

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

(Official Minutes)

2016 BUDGET HEARING & RESCHEDULED MONTHLY MEETING
of the VILLAGE BOARD OF TRUSTEES
Monday, November 23, 2015

Village President Pat Kenny called the 2016 Budget Public Hearing meeting and 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: Arvid Petersen, President Pat Kenny, Tom McGreevy, Tom Whowell, Rick Pappas, Dave Prudden, George Spadoni

Also Present: Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, DPW Manager Brett McCollum, Zoning Administrator/Building Inspector Ron Nyman, Police Chief Steve Olson, Attorney Dale Thorpe, Treasurer Scott Vilona, Alyssa Wilson

Visitors Heard

Trustee Tom Whowell stated Gordy's has earned the title of Best Marina in the US for the second year in a row and was entered into the Marine Hall of Fame along with only four other marinas. Gordy's was also featured in a Boating Industry magazine cover story. Whowell stated he appreciates the customers, business and opportunity to work in Fontana.

Announcements

Martin said the Village holiday party is scheduled for Monday, December 14, 2015 at Gordy's beginning at 5:30 pm. Invitations have been sent by mail and email.

Approval of Village Board Minutes

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the open and closed session minutes for the meeting held October 27, 2015, and the MOTION carried without negative vote.
Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve the minutes from the minutes for the meeting held October 31, 2015, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Public Hearing – 2016 Village of Fontana Municipal Budget

Martin stated a number of changes were made to the budget after the last budget planning meeting held October 27, 2015. The summary and hearing notice was published as required by state statute and Vilona stated the breakdown and comparison was distributed. The MIL rate for the Joint #8 Fontana is 13.689471 which is a decrease from last year of 1.38%, Joint #6 Linn MIL rate is 13.326152 which is a decrease from last year of .90%, and Joint #1 Walworth MIL rate is 18.097157 which is an increase from last year of 8.54%. Martin stated he was asked by a couple of trustees to mention that the JAWS was cut out of the preliminary budget as directed at the budget workshop meeting. The public hearing was opened by President Kenny at 6:04 pm and no one spoke in favor or against the proposed budget. The public hearing was closed at 6:04 pm.

Provide Direction on Bonding or Borrowing Funds for Bridge, Utilities and Fire Dept. Truck Expenses

An email between Martin, Vilona and Jim Mann from Ehlers Associates was distributed in the meeting packets. Martin stated the initial intention was to borrow about \$2 million from Walworth State Bank to fund the bridge project and all the add-on and utility burial projects; however, staff has not yet received a proposed interest rate following a meeting with bank officers Toby Steivang and Robert Klockars, and now the bank reportedly has been sold to another bank in Beloit. Over email correspondence, Vilona asked Mann if he could send him the borrowing schedule and was informed they took bond sales out recently and got very favorable reviews for 20 year obligations. Mann wrote, "...with a reset interest rate may not be in the Village's long term best interest as we don't know

where rates are going to be in 10 years (opens Village up to market risk). While it would save on overall issuance costs, the likelihood is that local banks interest cost would be higher as well making the options total cost greater than the open market.” Martin suggested that considering the circumstances and potential cost savings, it would be most prudent for the village to bond the money. He added that the Paratech portion of the cost could not be bonded and must be funded some other way. Kenny agreed the best option is to have the rates secured for the entire borrowing period. Martin requested direction from the board on how to proceed and was told to continue the discussion on bonding with Ehlers to determine the most cost effective way to obtain the necessary funding.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct village staff to commence planning for a bond sale with Ehlers Associates, and the MOTION carried without negative vote.

GLEA 2016 Budget Approval

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve the 2016 GLEA budget for the amount of \$20,000, as presented, and the MOTION carried without negative vote.

Northwind Perennials 2016 Contract Approval

The 2016 contract presented by Northwind Perennial Farm in Burlington increased roughly \$2,000 from last year for a total amount of \$19,562.50.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve the 2016 estimate as submitted, and the MOTION carried without negative vote.

Resolution No. 11-23-15-01 Adopting the Tax Rate for 2015 and Collected in 2016

The 2016 General Fund Budget as presented calls for the village tax rate to be set at 3.083964219 per \$1,000 of assessed valuation. Trustee Pappas stated that with this budget, the long term debt will be more than \$31 million, which is more than \$18,500 per resident and greater than 20 times greater than any municipality in the area. Pappas stated, “Our debt service will be more than 50% of our levy limit. We need to start looking at our financial situation from a longer term perspective and we have to prioritize our spending and recognize our limits.” Spadoni suggested Pappas did not offer any cuts from the budget at any of the Finance Committee budget planning meetings; and Pappas recommended, and Prudden agreed that the budget process should commence earlier next year.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Resolution 11-23-15-01, adopting the tax rate for 2015 and collected in 2016, as presented. The MOTION carried on a 6-1 vote with Trustee Pappas opposed.

Resolution No. 11-23-15-02 Recognizing the 2015 Tax Levies

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 11-23-15-02 Recognizing the 2015 Tax Levies as presented, and the MOTION carried without negative vote.

Ordinance No. 11-23-15-01, An Ordinance to Adopt the 2016 Village of Fontana Municipal Budget and Tax Levy, and to Appropriate the Necessary Funds for the Governmental and Administrative Operations of the Village of Fontana on Geneva Lake for the 2016 Fiscal Year

Trustee Spadoni/Trustee Prudden 2nd made a MOTION to approve Ordinance 11-23-15-01 adopting the 2016 Village of Fontana Municipal Budget and Tax Levy, and to appropriate the Necessary Funds for the Governmental and Administrative Operations of the Ville of Fontana on Geneva Lake for the 2016 Fiscal Year, and the MOTION carried without negative vote.

Monthly Payable List Approval and Authorize Payment of Year-End Budgeted Invoices

The monthly payable list for the end of October and November was distributed, in addition to the Village Treasurer’s Report, Vendor Report, and Payroll Overtime Report. Martin stated the agenda items to review and accept for the annual audit the Treasurer’s Report, Vendor Report and Payroll Overtime Report were inadvertently left off the agenda, but will be included at the next monthly meeting for approval. Martin requested the Village Board preauthorizes the payment of invoices that come in after the monthly meeting, but prior to January 1, so all payables are paid within the same fiscal year. The list of November and December payables will be presented at the January meeting.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the payable list as distributed and authorize staff to prepay any 2015 payables that come in prior to the end of the year for

budgeted expense invoices, and the MOTION carried without negative vote.

Reappoint Election Inspectors for 2016/17

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve the two-year election inspector appointments of Chief Inspector Duane Ratay, Alternate Chief Inspector Dennis Martin, Sally Ratay, Mary Kay Frazier, Jane Klockars, Gretchen McCarthy, Susan Olson, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Karen Varhula, Kathy Walsh and Jill Wegner, and the MOTION carried without negative vote.

Approval of Annual Audit Engagement Letter with CPA Patrick Romenesko

The annual audit engagement letter submitted by CPA Patrick Romenesko was distributed in the meeting packets and is on file at Village Hall.

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve the 2015 audit engagement letter as submitted by CPA Patrick Romenesko, SC., and the MOTION carried without negative vote.

Authorize Assessor's Plat Surveying Work for Snow Plowing Services Easement Project

Martin stated a second quote was received from Peter Gordon, a surveyor with Ferris Hanson, Elkhorn. Gordon asked that the village serve as an agent on the contract. The \$5,000 contract will be paid for by the Upper Gardens and will be used by the village to draft the Village DPW snow plow easement, and by the residents to create a homeowner's association.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve serving as the agent on the assessor's plat surveying work for Upper Gardens subject to payment arrangement and reimbursement from the property owners in the Upper Gardens subdivision, and the MOTION carried without negative vote.

Operator's License Application filed by Natalie R. Perretto (Gordy's)

There were no issues with the applicant's background check and the fee has been paid.

Trustee Whowell/Trustee Spadoni 2nd made a MOTION to approve the Operator's License applications filed by Natalie R. Perretto, and the MOTION carried without negative vote.

Annual Holiday Gift Card Approval

Martin stated in years past full-time and some part time employees received a \$50 gift card. Staff was directed to issue gift cards in the same manner as it was done in the previous year.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to approve the issuance of \$50 gift cards to Village employees for holiday bonuses in the same manner as previous years, and the MOTION carried without negative vote.

Proposed Amendment to Offer to Purchase 138 Fontana Boulevard Property

This item was deferred to the closed session.

Plan Commission – Trustee Spadoni

Proposed Amendment to Zoning Code Section 18-253

Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve Ordinance 11-23-15-02 amending Zoning Code Section 18-253 regarding the 30-day filing deadline for variance applications, as recommended, and the MOTION carried without negative vote.

Proposed Amendments to Zoning Code Sections 18-13 and 18-400 to 18-402

Trustee Whowell commended Assistant Zoning Administrator Bridget McCarthy for taking initiative on making adjustments to the code when necessary and before any issues occur. He encouraged the department to continue to make suggestions for improvement of the zoning code.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Ordinance 11-23-15-03 amending Zoning Code Section 18-13 and 18-400 regarding property maintenance, and the MOTION carried without negative vote.

Certified Survey Map filed by Fontana Holding Company, Inc., For the Parcel Located at W5920 Willow Bend Road, Walworth Township

The Plan Commission held a public hearing prior to the Village Board meeting and the CSM was recommended for approval by the Village Board without any concerns.
Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Certified Survey Map filed by Fontana Holding Company, Inc., as recommended, for the parcel located at W5920 Willow Bend Road in Walworth Township, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell
Bird City Wisconsin IMBD Resolution Approval

Trustee Whowell/Trustee Pappas 2nd made a MOTION to approve International Migratory Bird Day Resolution 11-23-15-03, and the filing of the annual Bird City Wisconsin Renewal Application, and the MOTION carried without negative vote.

Geneva Lake Use Committee – Trustee Petersen
Bylaws Amendment Proposal

The Geneva Lake Use Committee approved the Final Draft of the updated committee bylaws at the November 18, 2015 meeting. Trustee Petersen said future amendments are possible since the bylaws must also be reviewed and approved by the other three lake municipalities.
Trustee Petersen/Trustee Spadoni 2nd made a MOTION to approve the final draft of the updated Geneva Lake Use Committee Bylaws as submitted, and the MOTION carried without negative vote

Lakefront – Trustee Pappas
Austin Pier Service Contract Recommendation

Austin Pier Service submitted their proposal for village pier and mooring installation and removal services from 2015 through 2018. Prices through 2016 were listed. Pappas stated the price has increased slightly because there will now be another larger pier.
Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the proposal as submitted by Austin Pier Service as presented for 2015 through 2018, and the MOTION carried without negative vote.

Public Works Committee – Trustee McGreevy
Church and Van Slyke Drive Contract Change Order No. 2, Certificate of Substantial Completion and Final Pay Request

A second and final change order calling for a contract decrease totaling \$53,694 that was received from Payne & Dolan, Inc., for grading and restoration changes and to match the final contract price to the actual amount of work provided to complete the Church Drive and Van Slyke Drive reconstruction project was reviewed and recommended for approval by staff. Village engineers and staff also did a final walk through and approval is recommended for the Certificate of Substantial Completion and for the final pay request totaling \$49,993.
Trustee Spadoni/Trustee Whowell 2nd made a MOTION to approve the Church and Van Slyke construction contract Change Order No. 2, Certificate of Substantial Completion and Final Pay Request as recommended and the MOTION carried without negative vote.

211 Pottawatommi Drive Sewer Repair Reimbursement Request

Martin stated Robert Schorsch, owner of 211 Pottawatommi Drive, bought a vacant parcel that had been sitting with sewer line problems. Schorsch has requested sewer credit. Martin stated it is clear fluid went into the ground and not down the sewer and the Public Works Committee recommended reimbursement of the appropriate charges if and when the required evidence is provided to staff. Petersen asked how much would be refunded to the homeowner and Martin replied staff is still waiting for verification from the plumber that was contracted to the plugged sewer line. Petersen recommended revisiting the item once the invoice from the plumber is received. Martin said the item will be brought back in January or once the final number is received.

Snow Plow Purchase for Utility Dept. Pickup Truck

Three quotes were submitted for a snow plow for the new Utility Department pickup truck. The recommendation from Public Works it to purchase the plow sold by LTR Power Center, LLC for an amount not to exceed \$5,994.
Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the purchase of a snow plow

from LTR Power Center for an amount not to exceed \$5,994, as recommended, and the MOTION carried without negative vote.

Bridge Construction Contract Change Order and Pay Request No. 1

Martin summarized the change order description which states, “It is proposed that additional sheeting be added to each end of the new sheet wall running perpendicular back approximately nine feet into the embankment. This was not included on the plans because it was assumed that the existing timber piling wall was water tight and was the edge of the embankment. After demolition of the bridge, it was discovered that the wall is not water tight and there is significant erosion behind the existing timber piling wall. By adding the additional sheets perpendicular back into the embankment from the new sheet pile wall, it will create a seal into the embankment for the new footings and abutment of the bridge. These new sheets will be driven in far enough to create a seal but will not be as deep as the sheet pile wall at the water.” Martin added that the project will create the possibility in the future that if the Village can get a DNR permit, the village could add the sheet piling to serve as rip-rap exiting the Geneva Lake channel; in the manner that has been discussed by the Lakefront and Harbor Committee and that is favored by the Abbey Harbor. Martin stated that the first pay request submitted by contractor Zenith Tech has been reviewed by the project engineering firm and staff and approval is recommended.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the Bridge Construction Contract Change Order as submitted by Collins Engineering in the amount of \$18,500, and the MOTION carried without negative vote.

Trustee McGreevy/Trustee Whowell 2nd made a MOTION to approve Pay Request No. 1 as submitted by Zenith Tech Inc., in the amount of \$330,269.97, and the MOTION carried without negative vote.

Lakefront Sanitary Sewer Main Contract Change Order No. 2 and Pay Request No. 2

Martin stated there was trouble locating the existing sewer line and the extra work cost \$21,898, which is the amount of the proposed change order; and the pay request was reviewed by the village engineer and approval is recommended.

Trustee Whowell/Trustee Spadoni 2nd made a MOTION to approve Change Order No. 2 as submitted by RJ Underground, Inc., for the South Lakeshore Drive Sanitary Force Main at Potawatomi Creek for an additional \$21,898, and to approve Pay Request No. 2 in the amount of \$135,315.55, and the MOTION carried without negative vote.

Second Avenue Water Main Project Pay Request No. 1

Martin stated that the pay request was reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve Pay Request No. 1 as submitted by Odling Construction, Inc., for the Second Avenue Water Main Relay in the amount of \$123,853.80, and the MOTION carried without negative vote.

CLOSED SESSION AGENDA

Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION at 6:22 pm to adjourn into Closed Session Pursuant to Wis. Stats. Chapter Wis. Stats. Chapter 19.85 (1)(e), “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require,” specifically Mohr Road Lift Station/Mohr Road Park Easement Extension Proposal Negotiations, Snow Plow Easement Negotiations, and Offer to Purchase 138 Fontana Boulevard Parcels; and pursuant to Wis. Stats. Chapter 19.85(1)(g) “Conferring 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 Sylvan Glen Drive Mooring Citation Negotiations, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell - Aye

Trustee Pappas – Aye

Trustee Prudden

Trustee Spadoni – Aye

Trustee Petersen – Aye

The MOTION carried on a 7-0 vote.

Adjournment Closed Session

Trustee Petersen/Trustee Prudden 2nd made a motion at 6:57 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve splitting the cost of the \$5,000 assessor plat survey work being completed by Farris and Hansen surveyor Peter Gordon with the property owners of the Upper Gardens subdivision in an amount not to exceed \$2,500, and the MOTION carried without negative vote.

Adjournment

President Kenny/Trustee Spadoni 2nd made a MOTION at 6:58 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: 1/11/16