

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
with SPECIAL JOINT SESSION of the CDA BOARD  
**Wednesday, July 6, 2011**

President Arvid Petersen called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Tom McGreevy, Pat Kenny, Peg Pollitt, Cindy Wilson, George Spadoni, President Arvid Petersen, Bill Gage (arrived at 5:31 pm)

**Also Present:** Administrator/Treasurer Kelly Hayden, Rob Ireland, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector/Zoning Administrator Ron Nyman, Village Attorney Dale Thorpe, Bill Turner, Amanda Voss, Director of Public Works Craig Workman

**Visitors Heard**

Former CDA Chairman Bill Turner stated that he wanted to encourage the Village Board to resolve the legal situation concerning Lake Street and its proper width and driving lane and sidewalk delineation that was commenced with a legal review initiated by the CDA during planning for the recently denied Lakefront Building Project referendum. The project included the proposed reconstruction of Lake Street and the legal review was initiated to resolve the issues concerning the never approved or recorded plat for Lake Street. Turner stated that the CDA lakefront proposal planners ran into roadblocks when trying to determine the road right-of-way, what portions of the sidewalks are owned by the business owners, and the proper width of the driving lanes. Turner stated that a survey submitted by the business property owners on Lake Street following the legal review would be a good place to commence the project. Turner stated that the Village Board should really get the situation resolved sooner or later as Lake Street eventually will have to be reconstructed and the same issues will be facing the planners. Turner stated that he wanted to encourage the Village Board members to get the issue back on the agenda for a future meeting. Petersen stated that an item will be on the agenda for the monthly meeting in August.

**Announcements**

1. Village Hall Open for Customer Service – **Saturdays, July 9, 16, 23 & 30, 2011, 9:00 am to Noon**
2. Big Foot Recreation Movie Under the Stars at Fontana Beach (The Sandlot) – **Saturday, July 9, 2011, at Dusk**
3. Summer Storywagon Programs at Village Hall – **Tuesdays, July 12 & 19, 2011, 10:00 am**
4. Plan Commission Staff Meeting – **Wednesday, July 13, 2011, 1:00 pm**
5. Village Assessor Village Hall Office Hours – **Friday, July 15, 2011, 10:00 am to 2:00 pm**
6. Protection Committee Meeting – **Monday, July 18, 2011, 5:45 pm**
7. Library Board Meeting – **Wednesday, July 20, 2011, 10:00 am**
8. Park Commission Meeting – **Wednesday, July 20, 2011, 6:00 pm**
9. Finance Committee Meeting – **Thursday, July 21, 2011, 6:00 pm**
10. Big Foot Recreation Movie Under the Stars at Fontana Beach (Rango) – **Saturday, July 23, 2011, at Dusk**
11. Plan Commission Monthly Meeting – **Monday, July 25, 2011, 5:30 pm**
12. Lakefront and Harbor Committee Meeting – **Wednesday, July 27, 2011, 4:30 pm**

**Approval of Minutes**

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the minutes as submitted for the meetings held June 6 and 27, 2011, 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 Kenny 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the May 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**

Hayden stated that as well as the payables distributed in the meeting packets, there were additional payables distributed at the meeting. Pollitt had a question about one of the bills for the Utility Account regarding a computer server warranty.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the village and utility payables as distributed and presented at the meeting, and the MOTION carried without negative vote.

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

**Operator's License Applications Filed by Britt F. Isham (Lions Club), Thomas S. Judd (Chuck's), Ferenc Hausner (Abbey Springs), Kayla J. Skomski (Scotty's Eatery & Spirits), Jacob Porep (Fontana Corner Market)**

The required background checks were completed for the applications filed by Britt Isham, Thomas Judd and Ferenc Hausner and there were no concerns. Chief Olson had not yet completed the background checks on the applications filed by Kayla Skomski and Jacob Porep.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Britt Ishman, Thomas Judd and Ferenc Hausner, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the to approve the Operator's License applications filed by Kayla Skomski and Jacob Porep, with the condition there are no concerns in the required background checks, and the MOTION carried without negative vote.

### **Reschedule September 2011 Monthly Meeting**

The first Monday of the month in September 2011 is Labor Day, so the regular meeting had to be rescheduled. Following discussion, the Village Board members scheduled the meeting for Wednesday, September 7, 2011 beginning at 6:00 pm.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to reschedule the monthly meeting for September 2011 on Wednesday, September 7, 2011 beginning at 6:00 pm, and the MOTION carried without negative vote.

### **Appointments: Board of Appeals Chairman Michele Teale Moved Out of Village & Open Alternate II Position; Plan Commission Representative & ETZ Committee Member to Replace Mike Poivey**

Petersen stated that he wanted to nominate Michael Sheyker to replace Michele Teale on the Board of Appeals, and John "Jay" Hicks to fill the open Alternate II position. Petersen stated that he also wanted to nominate Fritz Frazier to replace the recently resigned Mike Poivey on the Plan Commission, and for Plan Commissioner Micki O'Connell to take Poivey's vacated position on the Joint Extraterritorial Zoning Committee.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the appointment of Michael Sheyker on the Board of Appeals to replace Michele Teale, who moved out of the village. The MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the appointment of John "Jay" Hicks to fill the open Alternate II position on the Board of Appeals, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the appointment of Fritz Frazier to fill the vacated position of Mike Poivey on the Plan Commission, the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the appointment of Micki O'Connell to fill the vacated position of Mike Poivey on the Joint Extraterritorial Zoning Committee, and the MOTION carried without negative vote.

### **Ordinance Designating New Election Wards Following 2010 Census**

Martin stated that the village was required to redefine a total of three wards following the 2010 Census, each with between 300 to 1,000 residents. The only difference for the Village of Fontana's three respective wards is that there are three neighborhoods that are located in the Walworth Joint 1 Elementary School District, and those properties are included in Wards 1 and 3; and one neighborhood that is located in the Reek Joint 6 Elementary School District, and those properties are

located in Ward 3. All of the property located in Ward 2, and the majority of Wards 1 and 3 are located in the Fontana Joint 8 Elementary School District. The entire Village is located in the same Congressional and state districts and in Walworth County Supervisory District 9.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 070611-01 amending Section 30-5 of the Municipal Code as presented, and the MOTION carried without negative vote.

#### **Resignation of Processing Clerk Karen Dieter**

Part-time Village Processing Clerk Karen Dieter submitted her resignation to accept a new job with the city of Whitewater.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the resignation of Processing Clerk Karen Dieter, and the MOTION carried without negative vote.

#### **Website Maintenance**

Hayden stated that Dieter helped to revamp the village website and has been posting items and making user-friendly formatting changes for the last year. Hayden stated that Dieter has offered to continue to provide the website maintenance service on a contracted basis for \$35 per hour. Hayden stated that she is proposing about 10 to 15 hours of work per month, and reimbursement for mileage if Dieter has to come to the Village Hall to complete any related tasks. Petersen stated that the Village should try it for a few months, and reevaluate if necessary. In response to questions, Hayden stated that Dieter would be an independent contractor and not eligible for benefits.

Trustee Kenny/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve hiring Karen Dieter on a month-to-month basis as an independent contractor to provide Village website maintenance services, for \$35 an hour for 10 to 15 hours per month. The MOTION carried without negative vote.

#### **Act 10 Update**

Hayden stated that Act 10 has been authorized by the state and it will take effect August 25, 2011, at which time all Village employees, with the exception of the Police Department employees, will be required to fund the Wisconsin Retirement System payments. All employees, with the exception of the Police Department employees, will be required to pay 12 percent of their health insurance premiums commencing next year under Governor Scott Walker's Act 10 plan that was approved by the state legislature several months ago but was held up while legal hurdles were cleared.

#### **Protection Committee – Trustee Pollitt**

##### **ZOOMA Race Traffic Recommendation for October 22, 2011 Event**

Pollitt stated that the Protection Committee made a recommendation at its June 20, 2011 meeting that the Village not allow more than one lane of traffic to be closed on North Lakeshore Drive and to not allow closure of any lanes of traffic on South Lakeshore Drive for longer than 30 minutes during the ZOOMA race on Saturday, October 22, 2011. Pollitt stated that the committee members are aware the event already has received approval from the Village Board, but they wanted to make the recommendation for consideration when race officials are finalizing the local plans. Hayden stated that the Village Board did approve the plan that calls for the temporary closing of some of the lanes of traffic to through-traffic. Hayden stated that traffic plans will be made for local residents who reside along the race route. Gage stated that Williams Bay officials are requiring the ZOOMA race organizers to post signage for the race and to make sure that local residents will be able to drive to and from their residences.

##### **Handicapped Parking Violation Forfeiture Increase Recommendation**

Pollitt stated that Municipal Court Judge David Jensen requested that the committee recommend an increase in the minimum forfeiture from \$50 to \$200, which is the amount allowed in the state statutes. Village Attorney Dale Thorpe stated that he will check if an ordinance amendment is required to adopt the recommendation.

Trustee Wilson/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

##### **Safety Building Maintenance Project Estimates**

Pollitt stated that the committee has not yet made a recommendation on the estimates referred to the

committee last month.

### **Lakefront and Harbor – Trustee McGreevy**

#### **Country Club Estates Association Pier Lease Amendment**

McGreevy stated that the committee recommended that the pier lease agreement be amended again to update the exhibit and authorize the 10 boat slips and 6 ramp spaces that are currently installed in the pier area. Thorpe stated that a second amendment to the agreement has to be drafted with the updated exhibit incorporated.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Ordinance Amendment to Section 54-87(f) Establishing Permanent Record of Existing Mooring Inventory**

McGreevy stated that the committee approved a motion at its June 29, 2011 meeting to recommend approval of an ordinance amendment to Section 54-87(f) that would establish a permanent record of the existing moorings within the Village, with the condition that the Lakefront and Harbor Committee's mooring review criteria and mooring exchange methodology are incorporated in the amendment. Thorpe stated that the initial ordinance amendment he drafted for the committee has to be redrafted to incorporate the committee's recommendation to add the mooring review criteria and mooring exchange methodology. Thorpe stated that the committee and Village Board also should address the concerns regarding required DNR approval of the Chapter 54 regulations that are outlined in a 2008 memorandums from his office.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Public Works – Trustee Gage**

#### **Recommendation on Hiring New Fulltime Street Crew Member**

Workman stated that the hiring committee received 50 applications for the fulltime position. Workman stated that 10 of the applicants were interviewed on the telephone, and then eight of those candidates took written examinations and had personal interviews with the committee. Workman stated that the final candidate recommended is Matthew Pruessing, who also is a current member of the Village of Fontana Fire Department and Rescue Squad. Workman stated that the committee is recommending approval of the hiring of Pruessing with the condition that there are no concerns in the required background check.

Trustee Gage/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the hiring of the Matthew Pruessing as a fulltime employee on the Department of Public Works crew, and the MOTION carried without negative vote.

#### **Big Foot Country Club Storm Water Update**

Workman stated that the Village received a letter from Big Foot Country Club in response to the letter the village sent to the club last month. Workman stated that the Public Works Committee recommended that the Village draft another letter to the club that states the village will continue to obtain cost estimates for a project at the 16<sup>th</sup> green on the golf course, and that the construction cost for the project will be considered for the 2012 budget. Thorpe stated that since representatives of Big Foot Country Club have verbally threatened litigation, he would encourage the Village Board to discuss specific strategy in closed session.

### **Plan Commission – President Petersen**

#### **Conditional Use Permit Application Filed for Proposed Entry Pillars at Todd & Tracy Lentz Property, 305 Stearns Road**

The Plan Commission approved a motion at its June 27, 2011 meeting to recommend Village Board approval of the application with conditions.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit application as filed for the construction of entry pillars at the Todd and Tracy Lentz residence, 305 Stearns Road, with the conditions that no portion of the proposed pillars shall be placed any closer than 4 feet from the front property line, or road right-of-way, whichever is closest to the structure; that the pillars shall not exceed an overall height of 6 feet as measured from the lowest existing grade;

that a complete submittal for building, zoning and electric permits shall be applied for before construction shall commence; that all outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits; and that an as-built survey shall be submitted to verify approved location and overall height. The MOTION carried without negative vote.

### **Conditional Use Permit Application Filed for Proposed Entry Pillars at David Rappaport Property, 107 St. Andrews Trail**

The Plan Commission approved a motion at its June 27, 2011 meeting to recommend Village Board approval of the application with conditions.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit application as filed for the construction of entry pillars at the David Rappaport residence, 107 St. Andrews Trail, with the conditions that no portion of the proposed pillars shall be placed any closer than 4 feet from the front property line, or road right-of-way, whichever is closest to the structure; that the pillars shall not exceed an overall height of 6 feet as measured from the lowest existing grade; that a complete submittal for building, zoning and electric permits shall be applied for before construction shall commence; that all outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits; and that an as-built survey shall be submitted to verify approved location and overall height. The MOTION carried without negative vote.

### **CDA – President Petersen**

#### **Update**

Petersen stated that a joint session with the CDA will be held at the end of the agenda items for the Village Board's monthly meeting.

### **Park Commission – Trustee Wilson**

#### **Update**

Wilson stated that the Park Commission recently completed its annual park walks and added some maintenance items to the village tracking list; the materials for the new gazebo in Reid Park have been ordered; and the Geneva Lake Women's Association has announced preliminary plans for an authentic Oktoberfest celebration to be proposed for Reid Park in late September or October, 2012.

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

#### **Proposal for 2011 Bonding for Road Construction Projects**

Kenny stated that the Finance Committee discussed the road situation and the reconstruction estimates distributed by Workman and tabled the item pending input from the Village Board members and the presentation of solid bonding figures and cost information on the proposed replacement of the Brookwood water tower with a newly constructed stand pipe. Hayden stated that the Finance Committee members are interested in pursuing a global bonding proposal with the stand pipe and road reconstruction projects combined to save administrative expenses. Workman stated that the reconstruction cost for the Shabbona Drive and Dewey Avenue projects are more expensive than the Stearns Drive reconstruction estimate because the state will require the replacement of 4-inch water mains and there is other related utility and storm water work that will be required. Workman stated that the condition of all the roads in the Village will not get any better until they are reconstructed. Workman stated that the Paser ratings for the roads are updated every other year, and 2011 is an update year. Workman stated that the ratings are used to rank the conditions of the public roads. Workman stated that the Brookwood tower has to be replaced or repainted by order of the DNR, and the Public Works Committee has been planning for the construction of a new stand pipe that would replace the tower and the existing 10-inch water main that crosses portions of the Abbey Springs golf course. The Brookwood tower is painted with lead-based paint, which would make a repainting project very expensive. Workman stated that the new stand pipe project costs will be about \$1 million. Spadoni stated that he would like the Finance Committee to make a recommendation on the total bonding costs for the reconstruction of Shabbona Drive, Stearns Road and Dewey Avenue, for repairing the Lake Street/parking lot area and to construct a new stand pipe in 2011. Spadoni stated that he would like the road reconstruction and repair projects to commence in 2011. McGreevy stated that the village may be able to get a better deal on bonding for the new stand pipe separately from the road projects because it is a water utility project and may be eligible for lower rates. Pollitt stated that the bonding for the road reconstruction and the new stand pipe

should be considered for the 2012 budget. Pollitt stated that the Village of Fontana's total debt is already very high and she questioned the logic of considering a bonding proposal in the middle of the year. Spadoni stated that the people he has talked to in the village want the roads reconstructed as soon as possible.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to direct the Finance Committee to make a recommendation on the total construction project costs for the reconstruction of Shabbona Drive, Stearns Road and Dewey Avenue, for the Lake Street/parking lot repair work and for the construction of a new stand pipe to replace the Brookwood water tower, and on a bonding proposal to bond the proposed projects in 2011. The MOTION carried on a 6-1 vote, with Trustee Pollitt opposed.

#### **Recommendation for Simplified Water Rate Increase**

Kenny stated that the Finance Committee approved a motion to recommend Village Board approval to apply with the Public Service Commission for a simplified water rate increase. Hayden stated that the simplified rate increase would be about 3 to 3.5 percent, if authorized by the PSC. Kenny stated that the committee recommended applying for a simplified water rate increase to avoid the future need for a more significant increase such as the 33 percent water rate increase in 2008. Pollitt stated that the Village water rates already are way too high because of the village's debt level. Pollitt stated that the City of Lake Geneva Water Utility has much lower rates because it is debt free.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Finance Committee recommendation to apply with the Public Service Commission for a simplified water rate increase, and the MOTION carried on a 6-1 vote, with Trustee Pollitt opposed.

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

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

Petersen stated that the \$6,829 invoice from Strand Associates, Inc. has been reviewed and approval is recommended.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the \$6,829 invoice submitted by Strand Associates, Inc. for the Plant Improvement Project contract, as recommended, and the MOTION carried without negative vote.

#### **GLLEA Board – President Petersen**

##### **Update**

Petersen stated that the next monthly meeting of the board was scheduled for July 13, 2011 and that the board members have been reviewing the organization's bylaws.

CDA Vice Chairman Skip Bliss called the special joint session meeting of the CDA Board to order at 6:15 pm.

**CDA members present:** Skip Bliss, President Petersen, Trustee Wilson, Bob Chanson, Jay Hicks

**CDA members absent:** Jeff Fisk, Gail Hibbard

#### **CDA Business**

##### **Approve Payables**

The CDA received a \$513 invoice from Associated Trust Company for an annual bonding service fee, and a \$1,500 invoice from Patrick Romenesko for the annual TID auditing services.

CDA Commissioner Chanson/President Petersen 2<sup>nd</sup> made a MOTION to approve payment of the payables as presented, and the MOTION carried without negative vote.

##### **Appoint New Chairman/Officers Following Resignation of Bill Turner**

The CDA board members decided to wait until all seven members are present to appoint a new chairman to replace Bill Turner.

President Petersen/CDA Commissioner Chanson 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Closed Session**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 6:18 pm to go into Closed Session,

pursuant to Wisconsin State Statutes Chapter 19.85 (1)(e), to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the proposed development agreement for 138 Fontana Boulevard site, and the Roll Call vote followed:

Trustee Kenny – Aye

Trustee Pollitt – Aye

Trustee Wilson – Aye

Trustee Gage – Aye

Trustee Spadoni - Aye

President Petersen – Aye

Trustee McGreevy

The MOTION carried on a 7-0 vote.

CDA Commissioner Chanson/CDA Commissioner Hicks 2<sup>nd</sup> made a MOTION at 6:19 pm to go into Closed Session, pursuant to Wisconsin State Statutes Chapter 19.85 (1)(e), to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the proposed development agreement for 138 Fontana Boulevard site, and the Roll Call vote followed:

Commissioner Chanson – Aye

Commissioner Hicks – Aye

Commissioner Bliss – Aye

President Petersen – Aye

Trustee Wilson – Aye

The MOTION carried on a 5-0 vote.

#### **Closed Session Adjournment**

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to adjourn the Closed Session of the Village Board at 6:29 pm, and the MOTION carried without negative vote.

CDA Commissioner Chanson/President Petersen 2<sup>nd</sup> made a MOTION to adjourn the Closed Session of the CDA Board at 6:29 pm, and the MOTION carried without negative vote.

President Petersen announced the Village Board was reconvened in Open Session at 6:29 pm.  
CDA Vice Chairman Bliss announced the CDA Board was reconvened in Open Session at 6:29 pm.

#### **Closed Session Business**

CDA Commissioner Hicks/CDA Commissioner Chanson 2<sup>nd</sup> made a MOTION to recommend that the Village Board decline the Real Estate Option to Purchase Agreement submitted Friday, July 1, 2011 by Brian Pollard for the 138 Fontana Boulevard site, and to direct staff to schedule a meeting of the CDA Board to review the development and leasing options for the property. The MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to decline the Real Estate Option to Purchase Agreement submitted Friday, July 1, 2011 by Brian Pollard for the 138 Fontana Boulevard site, and the MOTION carried without negative vote.

#### **Adjournment**

CDA Commissioner Chanson/President Petersen 2<sup>nd</sup> made a MOTION to adjourn the CDA meeting at 6:31 pm, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 6:31 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 and the CDA, the official minutes will be kept on file at the Village Hall.

APPROVED: 8/1/11 – V.B.; 8/3/11 – CDA