

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, April 4, 2011**

President Arvid Petersen called the monthly meeting of the Village Board to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Peg Pollitt, Micki O'Connell, George Spadoni, President Arvid Petersen

**Trustees late:** Tom McGreevy (arrived at 5:02 pm), Pat Kenny (arrived at 6:00 pm)

**Trustee absent:** Cindy Wilson

**Also Present:** Rachel Guthrie, Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

**Closed Session**

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to go into Closed Session, pursuant to Wisconsin State Statutes Chapter 19.85 (1) (c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically considering available work for a Village of Fontana employee with work restrictions, and the Roll Call vote followed:

Trustee O'Connell – Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee Pollitt – Aye

The MOTION carried on a 4-0 vote.

**Closed Session Adjournment**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 5:33 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

President Petersen announced the Village Board was in open session at 5:33 pm.

**Closed Session Business**

Village Attorney Thorpe stated that it would be an appropriate time to act on the motion that was approved in the closed session.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to make a finding that the Village of Fontana cannot accommodate the permanent work restrictions placed on Department of Public Works employee Russell Adams, and the MOTION carried without negative vote.

President Petersen stated that the Village Board would take a recess until 6:00 pm.

President Petersen called the meeting back to order at 6:00 pm.

**Also Present**

Jim and Megan Feeney, Rob Ireland, Alex Koldeway, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, Building Inspector/Zoning Administrator Ron Nyman, Jill Wegner, Director of Public Works Craig Workman

**Visitors Heard**

None

**Announcements**

1. Spring Election – Tuesday, April 5, 2011, Polls Open 7:00 am to 8:00 pm
2. CDA Board Monthly Meeting – Wednesday, April 6, 2011, 6:00 pm
3. Read and Romp Program at Library – Thursdays, April 7, 14, 21 & 28, 2010, 10:30 am

4. National Library Week – April 11 to 16, 2011
5. Plan Commission Staff Meeting – Wednesday, April 13, 2011, 1:00 pm
6. Protection Committee Meeting – Monday, April 18, 2011, 5:45 pm
7. Library Board Meeting – Wednesday, April 20, 2011, 10:00 am
8. Park Commission Meeting – Wednesday, April 20, 2011, 6:00 pm
9. Finance Committee Monthly Meeting – Thursday, April 21, 2011, 6:00 pm
10. Annual Easter Egg Hunt at Duck Pond – Saturday, April 23, 2011, 10:00 am
11. Board of Appeals Hearing – Monday, April 25, 2011, 4:00 pm
12. Plan Commission Monthly Meeting – Monday, April 25, 2011, 5:30 pm
13. Lakefront and Harbor Committee Meeting – Wednesday, April 27, 2011, 4:30 pm
14. Village Board Monthly Meeting – Monday, May 2, 2011, 6:00 pm

#### **Approval of Village Board Minutes**

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the Open and Closed Session minutes for the meeting held March 7, 2011 as presented, and the MOTION carried without negative vote.

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

Petersen stated that the reports were distributed and/or emailed to the Village Board members.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the February 2011 treasurer's reports and the current Cash Flow Statement, Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

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

Payables were distributed and presented at the meeting. Pollitt asked that an invoice for the Ford Explorer that was sold last year be verified and O'Connell asked for clarification on an invoice from Total Parking Solutions, Inc., for the parking pay stations.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize the payment of the payables as distributed, and the MOTION carried without negative vote.

#### **General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden**

##### **Temporary Operator's License Application Filed by Big Foot Lions Club Member Joseph Abell for July 4, 2011 & July 30, 2011 Events**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Temporary Operator's License application filed by Big Foot Lions Club member Joseph Abell for the July 4 and 30, 2011 events in Reid Park, with the application fee waived. The MOTION carried without negative vote.

##### **Operator's License Application Filed by Linda Deutsch, Fontana Corner Market**

There were no concerns in the background check completed by the Police Department.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Linda Deutsch, an employee at Fontana Corner Market, and the MOTION carried without negative vote.

##### **Approve Appointment of Jill Wegner as Election Inspector to Fill Vacancy**

Martin stated that he would like the Board to approve the appointment of Jill Wegner as an Election Inspector, to fill the position recently vacated by Allison Murray, who moved out of the Village.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the appointment of Jill Wegner as an Election Inspector, to complete the term of Allison Murray, and the MOTION carried without negative vote.

##### **Union Contracts Update**

Hayden stated that the Human Resources Committee has met with the WPPA union representatives and they have reached a tentative agreement on many of the items for a renewed union contract. The union has not ratified the tentative agreement. Hayden stated that a meeting with the AFSCME union representatives is scheduled for April 11, 2011 at 6:00 pm.

##### **Non-Union Contract (Benefits) Adjustment – Act 10**

Hayden stated that although Act 10 has not been published so it is still not in effect, the distributed amendment to the non-union employee contracts drafted by Thorpe addresses the required employee contributions that are called for in Act 10 and by any future changes in state law. Trustee O'Connell/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Amendment to Employment Agreement with the Village of Fontana on Geneva Lake as presented, and the MOTION carried without negative vote.

#### **Address Change Approval for Brian Porter Property**

Brian Porter, who recently purchased the property at 413 N. Lakeshore Drive, has requested that the address be changed to 409 N. Lakeshore Drive. According to the Municipal Code, all physical address changes to the adopted Official Street Name and Building Numbering Map have to be approved by the Village Board. Pollitt asked why Porter wants the village to change the address number. Petersen stated that Porter requested it be changed because the number 13 is unlucky and 409 is the address of his childhood home.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the address change of the property owned by Brian Porter at 413 N. Lakeshore Drive to 409 N. Lakeshore Drive, and the MOTION carried without negative vote.

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

##### **Hot Spot No. 3 Storm Water Study Proposal Submitted by Ruckert-Mielke – Tabled 3/7/11**

Workman stated that the Public Works Committee has reviewed the storm water runoff situation at the Big Foot Country Club and surrounding areas. Workman stated that there was a related project in the initial 2011 budget but it was taken out. Workman stated that as part of the continuing meetings with representatives of the Big Foot Country Club, the Village requested that Ruckert-Mielke submit a proposal to provide engineering design services for storm water projects on the Big Foot Country Club property to address runoff from the Pottawatomie Drive/Sauganash Drive area. Workman stated that Ruckert-Mielke submitted a proposal for a phased-project approach to split the design work into several projects. Hayden stated that all the proposed projects are on Big Foot Country Club property, so the Village will need a development agreement with the club prior to the commencement of any projects. Workman stated that the Public Works Committee recommended that the Village proceed with the stormwater work in a fashion that can be afforded and in a manner that best addresses the runoff situation at the Big Foot Country Club. Workman stated at this time, the proposal is to authorize the \$3,000 design work for a \$24,000 to \$28,000 earthen berm to be installed at the southwest side of the 16<sup>th</sup> green. Workman stated that after the design work is completed, actual construction costs can be estimated and a development agreement negotiated with the club. Petersen stated that authorizing the \$3,000 for design work at this time will aid the village in negotiations with the club. Workman stated that if approved, the Village will be able to present to the Big Foot Country Club representatives the design work for the extension of an existing berm that will shield water from south side of the 16<sup>th</sup> green and prevent it from overtopping the fairway immediately west of the green. Trustee Spadoni then made a motion that was seconded by Trustee McGreevy to approve the \$3,000 in design work in a show of good faith to the Big Foot Country Club as part of the ongoing negotiations. Pollitt stated that the item is not in the budget and asked where the funds would come from in the current budget. Spadoni stated that staff could allocate the \$3,000 from somewhere in the current budget, and a budget adjustment could be approved if necessary. Pollitt stated that the funding source should have been determined before the proposal was presented to the Village Board for consideration. O'Connell stated that she would have liked to have been presented the whole picture on all the costs for engineering, permitting and constructing the storm water management projects. Hayden stated that the village could allocate funds from the general engineering budget account to cover the \$3,000. Pollitt asked if there are enough funds remaining in the budget's contingency account to cover the \$3,000. Hayden stated that it is still early in the year and the Village Board allocated some of the funds for the Chapters 17 and 18 rewriting project from the \$75,000 contingency account, so it is not certain if there are enough funds to cover the additional \$3,000. Following further discussion, Spadoni and McGreevy stated that they would amend the motion on the floor to state that the \$3,000 for the engineering design work should be allocated from the contingency account.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$3,000 in engineering design work to be completed by Ruckert-Mielke for the construction of an earthen berm to be

installed at the southwest side of the 16<sup>th</sup> green on the golf course at Big Foot Country Club, with the funds allocated from the contingency account, and the MOTION carried without negative vote.

#### **Resolution Endorsing SEWRPC Regional Water Plan – Tabled 3/7/11**

Workman stated that the Village of Fontana portion of the 831-page Planning Report drafted and approved by the Southeastern Wisconsin Regional Planning Commission is only a half-page long and it accurately describes the Village of Fontana's municipal water system. Workman stated that the Public Works Committee recommended approval of the proposed resolution that endorses the Regional Water Supply Plan.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 04-04-11-01 as recommended, and the MOTION carried without negative vote.

#### **North Shore Lift Station Contract Change Order No. 3 & Pay Request No. 2**

Workman stated that the proposed change order No. 3 extends the initial project completion date to April 10, 2011 and there are no monetary ramifications.

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Change Order No. 3 as presented, and the MOTION carried without negative vote.

Workman stated that the \$52,972 Pay Request No. 2 submitted by Monona Plumbing & Fire Protection for the North Shore Lift Station Rehabilitation contract has been reviewed and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Pay Request No. 2 totaling \$52,972 submitted by Monona Plumbing & Fire Protection for the North Shore Lift Station Rehabilitation contract, as recommended, and the MOTION carried without negative vote.

#### **Lakefront and Harbor – Trustee O'Connell**

##### **Lombardo Pier Permit Application**

O'Connell stated that the Lakefront and Harbor Committee approved a motion at its February 23, 2011 meeting to recommend approval of the Pier Permit application as filed by Steve Lombardo, 1100 S. Lakeshore Drive, with the conditions that the Clear Sky Lodge Homeowner's Association files and receives approval for an amendment to the Precise Implementation Plan for the Planned Development Zoning and that an as-built survey of the Lombardo pier be submitted to the Village by August 1, 2011.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Pier Permit application as filed by Steve Lombardo, 1100 S. Lakeshore Drive, with the conditions that the Clear Sky Lodge Homeowner's Association files and receives approval for an amendment to the Precise Implementation Plan for the Planned Development Zoning and that an as-built survey of the Lombardo pier be submitted to the Village by August 1, 2011. The MOTION carried without negative vote.

#### **F/W WPCC – President Petersen**

##### **Strand Associates Engineering Services Invoice for Plant Improvement Project**

Petersen stated that the \$7,023 invoice from Strand Associates, Inc. is for engineering services for the wastewater treatment facility plant improvement contract. Petersen stated that the invoice has been reviewed and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$7,023 invoice from Strand Associates, Inc. for engineering services for the wastewater treatment facility plant improvement contract as recommended, and the MOTION carried without negative vote.

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

##### **LWMMI Insurance Renewal Recommendation**

Kenny stated that the Finance Committee approved a motion at its March 22, 2011 meeting to recommend Village Board approval of the League of Wisconsin Municipalities Mutual Insurance program renewal proposal for the 2011-12 policy year as presented, with the additional \$160 premium for a new Crime Policy that covers computer fraud and fund transfer fraud. The total renewal is \$4,480 lower than last year's total premium, with the new Crime Policy premium of \$160 included. The renewal includes a 2 percent increase in the total building values.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the League of Wisconsin

Municipalities Mutual Insurance program renewal proposal for the 2011-12 policy year as recommended, with the additional \$160 premium for a new Crime Policy that covers computer fraud and fund transfer fraud. The MOTION carried without negative vote.

**Parking Pay Station Recommendation for Purchase of Additional Unit for 2011 Season**

The Finance Committee approved a motion at its March 22, 2011 meeting to recommend the purchase of an additional parking pay station for the upcoming season, and to authorize the use of the contingency fund for the purchase if necessary since a second new pay station is not in this year's budget. Hayden stated that the cost for the purchase and installation of an additional pay station will total \$16,322, which is not in the current budget. Hayden stated that if approved, the two new pay stations will be installed by the end of April. Hayden stated that in order to address safety concerns in the lakefront lot, and because it will be a revenue generator, the Finance Committee recommended the use of the contingency fund and a portion of the additional parking revenue in order to pay for a second new pay station to be located in the beach parking lot. Hayden stated the one of the new pay stations will be installed at the north end of the beach parking lot, and the second new station will be installed at the south end of the lot. All of the parking meters will be removed this season and parking fees will all have to be paid at one of the four lakefront pay stations. The two existing pay stations are located in the boat trailer parking lot and at the southeast corner of Reid Street and Third Avenue. Pollitt asked Hayden if the Village Board members could receive an update at the next meeting on how much of the \$75,000 contingency fund balance has been allocated so far this year. The two items approved at the meeting that night totaled \$19,322 that will be allocated from the contingency account.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$16,322 purchase of another parking pay station from Total Parking Solutions, Inc., which will give the Village a total of four parking pay stations for the 2011 season, with the funds to be allocated from the contingency account, as recommended. The MOTION carried without negative vote.

**Plan Commission – Trustee Spadoni**

**Update**

The Plan Commission did not meet in March 2011 because there was no business to consider.

**Park Commission – Trustee Wilson**

**Update**

The Park Commission monthly meeting in March 2011 was cancelled because of a quorum concern.

**Protection Committee – Trustee Pollitt**

**Update**

Pollitt stated that there was nothing new to report from the Protection Committee this month.

**CDA – President Petersen**

**Update**

Petersen stated that the CDA monthly meeting has been cancelled the last two months because there has been no business. Hayden stated that there is a pending development agreement to be approved for the 138 Fontana Boulevard site; however, the CDA did not receive any RFPs by the March 31 deadline for the Duck Pond development site. Hayden stated that Thorpe also is doing some research on the CDA Board and the management of the TIF District.

**Adjournment**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 6:32 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: 5/2/11