

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)  
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, December 7, 2009**

President Petersen called the monthly meeting of the Village Board to order at 6:34 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Trustees absent:** Turner

**Also present:** Jim Feeney, Administrator/Treasurer Kelly Hayden, Rob Ireland, Kevin Kirkland, Alex Koldeway, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Village Attorney Dale Thorpe, Cindy Wilson, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements**

1. Read & Romp Program at Library – **Thursdays, December 10 and 17, 2009, 10:30 am**
2. Holiday Open House at Library – **Friday, December 11, 2009, 10:00 am to**
3. Village Holiday Party at Lewis Residence – **Monday, December 14, 2009, 6:00 pm**
4. Quarterly Newsletter Article Deadline – **Friday, December 18, 2009**
5. Auditors at Village Hall – **Monday & Tuesday, December 21 and 22, 2009**
6. Village Hall & Public Library Closed for Holiday – **Thursday through Saturday, December 24 to 26, 2009**
7. Village Hall & Public Library Closed for New Year Holiday – **Thursday through Saturday, December 31 to January 2, 2010**

**Approval of Minutes**

Trustee Kenny/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held November 2, 2009, November 9, 2009 and November 16, 2009 as presented, and the MOTION carried without negative vote.

**Village Treasurer's Report**

The treasurer's report for November 2009 was not yet completed.

**Approval of Village and Utility Payables**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as distributed and as presented at the meeting, and the MOTION carried without negative vote.

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

**Appointment of Election Inspectors to Two-Year Terms**

Martin stated that the Election Inspector two-year appointments expire December 31, 2009, and he requested that the current inspectors be reappointed, with the exception of Genriq Murphy, who requested to be replaced. Mary Kay Frazier offered to fill the position.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the appointments of Chief Election Inspector Allison Murray, Alternate Chief Election Inspector Rick Treptow, and Election Inspectors Jacqueline Berg, Mary Kay Frazier, Jane Klockars, Gretchen McCarthy, Sharon O'Brien, Diane Rinaldi, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Karen Varhula and Kathie Walsh to two-year terms from January 1, 2010 to December 31, 2011. The MOTION carried without negative vote.

**VOF/VOW Intergovernmental Agreement to Share Police & DPW Equipment – Tabled 9/8/09, 10/5/09 & 11/2/09**

Workman stated that the Public Works Committee has not met since the last Village Board meeting, so the agreement has not yet been reviewed by the committee. Following discussion, the Village Board members were in consensus that the agreement could be approved with the condition that it is reviewed by the Public Works Committee.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the proposed agreement as presented with the condition that it is favorably reviewed by the Public Works Committee, and the MOTION carried without negative vote.

**Storm Water Management Plan – Tabled 11/2/09**

The management plan addresses the hot spots identified in the Ruckert-Mielke storm water management report. The CDA recommended approval of the plan as presented.

Trustee Spadoni/Trustee O’Connell 2<sup>nd</sup> made a MOTION to approve the Storm Water Management Plan as presented in the Ruckert-Mielke report, and the MOTION carried without negative vote.

**Duathlon of Dreams Event Approval – September 18, 2010 at St. Benedict Catholic Church**

St. Benedict submitted a request for approval of the second annual event, which begins and ends at the church. Martin stated that he will add the event to the Village calendar and make sure the police, fire and rescue departments are informed of the Works of Mercy event. Registration will begin at 6:00 am and the event will begin at 8:00 am and end before noon.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the second annual Duathlon of Dreams Event as proposed for Saturday morning, September 18, 2010, and the MOTION carried without negative vote.

**Temporary Liquor License Application for Mardi Gras Event at St. Benedict Parish Hall January 30, 2010**

St. Benedict Church filed an Application for a Temporary Liquor License for its annual fund-raising Mardi Gras Event in the Parish Hall Saturday, January 30, 2010. The church will be using bartenders who already have Village of Fontana Operator’s Licenses.

Trustee Spadoni/Trustee O’Connell 2<sup>nd</sup> made a MOTION to approve the Temporary Liquor License application as presented, and the MOTION carried without negative vote.

**Village of Fontana Employee Holiday Bonus Gift Cards**

The Village Board has traditionally approved \$50 gift cards as bonuses for all part-time and full-time employees.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the issuance of \$50 gift cards to all Village of Fontana part-time and full-time employees, and the MOTION carried without negative vote.

**Lake Geneva Marine Lease Renewal**

The proposed five-year lease was reviewed and recommended by the Lakefront and Harbor Committee and Finance Committee.

Trustee O’Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the 5-year lease with Kevin Kirkland and his Lake Geneva Marine business for the Village of Fontana lakefront building, and the MOTION carried without negative vote.

**License Agreement with Maryann Bruss Storm Water Access to Fontana Boulevard**

Workman stated that in order to address a storm water problem at her residence on Third Avenue adjacent to the Village of Fontana safety building, Maryann Bruss had drain tile installed that leads into an existing storm sewer. Workman stated that in exchange for an easement that will allow Bruss to run the drain tile across Village property to the sewer, Bruss has offered to allow the Village to install two lateral lines into the drain tile from the safety building.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Storm Water Drain License agreement as presented, and the MOTION carried without negative vote.

### **Resolution Establishing 2010 General Fees**

The Resolution delineates the fee increases approved at last month's meeting.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve Resolution 120709-02, establishing fees and charges for the Village of Fontana on Geneva Lake as presented, and the MOTION carried without negative vote.

### **Plan Commission – Trustee Spadoni**

#### **Recommendation on Updated Village of Fontana Park and Open Space Plan**

Spadoni stated that the Plan Commission approved a motion at its November 30, 2009 meeting to recommend Village Board approval of the updated Village of Fontana Park and Open Space as presented by the Park Commission, with the conditions that an error on page 48 be corrected to state "Hildebrand Nature Conservancy" instead of "Mill Pond Natural Area," and that the additional items delineated in a November 23, 2009 memo from Jessica Schmiedicke at Vandewalle & Associates be incorporated into the plan. Hayden stated that the additional work will cost \$4,600, according to a cost estimate from Vandewalle and Associates, and the funds will have to be allocated from the 2010 budget.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the updated Village of Fontana Park and Open Space as recommended by the Plan Commission, with the conditions that an error on page 48 be corrected to state "Hildebrand Nature Conservancy" instead of "Mill Pond Natural Area," and that the additional items delineated in a November 23, 2009 memo from Jessica Schmiedicke at Vandewalle & Associates be incorporated into the plan at a cost not to exceed \$4,600. The MOTION carried without negative vote.

#### **Building, Site and Operational Plan Application for Tennis Courts & New Tennis Shack at Big Foot Country Club**

Spadoni stated that the Plan Commission approved a motion at its November 30, 2009 meeting to recommend Village Board approval of the Building, Site and Operational Plan application filed by the Big Foot Country Club for resurfacing and constructing a third tennis court and for razing and reconstructing the tennis shack as filed, with the condition that clarification is provided regarding the utilities that will run to the new tennis shack.

Trustee O'Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan application filed by the Big Foot Country Club for resurfacing and constructing a third tennis court and for razing and reconstructing the tennis shack as filed, with the condition that clarification is provided regarding the utilities that will run to the new tennis shack. The MOTION carried without negative vote.

#### **Certified Survey Map Submitted by Shodeen Family Property Company, LLC – ETJ Review**

Spadoni stated that the Plan Commission approved a motion at its November 30, 2009 meeting to recommend Village Board approval of the extraterritorial plat review of the Certified Survey Map filed by Shodeen Family Property Company, LLC. The CSM was reviewed by the village engineering firm and the Wisconsin Department of Revenue.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the extraterritorial plat review of the Certified Survey Map submitted by the Shodeen Family Property Company, LLC, and the MOTION carried without negative vote.

### **F/W WPCC – President Petersen**

#### **C.D. Smith Construction Pay Application No. 1**

President Petersen stated that the pay request was reviewed and approval is recommended.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$266,257 pay request No. 1 submitted by C.D. Smith Construction Services, Inc., as recommended, and the MOTION carried without negative vote.

### **Protection Committee – President Petersen**

#### **Operator's License Application Filed by Katlyn Kebbekus (Country Club Estates)**

There were no concerns noted in the background check.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Katlyn Kebbekus, an employee at Country Club Estates golf course, and the

MOTION carried without negative vote.

**Extraordinary Expense Resolution**

Hayden stated that the resolution was amended to include a fee schedule based on the current rates set by FEMA. The resolution amended was recommended by the Public Works Committee and Protection Committee.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve Resolution 12-07-09-01 as presented, and the MOTION carried without negative vote.

**Geneva Lake Municipal Law Enforcement Recruitment Association Joint Venture Agreement**

Chief Olson stated that the agreement will authorize the local police departments to jointly test police officer applicants and share the associated costs. Thorpe stated that he reviewed the proposed agreement and his only concern is with regard to a clause that calls for the new "Geneva Lake Municipal Law Enforcement Recruitment Association" to incur debt. Olson stated that the proposed agreement was drafted using another association's agreement and there is no intent for the Geneva Lake Municipal Law Enforcement Recruitment Association to incur debt, so that section could be removed. Olson stated that he also has four other minor corrections to make to Article V of the agreement.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the Geneva Lake Municipal Law Enforcement Recruitment Association agreement as presented, with the conditions that the authority to incur debt is removed from the agreement and that the four corrections delineated by Chief Olson to Article V of the agreement be incorporated as recommended. The MOTION carried without negative vote.

**Leaf Collection Clarification**

The item has not been finished at the Protection Committee and should not have been put on the agenda.

**Public Works – Trustee McGreevy**

**Land Sale Offer – Poggensee Nohegan Way Property – Tabled 11/2/09**

Workman stated that the Village engineering firm reviewed the lot and it is not really useable for the storm water management plan. Workman stated that there is not real benefit at this time for the Village to acquire the lot, unless it was purchased with other lots in the area.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to take the item off the agenda at this time, and the MOTION carried without negative vote.

**Sauganash Drive Construction Contract Pay Request No. 2**

Workman stated that the \$221,908 pay request No. 2 submitted by Mann Brothers, Inc. was reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Lewis 2<sup>nd</sup> made a MOTION to approve the \$221,908 Pay Request No. 2 submitted by Mann Brothers, Inc. for the Sauganash Drive Construction Project as recommended, and the MOTION carried without negative vote.

**Potential Safety Building Drainage Easement**

The agenda item was taken care of under General Business.

**Construction Updates**

Workman stated that the roads are all open again in the Village following the completion of the fall construction projects. The new street lights have been erected along Fontana Boulevard and are operational. Workman stated that the storm water project has been completed on the Shabbona Path Project and the path area has now been cleared. Workman stated that all of the village-owned light poles have been taken down along Fontana Boulevard; however, Alliant is waiting for written authorization from the Abbey Resort to take down the rest of the old light poles on the resort property. Workman stated that the Fontana/Walworth Pedestrian Path project has been completed and the path is open.

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

#### **Mooring Lease Language Amendment**

The lease was amended to reflect the Lakefront and Harbor Committee’s motion that recommended Village Board approval of language amendments creating Terms of Agreement Item No. 15 that states all ramp spaces are 8-feet long by 4-feet wide, the water craft that occupies a ramp space cannot be any wider than 4 feet, and if a water craft is wider than 4 feet, the Village has the right to remove the craft at the owner’s expense; Terms of Agreement Item No. 16 that states all ramp and pier slip storage boxes or containers must be white in color and must be confined within the boundaries of the ramp or slip; and two informational notes for Items No. 15 and 16 to be placed in boxes on the cover page of the agreement. Hayden stated that she would like the Village Board to consider adding another amendment to the lease that states if a watercraft is removed because it is too large for the ramp space, the lease may be terminated by the Lakefront and Harbor Committee. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Mooring Lease Language Amendments as recommended, and with an additional amendment stating that if a watercraft is removed because it is too large for the ramp space, the lease may be terminated by the Lakefront and Harbor Committee. The MOTION carried without negative vote.

### **CDA – Trustee Turner**

#### **Fontana Boulevard Lighting and Landscaping Contract Pay Request No. 2**

The CDA Board approved a motion to recommend Village Board approval of the \$151,272 Pay Request No. 2 submitted by PTS Landscaping, Inc. for the Fontana Boulevard Lighting and Landscaping Contract. The request was reviewed by the Village engineer and approval was recommended.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$151,272 Pay Request No. 2 submitted by PTS Landscaping, Inc. for the Fontana Boulevard Lighting and Landscaping Contract as recommended, and the MOTION carried without negative vote.

#### **Joint Pedestrian Path Contract Pay Request No. 4**

The CDA Board approved a motion to recommend Village Board approval of the \$186,440 Pay Request No. 4 submitted by Mann Brothers, Inc. for the Fontana/Walworth Joint Pedestrian Path Contract. The request was reviewed by the Village engineer and approval was recommended.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the \$186,440 Pay Request No. 4 submitted by Mann Brothers, Inc. for the Fontana/Walworth Joint Pedestrian Path Contract as recommended, and the MOTION carried without negative vote.

#### **Reid Park Gazebo Proposal for Professional Design Services**

The CDA Board approved a motion to recommend Village Board approval of the proposal for professional design services for the Reid Park gazebo as presented by DPI/Graef and HGA, Inc. at a cost not to exceed \$5,300.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the proposal for professional design services for the Reid Park gazebo as presented by DPI/Graef and HGA, Inc. at a cost not to exceed \$5,300, and the MOTION carried on a 5-1 vote, with Trustee O’Connell voting no.

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

#### **Tax Bill Distribution Update**

Hayden stated that the tax bills are scheduled to be mailed out Tuesday, December 8, 2009.

#### **Cash Flow Statement**

Hayden stated that the statement has been formatted, but the November closing numbers have to be added to the statement.

#### **December Meeting Pending**

The next monthly meeting is now scheduled for Wednesday, December 16, 2009 at 5:00 pm.

### **Park Commission – Trustee Lewis**

#### **Tree City USA Recertification Application – December 31, 2009 Deadline**

The recertification application has to be filed by the end of the year.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the submittal of the Tree City USA Recertification Application, and the MOTION carried without negative vote.

**Closed Session**

**Pursuant to Chapter 19.85 (1) (g) Wis. Stats. “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 claim filed by Peter Novak.**

The Village has not yet received the initial report from the insurance provider, so the closed session was not held.

**Adjournment**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:12 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: 1/4/2010