

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, January 4, 2010

President Arvid Petersen called the 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: President Petersen, Thomas McGreevy, Patrick Kenny, Diane Lewis, Merilyce O'Connell, George Spadoni, William Turner (arrived at 6:11 pm)

Also present: Administrator/Treasurer Kelly Hayden, Alex Koldeway, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Sharon O'Brien, Terry Tavera, Village Attorney Dale Thorpe, Cindy Wilson, Public Works Director Craig Workman

Visitors Heard

Present Certificate of Recognition to Peg Bair

Peg Bair was not able to attend the meeting.

Announcements

1. CDA Monthly Meeting – **Wednesday, January 6, 2010, 6:00 pm**
2. Plan Commission Staff Meeting – **Wednesday, January 13, 2010, 1:00 pm**
3. Protection Committee Meeting – **Monday, January 18, 2009, 4:00 pm**
4. Ad Hoc Lakefront Building Committee Meeting – **Monday, January 18, 2009, 5:00 pm**
5. Library Board Meeting – **Wednesday, January 20, 2010, 10:00 am**
6. Lakefront and Harbor Committee Meeting – **Wednesday, January 20, 2010, 4:30 pm**
7. Park Commission Meeting – **Wednesday, January 20, 2010, 6:00 pm**
8. Finance Committee Meeting – **Thursday, January 21, 2010, 5:00 pm**
9. Plan Commission Meeting – **Monday, January 25, 2010, 5:30 pm**

Approval of Minutes

Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to approve the minutes for the meetings held December 7, 2009 as presented, and the MOTION carried without negative vote.

Village Treasurer's Report & Cash Flow Statement

The treasurer's reports for November and December 2009 and the current Cash Flow Statement for the General Fund were distributed.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to acknowledge the receipt of the November and December 2009 treasurer's reports and the current Cash Flow Statement and to place them on file for the audit. The MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee O'Connell 2nd 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

Lakefront Building Project Referendum Update

Turner stated that he has been in contact with the FROG organization and Bruce Jensen in particular and they have indicated that they would not be opposed to holding the required referendum for the lakefront building, parking lot and Lake Street project in mid-June. Turner stated that Jensen indicated that summer would be a good time for the referendum because more residents will be in town for the season.

Proposed Amendment to Municipal Code Section 14-72 (g)

McCarthy stated that the proposed amendment to the “permits to raze buildings and structures” section of the Municipal Code would make the requirements for the removal of hazardous materials applicable for all properties, not just commercial properties.

Trustee Spadoni/Trustee O’Connell 2nd made a MOTION to approve Ordinance 010410-01 as presented, and the MOTION carried without negative vote.

PD Server Purchase

Hayden stated that the purchase of a new computer server for the Police Department is included in this year’s approved budget. The proposal submitted by the Util-IT totals \$12,344 for the hardware, software and labor expenses. The current server is at full capacity and is in danger of crashing.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the \$12,344 proposal as submitted by Util-IT for the purchase and installation of a new computer server for the Police Department, and the MOTION carried without negative vote.

2010 Water and Sewer Budget – Draft

Hayden stated that the first draft of the 2010 Water and Sewer Budget was distributed for informational purposes. The Public Works Committee still has to review the budget before the Finance Committee makes a final recommendation. O’Connell stated that she has concerns about the budget proposal to fund the \$7,000 purchase of two new laptop computers and a printer, and asked if the two printers the Village currently owns can be traded in or sold. Hayden stated that the two printers owned by the Village have no trade-in value, and the majority of the Village administration’s printing and copying is now done on the leased Konica/Minolta machine. O’Connell stated that the purchase of the new laptop computers and the printer should be line items in the village’s general budget, not the water and sewer budget. Hayden stated that the purchases of computer equipment are allocated between the general budget and the utility budget. Turner stated that staff should supply an inventory of the current computers and printers, including the date of purchase and what budget was the source of the funding.

2009 Audit Schedule

Hayden stated that the village auditor Patrick Romenesko and one of his staff members were at Village Hall for two days in late December and they will be back January 21 and 22, 2010. President Petersen stated that if any of the trustees has questions or concerns about the Village budgets or financial matters, they should stop in and talk to Romenesko on January 21 or 22, 2010.

Tax Collection Report

Hayden stated that the Village collected about \$4 million in taxes in December. The first installment of the 2009 taxes is due by January 31, 2010.

Plan Commission – Trustee Spadoni

Announce January 25, 2010 Public Hearings

Spadoni stated that five public hearings have been scheduled and posted for the January 25, 2010 Plan Commission meeting.

Public Works – Trustee McGreevy

Safe Drinking Water Loan Program Application Approval – 2011 Projects

Workman stated that the federal government is offering a second round of stimulus grants to municipalities to help fund maintenance projects, and the Village currently has \$5 million worth of construction projects identified that could qualify. Workman stated that the Village has to apply for the grant funds now for consideration for 2011 projects. Workman stated that identified maintenance projects are projects that the Village is required to complete at some time in the future. The application will cover the replacement of more than 10,000 linear feet of 4-inch water main in one of the oldest areas of the Village, where the Country Club Estates Water System was acquired. In addition, the problematic 10-inch water main which underlies the Abbey Springs Golf Course will be relayed by directional drilling. Lastly, the Brookwood water tower, which was installed in 1969, will be replaced. Workman stated that all of these projects will help bring the distribution system up to current codes, relive ongoing maintenance problems, and increase available fire flow demands; and

they are all eligible for stimulus funds. President Petersen stated that the Village Board would just be approving the submission of the grant applications at this time, and not obligating the Village to undertake the specific projects. Workman stated that there are two applications to submit and the Village already has the required information available to complete them.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to authorize the submission of the grant applications for the federal stimulus program, and the MOTION carried without negative vote.

Sauganash Drive Pay Request No. 3

Workman stated that the \$109,145 Pay Request No. 3 submitted by Mann Brothers, Inc. for the Sauganash Drive Construction Contract includes a \$17,686 Change Order. Workman stated that the change order to increase the contract amount is for additional storm sewer and water main tie-in work that was required to complete the project. Workman stated that with the change order, the contract is still running \$70,000 under the budget at this time. In response to a question from Trustee McGreevy, Workman stated that the surface layer of asphalt for Sauganash Drive will be laid in the spring. Workman stated that approval has been recommended by the village engineer.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Change Order No. 1 calling for a \$17,686 increase in the Sauganash Drive Construction Contract and the \$109,145 Pay Order No. 3 as submitted by Mann Brothers, Inc., and the MOTION carried without negative vote.

General Construction Updates

Workman stated that he had nothing further to report.

Road Excavation Ordinance

Workman stated that he and Village Attorney Thorpe have to finalize another draft of the proposed ordinance, and it will be presented at a future meeting.

Lakefront and Harbor – Trustee O’Connell

Austin Pier Service Proposal for Repair Work

O’Connell stated that Austin Pier Service, Inc. submitted a proposal totaling \$11,531 for repair work to the Village’s piers. O’Connell stated that the rate has not increased from last year; however, there is more work that needs to be completed this year and she would recommend approval of the proposal as submitted.

Trustee O’Connell/Trustee Spadoni 2nd made a MOTION to approve the pier repair proposal totaling \$11,531 as submitted by Austin Pier Service, Inc., and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Preauthorize Pay Request Payments for Clean Water Fund Loan Distribution

President Petersen stated that the FW/WPCC Board would like the Village to preauthorize payment requests for the plant improvement project in order to comply with the regulations of the Clean Water Fund Loan Program. Hayden stated that the Village receives loan disbursements from the state on the fourth Wednesday of each month and the funds have to be distributed within three days of receipt in order to be in compliance. Hayden suggested that the Village Board consider authorizing the prepayment of the pay requests for the construction project, with the conditions that the pay requests are reviewed by the Village Board at the subsequent monthly meetings, and that the preauthorization does not include the final pay request.

Trustee Spadoni/Trustee O’Connell 2nd made a MOTION to preauthorize the Village staff to issue checks for the pay requests for the Wastewater Treatment Facility plant improvement contract as recommended, with the conditions that the individual pay requests are reviewed by the Village Board at the subsequent monthly meetings, and that the preauthorization does not include the final pay request. The MOTION carried without negative vote.

CD Smith Pay Request No. 2 for Plant Improvement Contract

Hayden stated that the Village has received a loan disbursement from the state to cover the \$260,655.40 Pay Request No. 2 submitted by CD Smith for the Plant Improvement Project Contract. President Petersen stated that the project engineer and FW/WPCC both recommend approval.

Trustee McGreevy/Trustee O’Connell 2nd made a MOTION to approve the \$260,655.40 Pay

Request No. 2 submitted by CD Smith for the Plant Improvement Project Contract as recommended, and the MOTION carried without negative vote.

Protection Committee – President Petersen

Update

President Petersen stated that the committee has not met since the last Village Board meeting.

CDA – Trustee Turner

Fontana Boulevard Pay Request No. 3

The pay request was not ready for consideration.

Ruekert-Mielke Lake Street and Lakefront Building Design Proposal

Turner stated that during recent meetings of the CDA Lakefront Building Committee that is planning the lakefront building, parking lot and Lake Street proposal it was determined that more exact information and project details are needed to provide the public with necessary information for the required referendum election. Turner stated that preliminary planning is going well on the proposed new lakefront building; however, more details and specific cost estimates are needed to plan for the Lake Street and parking lot portions of the referendum. Turner stated that he realizes that spending money on engineering is risky considering the three-phase project has to be approved in a referendum. If the referendum fails, the engineering work could be funded for no reason; however, Turner stated that the only way to get the referendum approved is to provide the voting public with the necessary details. Turner stated he would recommend proceeding with the Ruekert-Mielke proposal to provide design engineering, bidding and award services for the Lake Street reconstruction and lakefront building site plan. Turner stated that the entire project will cost about \$2.5 million and that Ruekert-Mielke would provide engineering services through the awarding of the construction bid for a cost of \$55,000 to \$85,000. Turner stated that the CDA Board will work with Ruekert-Mielke to fine tune proposal so the engineering work to be completed at this time will be to a level that will enable the Village to take the project to referendum. Turner then made a motion, which was seconded by President Petersen to approve the Ruekert-Mielke proposal as submitted, subject to review and approval by the CDA Board. O’Connell stated that she thinks spending the TIF funds on engineering plans would be putting the cart before the horse. O’Connell stated that she thinks \$85,000 is too much to fund the proposal, which seems excessive. Petersen stated that the Village will not be able to ratify an accurate referendum question without having the engineering work completed. Petersen stated that the engineering work has to be completed, and Lake Street will require reconstruction sooner or later. In response to a question, Workman stated that the proposal has such a wide cost range because the CDA has yet to determine the exact scope of the Lake Street portion of the project, and if it will include landscaping and crosswalk work or just road and utilities reconstruction. McGreevy stated that Lake Street needs to be reconstructed and the Village should take advantage of TIF funding for the project. Turner stated that the engineering work for Lake Street can be used in the future if the initial referendum is not approved. Kenny stated that he agrees that the engineering work needs to be completed for the referendum planning, but the total cost should be held down as low as possible in case the referendum fails. Spadoni stated that he agrees with Kenny and O’Connell and he would support the proposal as long as the total cost does not exceed \$55,000. Turner and President Petersen then agreed to amend their motion on the floor to authorize approval of the proposal at a cost not to exceed \$55,000, subject to review and approval by the CDA Board.

Trustee Turner/President Petersen 2nd made a MOTION to authorize approval of the proposal as submitted by Ruekert-Mielke for design, bidding and award services for the reconstruction of Lake Street and for the proposed lakefront building site plan, at a cost not to exceed \$55,000 and subject to review and approval by the CDA Board. The MOTION carried on a 6-1 vote, with Trustee O’Connell opposed.

General Construction Updates

Turner stated that he had nothing further to report.

Finance Committee – Trustee Kenny

Update on Report and Budget Monitoring

Hayden stated that at the last monthly meeting of the Finance Committee, staff was directed to provide monthly reports on the department budgets and on overtime expenses for the Police Department and the Department of Public Works. Hayden stated that the committee also has directed staff to provide monthly cash flow reports for the General Fund, the Water and Sewer Utility Fund, and the TIF District.

Park Commission – Trustee Lewis

Update

The Park Commission has not met since the last Village Board meeting.

Adjournment

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 6:54 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: 2/1/10