

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

**(Official Minutes)**

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, December 19, 2016**

Village President Pat Kenny 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: Trustee Whowell, Trustee Pappas, Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy

**Also Present:** Police Sergeant Jeff Cates, Kevin Hardwick, Clerk Theresa Loomer, Administrator Dennis Martin, Police Chief Olson, Bill Shimer, Village Attorney Dale Thorpe, Treasurer Scott Vilona, Sammi Wendling

**Visitors Heard**

None

**Announcements**

None

**Approval of Village Board Minutes**

The open and closed minutes for the November 21, 2016 village board meeting minutes were distributed.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the minutes for the November 21, 2016 open and closed session, as submitted, and the MOTION carried without negative vote.

**General Business – President Kenny**

**Brookwood Water Tower Agreement for Lakes Area Amateur Radio Club Equipment**

The agreement allows for storage of emergency service radio communications equipment at the Brookwood water tower site located at 742 Upper Brookwood Drive. The agreement has been reviewed by the Village Attorney and is recommended for approval.

Trustee Prudden/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Agreement between the Village of Fontana and the Lakes Area Amateur Radio Club for the storage of equipment, and the MOTION carried without negative vote.

**Annual Holiday Gift Card Approval**

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> 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.

**PFC Appointment to Replace Sherry Eshoo**

The recommendation is for the appointment of Joseph Haughey to replace Sherry Eshoo on the Police and Fire Commission.

Trustee Petersen/Trustee Whowell 2<sup>nd</sup> made a MOTION to appoint Joseph Haughey to replace Sherry Eshoo on the Police and Fire Commission, and the MOTION carried without negative vote.

**Pioneer Park Bathroom Project Bids**

Martin stated Whowell has received three proposals for the Pioneer Park bathroom project, and Building Inspector Ron Nyman has indicated that the small bathroom building does not require state approved plans and he will be able to conduct all the required construction inspections. The bid from Andy Pearce came in at \$47,000, John Tracy came in at \$52,000 and Shodeen came in at \$55,000. Thorpe stated he is concerned with complying with the bid process requirements spelled out in the state statutes for any municipal project estimated to cost more than \$25,000. Other requirements include attaining obtaining a bid bond, performance bond, payment bond, proper sureties amongst other insurance requirements. Since the Village engineers usually put together the required

documents, and Pearce has already assembled many of the documents, it was suggested that staff check to see if there is a way to speed up the process. Another concern expressed was the additional cost incurred by putting the project out to bid. Pappas said that the Lakefront and Harbor Committee has also budgeted money for the bathroom project which could alleviate any added cost. Thorpe stated the only situation where it is acceptable to bypass the bid statute is in an emergency situation, and the only time he has encountered it was with the emergency bridge repairs in 2014. Martin was directed to contact the Village engineers to inquire whether the timeline can be shortened to less than 90-days and get an estimate on the additional cost.

**Temporary Class “B” License Application Filed by Friends of Fontana Fire, for January 21, 2017 Event**

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the application for a Temporary Class “B” fermented malt beverage and “Class B” wine license as filed by the Friends of Fontana, Inc., organization for the Fire and Rescue Department Ice Gone Wild January 21, 2017 fund-raising event on the Abbey Harbor. The MOTION carried without negative vote.

**Temporary Operator’s License Applications Filed by Wolfgang A. Nitsch, Scott M. Peterson, Kelcie K. Mair, Stan A. Livingston**

There were no concerns with the required background checks.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve the Temporary Operator’s License Applications filed by Wolfgang A. Nitsch, Scott M. Peterson, Kelcie K. Mair and Stan A. Livingston. The MOTION carried without negative vote.

**South Lakeshore Drive Contract Change Order No. 1 and Final Pay Request**

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve Change Order No. 1 for a decrease of \$36,482.17 from the original South Lakeshore Drive contract cost and approve the Final Pay Request in the amount of \$4,150.50, and the MOTION carried without negative vote.

**Abbey Springs Water Main Contract Change Order No. 2 and Pay Request No. 4**

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the Abbey Springs Water Main Contract Change Order No. 2 with an increased amount of \$34,337.10 and the Contractor’s Application for Payment No. 4 in the amount of \$72,497.96, and the MOTION carried without negative vote.

**EMS Billing 2017 Agreement Approval**

The contract was distributed and Martin indicated Fire & Rescue Dept. Chief Nitsch asked for the item to be tabled because of questions staff has regarding some of the changes. The current contract extends through July, 2017.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to table the proposed 2017 Contract between the Village of Fontana and EMS Medical Billing Associates, LLC, and the MOTION carried without negative vote.

**Conditional Use Permit Filed by James Reuland, 490 N. Lakeshore Drive, Driveway Entry Pillars**

A Conditional Use Permit application was submitted for construction of driveway entry pillars for the property located at 490 N. Lakeshore Drive. After a public hearing the Plan Commission recommended approval with seven conditions. Martin stated an additional recommendation was made by Chief Nitsch for the pillars to be a minimum 16-feet apart to make sure emergency vehicles can get through if necessary.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the proposed CUP application to construct driveway entry pillars for the property at 490 N. Lakeshore Drive with the following staff recommendations:

1. The overall height of the structures (entry pillars) shall not exceed 6 feet as measured from existing grade to the top of its highest point.
2. The pillars shall be located a minimum of 4 feet from the front property line or road right-of-way, whichever is closest to the primary structure, as required in Section 18-166(c) of the Fontana Municipal Code.

3. The applicant shall have the front property line and road right of way staked by a certified surveyor before construction.
4. Lighting fixtures shall be down lit and shielded.
5. Building, electric and zoning permits shall be completed, submitted, and paid for in full within 10 days of the date of this approval.
6. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
7. An as-built survey shall be required depicting the location and height of the completed pillars. If found to be noncompliant to this approval, the pillars shall be relocated and brought into compliance.
8. The pillars shall be located a minimum of 16 feet apart.

The MOTION carried without negative vote.

**Closed Session**

Trustee McGreevy/Trustee Whowell 2<sup>nd</sup> made a MOTION at 5:15 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85(1)(c), “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” specifically WPPA Union Contract Renewal Proposal and Employment Agreement for New Chief of Police, and Chapter 19.85(1)(e), “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically WPPA Union Contract Renewal Proposal and Employment Agreement for New Chief of Police.

The Roll Call Vote was as follows:

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Livingston – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy

Trustee Whowell

The MOTION carried on a 7-0 vote.

**Adjournment Closed Session**

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn closed session at 5:44 pm, and the MOTION carried without negative vote

**Closed Session Business**

**WPPA Union Contract Renewal Proposal**

Trustee McGreevy/Trustee Petersen made a MOTION to approve proposed negotiation deal with the WPPA Union members, as presented, and to renew the contract for 2015 through 2016, and the MOTION carried without negative vote.

**Employment Agreement for New Chief of Police**

Trustee McGreevy/Trustee Whowell 2<sup>nd</sup> made a MOTION to approve the Police Chief Employment Contract, as presented, with the addition of clauses regarding a requirement to complete certified leadership courses and to attend weekly performance review meetings with the Village Administrator, that the clause calling for patrol hours be signed off on by the WPPA, and that the contract include language that articulates the 2001 sick and vacation time benefits; and to direct the new chief to work with the PFC to commence hiring a second in command, with both starting dates “To Be Determined.” The MOTION carried without negative vote.

**Adjournment**

Trustee McGreevy/Trustee Petersen 2<sup>nd</sup> made a MOTION at 5:46 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: 01/09/2017