

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

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, September 28, 2009**

Village President Arvid Petersen called the special meeting of the Village Board to order at 600 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Lewis, Turner, O'Connell, Spadoni, President Petersen

**Trustees absent:** McGreevy, Kenny

**Also present:** Administrator/Treasurer Kelly Hayden, Alex Koldeway, Library Director Nancy Krei, Brad Lake, Village Clerk Dennis Martin, Joseph McHugh, Building Inspector Ron Nyman, Village Attorney Dale Thorpe, June Willmite, Director of Public Works Craig Workman

**General Business**

**Approval of FW/WPCC Plant Construction Agreement, Performance and Payment Bonds & Insurance From CD Smith**

Strand Associates Engineer Brad Lake stated that the construction agreement and financial documents have been reviewed and approval has been recommended.

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to approve the Fontana-Walworth Water Pollution Control Commission Plant Construction Agreement, Performance and Payment Bonds and Insurance from CD Smith as recommended, and the MOTION carried without negative vote.

**Approval of Resolution Authorizing Execution of Plant Improvement Project Construction Contract 1-2009**

Lake stated that the joint resolution is required to authorize the contract with CD Smith. Lake stated that with the Village of Fontana's approval that night, the Wisconsin DNR's October 1, 2009 deadline will be met and the Village of Fontana will be able to secure the \$2 million grant for the plant improvement project.

Turner/Spadoni 2<sup>nd</sup> made a MOTION to approve Joint Resolution 01-09 as presented, and the MOTION carried without negative vote.

**Approval of Ordinance Amending Sewer Rates**

Hayden stated that the Finance Committee recommended approval of the ordinance amendment to raise the sewer rates by 9 percent in 2010 and 2011, and to begin charging at the first 1,000 gallons of usage in the fourth quarter of 2009. President Petersen stated that the rate increase is required to comply with the loan parameters of the Clean Water Fund Program, and for the Village to qualify for the \$2 million matching fund grant.

Turner/Spadoni 2<sup>nd</sup> made a MOTION to approve Ordinance 092809-01 as recommended, and the MOTION carried without negative vote.

**Approval of Ordinance Amending Sections 18-79(c)(5)(f) and 18-151(a)(1)(a)**

Thorpe stated that the proposed ordinance amendments clarify the Village's method of calculating setback credits for nonconforming and substandard lots. Thorpe stated that the Village zoning code calls for setback credits to be applied equally in the side-yards and for no relief to be provided in the rear yard. Thorpe stated that the ordinance was adopted in 1982, but the amendment language provides a better explanation on how the setback relief is calculated and applied.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 092809-02 as recommended, and the MOTION carried without negative vote.

**Approval of Ordinance Amending Section 18-102(f)(2)(a)**

The proposed amendments reference the new FEMA Digital Flood Insurance Rate Maps that go into effect October 1, 2009, and strike out the reference to the originally published map.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 092809-03 as recommended, and the MOTION carried without negative vote.

**Announcement for Board of Trustees to Consider Going Into Closed Session**

Spadoni/Turner 2<sup>nd</sup> made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically the Wilkinson and Galik claims, and the roll call vote followed:

Turner – Yes

O'Connell – Yes

Spadoni – Yes

President Petersen – Yes

Lewis – Yes

The MOTION carried on a 5-0 vote, with Trustees McGreevy and Kenny absent.

**Adjournment of Closed Session**

Spadoni/Turner 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board at 6:19 pm, and the MOTION carried without negative vote.

President Petersen announced the Village Board was in Open Session at 6:19 pm.

**Settlement Offer for Claims Filed by Wilkinson and Galik**

Spadoni/Turner 2<sup>nd</sup> made a MOTION to approve the litigation cost settlement proposal for the claims filed by Wilkinson and Galik for \$118,000, and the MOTION carried without negative vote.

**Adjournment**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 6:20 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: 10/5/09