

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, February 8, 2016

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

Trustees Present: Roll call vote: President Pat Kenny, Tom McGreevy, Rick Pappas, George Spadoni, Arvid Petersen

Trustees Absent: Tom Whowell, Dave Prudden

Also Present: Joe Abell, Dennis Barr, Greg Blizard, Jon Kemmett, Clerk Theresa Loomer, Administrator Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Fire and Rescue Dept. Chief Wolfgang Nitsch, Scott Peterson, Andy Pearce, Maureen Schiel, Village Attorney Dale Thorpe, Treasurer Scott Vilona, Jamie Whowell

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

The Open and Closed session minutes for the January 11, 2016 meeting, the minutes for the January 25, 2016 Joint Plan Commission and Village Board meeting, and the Open session minutes for the January 28, 2016 meeting were distributed.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to approve the January 11, 2016 Open and Closes Session minutes, the Village Board portion of the January 25, 2016 Joint Plan Commission & Village Board minutes, and the January 28, 2016 minutes, and the MOTION carried without negative vote.

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

The January 2016 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Petersen/Trustee Spadoni 2nd made a motion to approve the Vendor Report and Payroll Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$2,790,000 General Obligation Corporate Purpose Bonds; and Other Related Details

Financial Specialist Maureen Schiel from Ehlers, Inc., was present to report on the General Obligation Corporate Purpose Bonds sale which was earlier in the day. The borrowings were discussed last month and included funds for sewerage improvements, street improvements, Fire Department engines and equipment, and bridge improvements. There were two bids on the bond sale; the high bid was 2.5283 percent and the low bid was 2.4727 percent from Bosc, Inc., Milwaukee. Schiel said the interest difference between the two bids is \$22,110. Schiel said the Moody's Investor Service bond rating for the Village was affirmed at Aa3 and went over the rating report including highlights, suggested improvements, details of the sale, and sizing.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 020816-01 Authorizing and Providing the Sale and Issuance of Not to Exceed \$2,790,000 General Obligation Corporate Purpose Bonds; and Other Related Details, and the Roll Vote was as follows:

Trustee McGreevy – Aye

Trustee Pappas – Nay

Trustee Spadoni – Aye

Trustee Petersen – Aye

President Kenny – Aye

The MOTION carried on a 4-1 vote with Trustee Pappas opposed and Trustee Prudden and Trustee Whowell absent.

Resolution Establishing Guidelines for Village Attorney and Prosecution Monthly Billing and Contact Authorization Policy

The updated draft of the resolution with one minor wording change and additional punctuation was distributed at the meeting. Spadoni suggested adding a sentence to the end of No. 1 which read, “Village Board will allow for trustees to contact attorney during urgent or illegal circumstances.” Spadoni referenced past incidents involving a former village administrator and village president, and also referenced a former trustee who was convicted of sexual assault of a child. He said if the trustees know of urgent or illegal circumstances going on, and the village administrator or village president are unreachable, they have a right and obligation to contact the village attorney immediately. McGreevy asked what the village attorney would do since he cannot act without getting a hold of the village president or administrator. Petersen said the local police, the county sheriff’s department, or the district attorney should be called if there is something illegal going on, which President Kenny agreed with. Pappas suggested adding a sentence to the resolution to approve attorney contact after the fact if the board feels it was justified but Village Attorney Thorpe said, in that scenario, he would be the one penalized. Spadoni said the board should not take away the rights of the checks and balances system in the community, and if they feel the need to call the village attorney, they are going to do so anyways. Kenny said the resolution is in place to stop the problem that has been going on for the past few years and reign in the budget. Kenny said if there is a real problem going on, he would have no problem with a trustee calling the village attorney. Martin stated he spoke with Trustee Tom Whowell earlier in the day and since he could not make the meeting, Whowell relayed that he believes the resolution as presented is a good start and should be given a try. Spadoni stated that calling the village attorney is the God given right of the citizens of the village, and every citizen in the village has the right to call the village attorney. Kenny stated that if an issue has nothing to do with the village president or village administrator, then the call needs to go through one of them first. Only if the issue is with one of the two positions would it be allowed. Thorpe asked what if the village president or village administrator are not available and Kenny replied they are always available, 24-hours per day. Spadoni said he has sat on the board on and off for 22 years and every year people complain about Thorpe’s bill. McGreevy asked Thorpe about an earlier statement that was made, and asked if a village resident calls him (Thorpe), would he return their call without getting clearance from the village administrator or president. Thorpe replied that ethically he will return every phone call; the issue is whether or not it is on the village’s bill. Martin said this issue came up as a way to restrain the budget, and if anyone calls him or the village president with a legitimate reason, they will be authorized to call the village attorney. Martin said one of the most costly problems is with municipal court prosecution. Spadoni said he compared the cost between the money spent on prosecution and the money brought in from municipal court from fines, and more money was spent on the prosecution. Spadoni said the village should get rid of municipal court because the village is not making any money. Thorpe said they are trying to find ways to economize but the municipal court judge substitutions are very costly. He said with substitutions, the same number of court cases are processed but it takes five sessions instead of two, and the prosecuting attorney has had to take settlement agreements back to Judge Jensen four to six times before he will approve them. Thorpe said the only thing that worries him about the resolution terms is trying to get an estimate on the legal work required for public works projects, which are very open ended. Kenny said there are going to be circumstances where it will be way too difficult, but we would like to try to get an idea of how big a project is and how many hours it will require.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve Resolution 020816-02 Establishing Guidelines for Village Attorney and Municipal Court Prosecution Monthly Billing and Contact Authorization Policy, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Temporary Operator’s License applications were filed by Kevin Racky, Richard Murphy and Joseph Abell for the Big Foot Lion’s Club Lobster Boil and Steak Fry on July 30, 2016

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Temporary Operator License applications filed by Kevin Racky, Richard Murphy and Joseph Abell for the Lobster Boil and Steak Fry on July 30, 2016, and the MOTION carried without negative vote.

Operator License Application Filed by Anne Diederich (Abbey Resort)

There were no concerns with the background check and the \$60 fee has been paid.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator License application filed by Anne Diederich (Abbey Resort), and the MOTION carried without negative vote.

Approve Employment Agreement for Zoning Administrator

The agreement to promote Bridget McCarthy from assistant zoning administrator and code specialist to the village zoning administrator was discussed in Closed Session.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Employment Agreement for Zoning Administrator Bridget McCarthy as presented, with the exception that the sick leave clause should be changed to the policy in accordance to the new-hire guidelines as established in Resolution 090814-01, and the MOTION carried without negative vote.

Approve Employment Agreement Amendment for Building Inspector

This employment agreement amendment to change Ron Nyman to the assistant zoning administrator, and to outline the terms for when he cuts back his building inspector duties to part-time was discussed in Closed Session.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Employment Agreement Amendment for Building Inspector Ron Nyman as presented, and the MOTION carried without negative vote.

Schedule March and April Meeting Dates

The March monthly meeting that is scheduled for Monday, March 7, 2016, was not changed, and the April monthly meeting was rescheduled for Monday, April 11, 2016.

Lakefront & Harbor Committee – Trustee Pappas

Proposed Resolution Amendment to Increase Village Launch and Annual Mooring Lease Fees

Pappas stated the Lakefront Committee has recommended increasing the Village launch fees and annual mooring lease fees. The Village launch fees were increased to the maximum allowable amount which has been approved by the DNR. The annual mooring lease fees were increased by 3 percent over last year’s rates. All fees are listed on the “Exhibit A” of the Resolution.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve Resolution 020816-03 to Increase Village Launch and Annual Mooring Lease Fees, as presented in Exhibit A, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Approve Location for Drug Drop Off Box

The Protection Committee recommended the Village Hall lobby as the location for the drug drop off box for old prescriptions. The secure collection box was donated by the Walworth County Sheriff’s Department. Police Chief Steve Olson previously said that it is a less intimidating location than at the Police Department. Martin said the box is secured to the ground so no one can move or steal it and Chief Olson is the only one who can retrieve the contents. Martin said if the location at village hall is not successful then another location can be considered.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Village Hall Lobby location

for the Drug Drop-Off Box, as recommended, and the MOTION carried without negative vote.

Approve Jaws for Life Purchase

The approval for the new Jaws was discussed again last month at the Protection Committee level and recommended that it be brought back to the Village Board. Pappas made an initial motion seconded by McGreevy to direct the approval to the Finance Committee to determine if the funds are available and if a budget amendment is necessary for the Jaws and for the fire boat pump purchase. Martin asked if the board would consider making a motion to approve the purchase if the Finance Committee determines the money is available in this year's budget. Spadoni stated it needs to come back to the board first. Fire and Rescue Dept. Chief Nitsch stated that it had already went through the Finance Committee last year where it was approved, but was then struck down at the Village Board budget meeting. Spadoni recommended the fire department come up with half of the funds and only come to the Village Board and ask for money when they do not have any left in the donation account. Petersen stated the village just spent \$839,000 on a new fire truck, but would have to wait for Walworth if called to an accident scene where someone is trapped in a car. Spadoni stated several times he is not against the Jaws of Life, he is against circumventing the budget process by having the board vote the project down, taking it to the Protection Committee and then bringing it back to the board for approval. Kenny said he feels the Jaws are important but should have been prioritized higher. Nitsch stated that at the Finance Committee budget planning meeting he did ask for the Jaws of Life before the fire boat pump which was agreed upon but then struck from the budget at the Village Board level. Spadoni recommended that Nitsch use the \$25,000 in the Fire Department's donation account to pay for the Jaws and then the Village would borrow the \$100,000 needed to purchase the new boat pump; however, Nitsch stated he cannot do that because the boat pump donation bank account was approved in resolution form and legally that money can only be allocated for the boat pump. Martin stated that he spoke with the village treasurer and believes they can find in the 2016 budget the approximately \$20,000 needed to purchase the new Jaws equipment. Pappas suggested the Finance Committee should be involved because they have to juggle all the needs from all the departments and added he would have prioritized the Jaws of Life over the fire pump. Spadoni asked if the current Jaws works and Nitsch replied it only works on older model cars. Newer model cars are made with a different type of metal that the department's current Jaws cannot cut through. McGreevy stated he would amend his second and if Finance Committee approves the purchase of the Jaws equipment it may be purchased immediately, and Pappas agreed to amend his motion on the floor.

Trustee Pappas/Trustee McGreevy 2nd made a MOTION to authorize the purchase of the new Jaws of Life equipment with the condition that the Finance Committee review the 2016 budget and determines that the funds are available, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Approve Memorial Bench Donations – Bob Newell and Pete Shumway

Martin stated Bob Newell contacted staff about donating a bench for the Lakefront area near Reid Park similar to the bench approved for Bob Moravacek. Pete Shumway contacted staff about donating a bench in Pioneer Park. Martin said the bench donated by Shumway would replace one of the three deteriorating benches that are in Pioneer Park along with walkway. Petersen stated a program for bench donations is needed and Martin explained there is already a program in place for bench and tree donations and the brochure is available on the village website. The Park Commission plans on replacing the benches at the lakefront starting with the bench donated by Bob Moravacek and Bob Newell and there will be a maximum number of benches allowed. Petersen recommended memorial trees without plaques as they disappear, and also suggested reinstating the memorial bricks program.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the bench donations from Bob Newell for the Reid Park lakefront, and from Peter Shumway for Pioneer Park, as presented and the MOTION carried without negative vote.

Special Event Permit and Temporary Liquor License Approval for Big Foot Lions Club 2016 Lobster Boil/Steak Fry

The annual event plans were reviewed by the Park Commission and recommended for approval. Pearce asked if any of the Village Board members had concerns with the plans as presented, and

there were none.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Special Event Permit and Temporary Liquor License for the Big Foot Lions Club for the 2016 Lobster Boil and Steak Fry on July 30, 2016 in Reid Park, and the MOTION carried without negative vote.

Reid Park Pavilion Addition Plans Review

Martin said the initial concept for the construction of a pavilion shelter in Reid Park was approved about two or three years ago. Joe Abell and Andy Pearce from the Big Foot Lions Club were in attendance to present initial diagrams of the proposed shelter which would abut the Reid Park Pavilion. In response to a question, Pearce said the village would own the pavilion, not the Lions Club and the Village could rent it out. Kenny stated he favors the proposal because it would add a nice pavilion in the park for people to use for special events, or for daily outings or just to get out of inclement weather; and it would create a better space for the Lions Club to prepare food for the annual Lobster Boil. Jaime Whowell stated that Chucks will work with the village on the adjacent parking lot issues and he has no concerns with the proposed location for the new shelter.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Reid Park Pavilion Shelter addition plans, as presented, and the MOTION carried without negative vote.

Spadoni suggested having a preferred tenant agreement with the Lions Club so they would get first choice of dates when it comes to the annual Lobster Boil and other events. Martin said they could include it but it is not necessary as staff is aware of these events and they are annual saved on the village calendar.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Lions Club as the preferred tenant for the new Reid Park shelter site, and the MOTION carried without negative vote.

Pig in the Park Financial Agreement Recommendation

Martin said the Park Commission recommended terminating the original financial agreement between the village and the Dan Green Foundation for the Pig in the Park event, which calls for a donation of 30 percent of the annual event profit to go to the Park Commission. With the new event date, Martin stated that Park Commission recommended that the foundation simply make an annual donation that they feel is an appropriate amount. Petersen questioned why the village would end the agreement as there should be some financial contribution since the Village Board is authorizing the use of Reid Park for free. Martin said the village cannot demand that a non-profit organization be required to give the village money and pointed out there has never been a financial contract with the Lions Club. The Lions Club has pledged a certain level of funding to the village and Park Commission in the past for special initiatives; however, during the first several years and most of the years in the last three decades there has been no formal agreement and the Lions Club has simply presented an annual donation to the Park Commission. At the Park Commission meeting the Big Foot Lions Club members relayed how their organizational events started out small with minimal proceeds and encouraged organizer Mary Green to keep at it. Martin said Pig in the Park started off as a village staff run event but has since been taken over by the Dan Green Foundation and has switched dates which basically makes it a brand new event. Information regarding past donations from the Dan Green Foundation to the village was included in the meeting packets. Martin said Park Commission members were satisfied with the total amount of donations given and did not think it was appropriate to pick a specific amount that the non-profit would be required to “kick-back” to the village. There was a significant amount of overtime paid to DPW employees a few years ago for set-up, but since DPW Manager Brett McCollum has taken over, there has not been any additional cost. Vilona said without any verbiage to cover it, he is concerned it might revert back to the village helping and then there is no guaranteed money commitment. Pappas said the village could always end the relationship, but so as long as the new agreement is working and it is generating money to the village and they are profitable, it should continue. If the village officials becomes unhappy with the event impact and costs, or how much the foundation is donating, the annual event approval can be reconsidered.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to rescind the financial agreement previously approved between the Village of Fontana and the Dan Green Memorial Foundation for the Pig in the Park event, and the MOTION carried without negative vote.

Park Permit Application Filed by Maria E. Salsman for Petrini-D’Ercole Family Reunion on

Monday, July 18, 2016 from 9:00 am to 5:00 pm

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application filed by Maria E. Salsman for Petrini-D'Ercole Family Reunion at the Duck Pond on Monday, July 18, 2016 from 9:00 am to 5:00 pm, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Approve Ordinance Authorizing Amendments to Zoning Code Sections 18-192, Regarding Allowable Exempt Signage, and 18-249(d), Regarding Zoning Permit Time Limit

The zoning ordinance amendments were presented at public hearings and recommended for approval by the Plan Commission. Martin stated that both amended sections were combined in the ordinance presented at the meeting.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve Ordinance 020816-01, amending Sections 18-192 and 18-249(d), as recommended, and the MOTION carried without negative vote.

Public Works – Trustee McGreevy

Pay Request Submitted by Zenith Tech for South Lakeshore Drive Bridge Contract

Pay Request No. 3 was submitted by Zenith Tech Inc. for the South Lakeshore Drive bridge construction project, which Martin said is running ahead of schedule. The pay request was reviewed by the project engineers and recommended for approval.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the \$305,635.47 Pay Request as submitted by Zenith Tech Inc., for the South Lakeshore Drive Bridge Contract, as recommended, and the MOTION carried without negative vote.

Well No. 4 Booster Pump Purchase

Martin said the 2016 Utility Budget has not been approved yet but this item will be included. Barr stated that with the pending Abbey Springs water main replacement and Brookwood Water Tower rehab projects, it is in the Villages best interest to purchase a new booster pump, rebuild the other one, and bring everything in the area up to grade. The current pump will be used continuously for the next two months and Barr said he would rather do something now than have it fail. Martin said the purchase price is \$6,981 and he and Vilona would talk to Auditor Pat Romenesko about whether the purchase should be added to the Brookwood Water Tower project contract, or just as an annual budgeted project.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the purchase of a Booster Pump for Well No. 4 from L.W. Allen, Inc., in the amount of \$6,981, and the MOTION carried without negative vote.

CCE Lift Station K Generator and Heater System Upgrade Proposal

Martin said the proposal is an upgrade for the lift station and will be a sewer budget item if approved. The low bid came in at \$13,025. Petersen asked about the new pump at the main lift station and Barr said it will be online tomorrow and the two other new pumps have been installed and working for about a year.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the purchase of the CCE Lift Station K Generator and Heater System Upgrade in the amount of \$13,025, as presented and recommended, and the MOTION carried without negative vote.

CLOSED SESSION

Closed Session

Trustee Spadoni/Trustee Petersen 2nd made a MOTION at 6:50 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(c) “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility” specifically WPPA and AFSCME Union Contract Renewal Negotiations; and Building and Zoning Employment Agreements for Zoning Administrator and Building Inspector; and Pursuant to Wis. Stats. Chapter 19.85 (1)(e) “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically WPPA and AFSCME Union Contract Renewal; and Insurance Claim Filed by Bob Schorsch.

The Roll Call vote was as follows:

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

The MOTION carried on a 5-0 vote with Trustee Prudden and Trustee Whowell absent.

Adjournment Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a motion at 7:09 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/President McGreevy 2nd made a MOTION at 7:10 pm to adjourn the meeting, 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: 03/07/16