert-Mielke to the Village Board for review. McHugh stated that the schedule proposed by Ruekert-Mielke is very aggressive with bids to be solicited, received and approved in the winter, the construction to commence after Easter and the project to be completed in July. In response to a question, McHugh stated that the estimated construction cost for Phase 2 is \$800,000 to \$1.1 million. President Pollitt stated that he is concerned about the level of increment generated in the TIF District and the possibility that the assessed values of the properties may actually decrease in future years. During discussion, McHugh stated that the proposed construction schedule was drafted by Ruekert-Mielke. President Pollitt stated that the CDA should make sure there is enough increment in the TIF District to fund the project prior to approving the construction schedule. Petersen stated that there is no rush to have the project completed and suggested that the Village Board wait to make a decision until the matter is reviewed by the CDA Board. Workman stated that the Village Board and CDA members should make sure they are in agreement that the loop road needs to be constructed. Workman stated that since the road would be brand new, there will be a lot of construction costs to fund the project and the officials should be sure they are in favor of the new looped road.

F/W WPCC – Trustee Petersen

Wastewater Treatment Facility BOD Load Report

Petersen presented graphics that delineate the historical capacity of the wastewater treatment facility.

Petersen stated that half of the plant capacity was sold to Kikkoman Foods for \$1 million. Petersen stated that the current capacity limit is being exceeded and the plant operators are investigating why it is happening. Petersen stated that the Village of Fontana may have to repurchase some of the capacity back from Kikkoman, but he would recommend spending the funds on a remodeling and improvement project rather than giving the money back to Kikkoman. Petersen stated that Kikkoman recently sent a letter to the F/W WPCC Board stating that the company no longer needs all the capacity it initially purchased and requesting that Fontana repurchase the capacity back from Kikkoman. Petersen stated that the F/W WPCC Board is considering a remodeling and improvement project and has directed the staff to determine where the extra flow is being generated.

Lakefront and Harbor – Trustee O’Connell

Commercial Launch Fee for 2009 – Tabled 11/3/08

O’Connell stated that the Village Board tabled action on the Lakefront and Harbor Committee recommendation to raise the launch fee for commercial launches to \$12.50 per launch, which is an increase from last year’s rate of \$7.80. O’Connell stated that after a long discussion at the last monthly meeting of the Lakefront and Harbor Committee, the committee voted to recommend the commercial rate be set at the same level that residents have been paying for launches. Rallee Whowell Chupich, the manger of Gordy’s, stated that she would like to see the recommendation directed back to the Lakefront and Harbor Committee for reconsideration. Chupich stated that the Village may receive a new rate structure from the Wisconsin Department of Natural Resources that should be taken into consideration, and there may be a different consensus reached if the committee considers the commercial launch fee with all the other fees that are set for seasonal items. Chupich stated that Gordy’s and the other boat service companies that use the Village launch may want to attend the committee meeting to further discuss the proposed rate increase. Chupich stated that the committee could take the whole history of the commercial launch fee into consideration if the recommendation was referred back to committee. O’Connell stated that the DNR has already set the boat launch rates and the Village of Fontana is at the high end of allowable range. Hayden-Staggs stated that the Village has not been notified by the DNR if the rate scale is going to be amended this year. Spadoni stated that he talked to Jerry Oglesby, owner of Jerry’s Marine, and he would like to see the proposed rate increase referred back to the committee for further discussion. Spadoni stated that under the current rate, Oglesby paid more than \$15 when he launched a boat on one day and took it out of the water the next day. Spadoni stated that he does not think the current rate is fair if commercial launch businesses have to pay two fees every time they launch a boat and take it out the next day. Spadoni stated that a large portion of the launch fee is for parking and commercial launchers do not park their vehicles or trailers in the Village lot. Spadoni stated that the matter should be referred back to committee and the owners of all the commercial launch businesses that use the Village launch should be sent letters inviting them to the meeting. Hayden-Staggs explained that the launch tickets are for a 24-hour period, so if a boat is launched and taken out on the same day, the fee only has to be paid once. Bob Chanson stated that the committee members felt the increase was fair to Fontana residents, who actually had to pay more to launch their boats than the owner of a commercial launch operation. Chanson stated that the commercial launch businesses could be located in other municipalities, and they still received a lower launch rate than the residents and property owners. Chanson stated that owners of out-of-town launch businesses don’t even pay local property taxes, but they have been getting a less expensive launch rate than Fontana residents. Skip Bliss stated that the commercial launch business owners had an opportunity to attend the last meeting of the Lakefront and Harbor Committee, which was properly posted and published. Hayden-Staggs stated that she was not at the last Lakefront and Harbor Committee meeting, so she was unable to provide input on the recommendation. Hayden-Staggs stated that the entire commercial launch fee structure needs to be further explored and she recommended referring the matter back to the committee. Hayden-Staggs stated that a flat generic rate for commercial launches is not working and she has some ideas on structuring a new rate scale for commercial launches. Following further discussion, the Village Board called for a vote on the motion on the floor.

O’Connell/President Pollitt 2nd made a MOTION to approve Resolution 12-01-08-01 as presented, and the Roll Call vote followed:

O’Connell – Aye

Spadoni – No

President Pollitt – Aye

Petersen – Aye

Kenny – No

The MOTION carried on a 3-2 vote, with Trustees Lewis and Turner absent.

Police & Fire Commission

Announcement of December 6th Meeting

Hayden-Staggs stated that a meeting of the Police and Fire Commission has been scheduled for Saturday, December 6, 2008 to conduct interviews for Police Department candidates.

Joint Services Ad Hoc Committee – Administrator Hayden-Staggs

Paid on Premise Fire and Rescue Department

Village of Walworth Trustee Matt Long stated that he met with Walworth Village President Todd Waters and they discussed the time line for the proposed creation of a joint paid on premise fire and rescue department. Long stated that the Village of Walworth has established the date of January 1, 2010 to have a consolidated fire and rescue department approved and operating. Long stated that the Village of Walworth has established the date of June 1, 2009 to have a paid, on-premise rescue squad. Hayden-Staggs stated that the Village of Fontana staff members feel undirected with regard to a timeline for the proposed establishment of a paid, on-premise fire and rescue department and a consolidated Village of Fontana/Village of Walworth Fire and Rescue Department. Hayden-Staggs stated that the Village Board has not authorized spending money on advancing the proposal or directed the staff to move forward with the approval process. Hayden-Staggs stated that the staff would like to receive approval to move forward with the planning and drafting an agreement for the paid on premise department with the Village of Walworth. The documents ratifying the agreement and operating procedures will be presented for Village Board consideration at future meetings. O'Connell/Kenny 2nd made a MOTION to direct Village of Fontana staff to work with the Village of Walworth on the proposed paid on premise fire and rescue department to be approved and operational by June 1, 2009, pending the adoption of a mutually agreed on agreement, and the MOTION carried without negative vote.

Fire and Rescue Consolidation with Walworth

Hayden-Staggs stated that staff also needs authorization to move forward with the planning and approval process for a consolidated fire and rescue department with the Village of Walworth to be approved and operational by January 1, 2010, pending the approval of an acceptable agreement outlining all the terms of the possible merger. The documents ratifying the agreement and operating procedures will be presented for Village Board consideration at future meetings.

Spadoni/Petersen 2nd made a MOTION to direct Village of Fontana staff to work with the Village of Walworth on the proposed consolidated Village of Fontana/Village of Walworth Fire and Rescue Department to be approved and operational by January 1, 2010, pending the adoption of a mutually agreed on agreement, and the MOTION carried without negative vote.

Municipal Court Draft Agreement and Attorney Comments

Hayden-Staggs stated that the draft agreement was distributed for initial feedback.

Trustee Spadoni Resignation

Spadoni stated that due to an increase in the time demand for his family schedule he has to step down as one of the Village Board representatives on the Ad Hoc Committee.

Petersen/President Pollitt 2nd made a MOTION to accept the resignation of Trustee Spadoni from the Joint Services Ad Hoc Committee, and the MOTION carried without negative vote.

Appointment of New Member

President Pollitt stated that Trustee Kenny has offered to fill the position vacated by Spadoni.

Spadoni/O'Connell 2nd made a MOTION to approve the appointment of Trustee Kenny to the Joint Services Ad Hoc Committee, and the MOTION carried without negative vote.

Blue Ribbon Committee on Lakefront Building – Trustee Lewis

Resolution to Renovate Marina Building & Delay Referendum Date

Hayden-Staggs stated that the last meeting of the Blue Ribbon Committee was held November 13, 2008. McHugh stated that the minutes have not yet been completed, but the committee members were in consensus that the Village should pursue a renovation proposal for the marina building and

delay scheduling a referendum to approve the project.

Pending Items for Future Agendas

1. Fontana Fen Property Line Delineation

Adjournment

Spadoni/President Pollitt 2nd made a MOTION to adjourn at 8:07 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, 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: 01/05/09