

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

(Official Minutes)

RESCHEDULED MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, January 8, 2018**

Village President Pat Kenny called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote: President Kenny, Trustee McGreevy, Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen

**Trustees Absent:** Trustee O'Neill

**Also Present:** Ron Adams, Nate Austin, Jason Bernard, Greg Blizzard, Jon Kemmett, Clerk Theresa Loomer, Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Mike McKay, Fire & Rescue Dept. Chief Wolfgang Nitsch, Building Inspector Ron Nyman, Wally Perkins, Kathie Perkins, Duane Ratay, Chris Schultz, Terry Tavera, Attorney Dale Thorpe, Treasurer Scott Vilona

**Visitors Heard**

None

**Approval of Minutes**

The minutes for Public Budget Hearing and Regular Monthly Meeting held on December 4, 2017 were distributed.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes from the Public Budget Hearing and Regular Monthly Meeting held on December 4, 2017, as submitted, and the MOTION carried without negative vote.

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

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Treasurer's Report, 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**

Four additional payables were added to the list at the meeting; an invoice from Thorpe & Christian in the amount of \$8,833.46 for December legal services, and three invoices from Ruckert-Mielke, two for Lake Street in the amounts of \$5,525.19 and \$3,350.05 for water main resurfacing, and one for \$55,896.44 for Forest Drive/Sylvan Drive reconstruction. Due to the lack of supporting evidence for the Ruckert-Mielke invoices, they were tabled until next monthly meeting.

Trustee McGreevy/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list, as presented, with the additional payable submitted from Thorpe & Christian in the amount of \$8,833.46, and to table the three invoices received from Ruckert-Mielke in the amounts of \$5,525.19, \$3,350.05 and \$55,896.44, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Consider Future RFP to Purchase 190 Fontana Blvd – Offer to Purchase 190 Fontana Blvd for Commercial/Retail**

Wally Perkins introduced himself and his wife Kathie and stated they have been in the Fontana area for over 20 years and provided history on their backgrounds. The Perkins recently purchased the building owned by Munson Marine at 138 Fontana Boulevard. Wally stated they have a conceptual plan for the block of Third Avenue between Highway 67 and Douglas Street, from the Munson Marine building to the Safety building located at 190 Fontana Boulevard. Although the property that the Safety building is located on is not currently for sale, Wally indicated they would be interested in purchasing the property should the Village ever decide to list it. Wally stated they have a tentative contract with Pete Novak for the purchase of the property at 158 Fontana Boulevard located between the Munson building and Safety building. The new construction would be multi-purpose

and would possibly include residential apartments or condominiums. Architect Jason Bernard presented computerized architectural renderings of what the proposed development would look like. The Board thanked the Perkins for their interest in the Village.

#### **BKS Proposal for Continued IT Services**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION to table the BKS Proposal for Continued IT services, and the MOTION carried without negative vote.

#### **John's Disposal Contract Extension Proposal**

The contract between the Village and Johns Disposal is set to expire at the end of the year. Johns Disposal submitted a new four-year contract, which if accepted, would keep the 2018 rate the same as 2017, or if the Village accepts a six-year contract, the 2017 rate would stay flat for 2018 and 2019. If neither contract is accepted, Johns Disposal is requesting a 2% increase for 2018 which would increase the monthly cost from \$5,994 to \$6,113.

Trustee Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve entering a six-year contract with John's Disposal ending on December 31, 2024, with no rate increase in 2018 or 2019, and the MOTION carried without negative vote.

#### **Authorize Purchase Order for Ambulance**

Fire and Rescue Dept. Chief Nitsch solicited three bids for a new ambulance; only two were received by Friday's deadline. The quote received from Foster Coach Sales, Inc. is for the amount of \$226,087 and the quote received from Life Line Emergency Vehicles is for the amount of \$228,348. Nitsch recommended purchasing the ambulance from Foster Coach Sales, Inc., because it includes several extra safety features and has a gas motor which Nitsch stated will save \$6,000 to \$7,000 per year. He said that Lake Geneva is looking to purchase an ambulance and if they also purchase one through Foster Coach Sales, Inc., there would be a savings of \$1,500 to \$2,000 for a multi-vehicle purchase discount. The item was included in the 2018 budget with a down payment or lease to own option of \$39,500 in 2018.

Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve leasing the ambulance from Foster Coach Sales, Inc., in 2018 and to purchase the ambulance in 2019, for a total amount not to exceed \$226,087, and the MOTION carried without negative vote.

#### **Village of Fontana School Choice Week Proclamation Resolution**

Trustee Petersen/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve Resolution 01-08-18-01, accepting Village of Fontana School Choice Week Proclamation, and the MOTION carried without negative vote.

#### **Park Commission – Trustee Livingston**

##### **Approval of RFP Received for Landscape Contract – Tabled 12/04/17**

Three bids were received in response to the Landscape RFP published in November. The first proposal was submitted by Blackstone Landscape, Co., in the amount of \$65,758. The second proposal was submitted by ClearView Landscape Construction, Co., in the amount of \$67,000, and the third proposal was submitted by Balanced Environments, Inc., for an initial amount of \$68,000 plus \$39,776 for additional costs including spring clean-up. The Park Commission recommended awarding the contract to ClearView for a one-year contract which was tabled at last month's Village Board meeting. After discussion, Board members agreed to approve the contract with ClearView on a one-year term with the option to renew after the first year.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve a one-year contract beginning on April 1, 2018, with ClearView Landscape, Co., in the annual amount of \$67,000, and the MOTION carried without negative vote.

##### **Park Bench Proposal for Mohr Road – Tabled 12/04/17**

The proposal to replace the Mohr Road Park bench with a second bench for Micki O'Connell was tabled at last month's meeting. O'Connell currently has a memorial bench at Pioneer Park and Pappas provided a brief history on the proposed second bench. The money has already been donated and Park Commission has twice recommended approval of the bench.

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to move the park bench for Micki O'Connell from Pioneer Park to Mohr Road Park, and the MOTION carried without negative vote.

#### **Application Submitted by Steele Whowell/Gordy's to Lease Park House**

Livingston spoke with Steele Whowell earlier in the day and he indicated Gordy's was no longer interested in renting the Park House due to the high lease rates recommended by the board. The Board discussed publicly advertising the Park House in hopes of attracting a long-term tenant. Trustee Prudden/Trustee Livingston 2<sup>nd</sup> made a MOTION to approve the concept of publicly advertising the Park House with the objective of entering into a long-term lease agreement, and the MOTION carried on a 5-1 vote with Trustee Petersen opposed.

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

##### **Contractor Penalties for Project Incompletion**

McGreevy stated that two large 2017 contracted projects have run past their completion dates including the Indian Hills road construction project and the Tarrant Drive lift station project – which is now a month past the completion date specified in the contract. The Indian Hills road construction project contract listed penalties of \$1,500 per day for each day beyond the substantial completion date; however, McCollum said the penalties were not enforced because it was so close to the end of the year when the asphalt plants are scheduled to close and the Village did not want to risk the contractors walking away and leaving gravel roads. The Tarrant Drive Lift station contract calls for \$300 per day past the substantial completion date. The project was supposed to be completed on November 30, 2017, but is still incomplete. The contractors stated there were several issues which caused delays including issues with the gas meter once it was installed, a three-week delay in LW Allen's start-up date, a three week delay by WE Energies, and delays due to the cold weather. Thorpe stated that in order to charge penalties, it has to be determined whether the delay was out of the contractors' hands or whether it was in their control and is therefor a violation of contract. Tavera added that these cases do sometimes end up in court so it is important for the engineers and the village to determine whether the delay truly is a violation of contract. Thorpe recommended that future contracts contain milestones or incremental construction steps and could also include enhancements for early performance. When asked if the Village would have to accept the bids if these same companies are the lowest bidders on future projects, Thorpe stated the Village would not have to if they are not responsible bidders.

##### **CTH B Water Main Extension Closeout Change Order No. 2**

The \$546 pay request and closeout change order was submitted by Globe Contractors, Inc. for the work completed on the County Highway B Water Main Extension. The work has been reviewed by staff and the Village engineers and is recommended for approval.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the CTH B Water Main Extension Project Closeout Change Order No. 2, submitted by Globe Contractors, Inc., for the amount of \$546, and the MOTION carried without negative vote.

##### **CTH B Water Main Extension Final Payment Recommendation No. 4**

The \$16,981.10 pay request and final payment request was submitted by Globe Contractors, Inc. for work completed on the County Highway B Water Main Extension. The work has been reviewed by staff and the Village engineers and is recommended for approval.

Trustee Livingston/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the CTH B Water Main Extension Project application for Final for Payment No. 4, submitted by Globe Contractors, Inc., for the amount of \$16,981.10, and the MOTION carried without negative vote.

##### **Lake Street Water Main Relay Payment Recommendation No. 2**

The \$22,246.50 pay request was submitted by Woleske Construction Co., Inc. for the work completed on the Lake Street water main. The work has been reviewed by staff and Village engineers and is recommended for approval.

Trustee Livingston/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the Lake Street Water Main Application for Payment No. 2, submitted by Woleske Construction Co., Inc. for the amount of \$22,246.50, and the MOTION carried without negative vote.

**Tarrant Drive Lift Station Payment Recommendation No. 5**

The \$132,252.50 pay request was submitted by Super Excavators, Inc. for the work completed on the Replacement of the Tarrant Drive Lift Station. The work has been reviewed by staff and Village engineers and is recommended for approval.

Trustee Livingston/Trustee Petersen 2nd made a MOTION to approve the Tarrant Drive Lift Station Replacement Application for Payment No. 5, submitted by Super Excavators, Inc. for the amount of \$132,252.50, and the MOTION carried without negative vote.

**Human Resources Committee – President Kenny**

**Amend Title of DPW Manager to DPW Director**

Livingston recommended that McCollum attend manager or leadership training in order to receive the title of director.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to amend DPW Manager Brett McCollum’s title to DPW Director, with the condition he attends manager or leadership training, and the MOTION carried without negative vote.

**Consulting Contract for Human Resources Services**

The proposed contract between the Village and Allan Kaminski is for consulting services on administrative, personnel and human resources services at a rate of \$62.50 per hour.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Consulting Contract between the Village and Allan Kaminski for Human Resources services, as recommended, at a rate of \$62.50 per hour, and the MOTION carried without negative vote.

**DPW Street Foreman Proposal to Change to Salaried Position Recommendation**

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the modification of DPW Street Foreman Ron Adams hourly position to salary, at the annual rate of \$67,500, subject to signing an employment contract, and the MOTION carried without negative vote.

**Village Administrator Hiring Recommendation**

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the probationary hiring of Theresa Loomer for the combined Village Administrator/Clerk position, with a starting salary of \$75,000 per year, with the salary to be increased to \$77,500 following the successful completion of the probationary period, and the salary to be increased to \$80,000 after successful completion of the first year, subject to signing an employment contract, and the MOTION carried without negative vote.

**Adjournment**

Trustee Prudden/Trustee Pappas 2nd made a MOTION to adjourn at 6:44 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 02/12/18