

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, January 5, 2009

President Pollitt 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: Lewis, Kenny, Petersen, President Pollitt, Spadoni, O'Connell, Turner (arrived at 5:03 pm)

Also present: Village Administrator Kelly Hayden-Staggs

Announcement for Board of Trustees to Consider Going Into Closed Session

O'Connell/Petersen 2nd made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Non Union Employee Salaries and Non Union Employment Organization, and PT/LTE Police Wage, and 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 Century Fence Beach Fence Contract, and the roll call vote followed:

Kenny – Yes

Petersen – Yes

President Pollitt – Yes

Spadoni – Yes

O'Connell – Yes

Lewis – Yes

The MOTION carried on a 6-0 vote, with Trustee Turner not yet present at the meeting.

Hayden-Staggs left the meeting room during the closed session from 5:30 to 5:45 pm.

Adjournment of Closed Session

Spadoni/Petersen 2nd made a MOTION to adjourn the closed session of the Village Board at 5:55 pm and to reconvene in open session at 6:00 pm, and the MOTION carried without negative vote.

President Pollitt announced that the Village Board was in open session at 6:00 pm.

Also Present

Frank Dobbs, Michael Hoey, Rob Ireland, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, CDA Director Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Village Attorney Dale Thorpe, Sue Thune, Public Works Director Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that the filing deadline for Nomination Papers for the Spring 2009 Election is Tuesday, January 6, 2009 at 5:00 pm; the CDA Board will hold its monthly meeting on Wednesday, January 7, 2009, at 6:00 pm; the Library Board will hold its monthly meeting on Wednesday, January 21, 2009, at 10:00 am; the Park Commission will hold its monthly meeting on Wednesday, January 21, 2009, at 6:00 pm; and the Plan Commission will hold its monthly meeting on Monday, January

26, 2009, at 5:30 pm.

Approval of Minutes

Turner/O'Connell 2nd made a MOTION to approve the minutes for the Open and Closed Session meetings held December 1, 2008 as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Turner/Spadoni 2nd made a MOTION to accept the Treasurer's Report for November 2008 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Petersen/O'Connell 2nd made a MOTION to approve the Village and Utility Payables as presented and including three Public Library bills submitted at the meeting for Baker and Taylor, \$177.57, GALE, \$28.76, and WIDDA, \$600, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Certified Survey Map Filed by Myron and Geraldine Audino & Subdivision Variance Requests – Tabled 11/3/08 & 12/1/08

The covenants that were recommended by the Plan Commission prior to approval of the proposal still have to be reviewed and approved to memorialize the pedestrian path and its future maintenance requirements.

O'Connell/Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Announce Public Hearings for January 26, 2009 Plan Commission Meeting – CUP Application Filed by T-Mobile Cellular for Robert Stewart Property & Amended CUP Application Filed by Tradewell Builders, LLC for Edward Lyon Property

Spadoni stated that public hearings have been scheduled for the two Conditional Use Permit applications.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Lake Geneva Triathlon Approval – Saturday, September 12, 2009

Frank Dobbs requested approval of the annual Lake Geneva Triathlon he stages from the Fontana lakefront. Dobbs stated that he would like to hold the event on the second Saturday of September this year, which is Saturday, September 12, 2009.

Spadoni/Turner 2nd made a MOTION to approve holding the annual triathlon in the Village of Fontana on Saturday, September 12, 2009, and the MOTION carried without negative vote.

Ordinance to Create Ward 5 to Accommodate Jann Annexation

Because all Linn Township land was redistricted into different Walworth County supervisor districts than the Village of Fontana, a new ward will have to be created to accommodate the approved annexation of the Jann parcel from Linn Township into the Village of Fontana.

Spadoni/O'Connell 2nd made a MOTION to approve Ordinance 10-05-09-01, creating Ward 5, as presented, and the MOTION carried without negative vote.

Treasurer Peg Pollitt Resignation

Peg Pollitt submitted her resignation effective January 5, 2009 because she accepted a job as the comptroller for the City of Lake Geneva.

Lewis/Kenny 2nd made a MOTION to accept the resignation of Treasurer Peg Pollitt, and the MOTION carried without negative vote.

Authorization to Commence Hiring Process

The Village Board decided after discussing the situation in the closed session that a processing clerk should be hired and the duties previously completed by Peg Pollitt will be split between the current administrative staff members and a new processing clerk.

Petersen/Spadoni 2nd made a MOTION to authorize the commencement of the hiring process for a processing clerk, and the MOTION carried without negative vote.

Appoint Interim Treasurer & Approve Bonding

Hayden-Staggs has been performing the treasurer’s duties since the resignation Peg Pollitt, and if approved as the interim treasurer, the required bonding will have to be transferred from Peg Pollitt to Hayden-Staggs.

Petersen/Kenny 2nd made a MOTION to appoint Kelly Hayden-Staggs as the interim treasurer and to authorize the bonding to be transferred from Peg Pollitt to Hayden-Staggs. The MOTION carried without negative vote.

Approve Bank Resolutions for Walworth State Bank, First Banking Center and State Investment Pool

The Bank Resolutions had to be adopted in order to take Peg Pollitt off the various bank accounts at Walworth State Bank and First Banking Center and the State Investment Pool account and to replace her with Hayden-Staggs.

Petersen/Spadoni 2nd made a MOTION to approve Resolution 01-05-09-01 as presented, replacing Peg Pollitt with Kelly Hayden-Staggs on the various bank accounts at Walworth State Bank and First Banking Center and on the State Investment Pool account. The MOTION carried without negative vote.

Approval of Annual Planning Services Contract with Vandewalle & Associates

Following discussion, the Village Board was in consensus that more information was needed to clarify the cost parameters of the contract.

Petersen/Kenny 2nd made a MOTION to table the matter until further clarification is provided, and the MOTION carried without negative vote.

Discussion on Sledding at Duck Pond Recreation Area

Sue Thune, the recreation director for the Abbey Resort, requested that the Village Board consider designating a hill at the Duck Pond Recreation Area an official sledding hill. During discussion, concerns were expressed with regard to liability issues and with regard to the native prairie restoration areas at the Duck Pond that were planted this year.

Spadoni/Lewis 2nd made a MOTION to refer the proposal to the Park Commission for a recommendation, and the MOTION carried without negative vote.

Resolution Adopting 2009 Salaries and Hourly Rates

President Pollitt stated that the matter was discussed in closed session; however, the Village Board was not ready to act on the resolution.

Spadoni/Petersen 2nd made a MOTION to table the matter, and the MOTION carried without negative vote.

Protection Committee – President Pollitt

Operator’s License Application Filed by Emile Bouchez, Abbey Resort

The Police Department did not note any concerns in the background check for the application filed by Emile Bouchez, an employee at the Abbey Resort.

Spadoni/Petersen 2nd made a MOTION to approve the Operator’s License application filed by Emile Bouchez, an employee at the Abbey Resort, and the MOTION carried without negative vote.

2009 Squad Purchase

Chief Olson stated that the Protection Committee recommended purchasing the 2009 Ford Crown Victoria squad car from Tom Peck Ford for the low bid submitted, which was \$21,490. Kunes Country Ford submitted a bid of \$21,927 and Ewald submitted a bid of \$23,223.

Turner/Kenny 2nd made a MOTION to approve the purchase of a 2009 Ford Crown Victoria for \$21,490 from Tom Peck Ford, and the MOTION carried with one negative vote cast by Trustee Spadoni.

Part-Time/LTE Pay Proposal for Longevity – Tabled 12/1/08

President Pollitt stated that the proposal had to be reviewed further by the Village Board.

O'Connell/Petersen made a MOTION to table the item, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Alliant Lease Agreement – Tabled 12/1/08

Thorpe stated that the proposed lease as proposed by Alliant Energy is not adequate and he has concerns with some of its parameters. Following discussion, the Village Board members were in consensus that the lease arrangement could be pursued, but the concerns outlined by Thorpe and an appropriate fee need to be worked out.

Turner/Spadoni 2nd made a MOTION to authorize Village staff to proceed in principal with negotiating an appropriate lease with a proper fee, and the MOTION carried without negative vote.

Timber Trail Lift Station Abandonment

Workman updated the Board on the plan to abandon the Timber Trail Lift Station.

Stormwater Advisory Committee Update

Workman stated that the advisory committee will be meeting Friday, January 9, 2009 to discuss the storm water management plan and to review the preliminary “hot spot” design concepts and cost estimates.

General Project Updates

Workman provided updates on the current Village projects.

Hiring Full Time DPW Employee Process and Timeline

Workman stated that the advertisements soliciting job applications have been published and the Village is receiving applications. The deadline for the submission of applications is January 9, 2009. Workman stated that the top five applicants will be determined and they will be interviewed by the Public Works Committee for a recommendation.

CDA – Trustee Turner

STS Consultants Merger with AECOM USA, Inc. – Assign Duck Pond Ground Water Investigation Contract

Turner stated that the merger of STS Consultants, Ltd. into AECOM USA, Inc., requires the Village to assign the current Duck Pond Ground Water Investigation Contract to AECOM.

Turner/Spadoni 2nd made a MOTION to approve the assignment of the Duck Pond Ground Water Investigation Contract to AECOM USA, Inc., and the MOTION carried without negative vote.

Third Avenue Contract Payment Recommendation No. 4

Turner stated that Mann Brothers, Inc. submitted a \$139,533 pay request for the Third Avenue Contract.

Turner/Spadoni 2nd made a MOTION to approve the \$139,533 Payment Recommendation No. 4 as submitted by Mann Brothers, Inc., for the Third Avenue Contract, contingent on CDA Board approval, and the MOTION carried without negative vote.

Dade Avenue and Wild Duck Road Payment Recommendation No. 11 – Final

Turner stated that a contract closeout change order calling for a \$31,040 increase in the Dade and Wild Duck Roads Reconstruction Contract will result in a total contract cost of \$989,878. The change order adjusts the contract to reflect the total amount of work performed to complete the project. Turner stated that the Pay Request No. 11 totaling \$9,405 will pay the contract in full. Turner stated that the Village should not make the final payment until a signed copy of the contract closeout change order is received from the Village engineering firm.

Turner/Petersen 2nd made a MOTION to approve the contract closeout change order calling for a \$31,040 increase in the Dade and Wild Duck Roads Reconstruction Contract with Mann Brothers, Inc., and to approve Payment Recommendation No. 11 totaling \$9,405, contingent on receipt of the signed copy of the contract closeout change order and contingent on CDA Board approval. The MOTION carried without negative vote.

Lakefront and Harbor – Trustee O’Connell

Update

O’Connell stated that the Lakefront and Harbor Committee did not meet in December, so there is nothing new to report.

Finance Committee – President Pollitt

Update

President Pollitt stated that the Finance Committee did not meet in December, so there is nothing new to report.

Park Commission – Trustee Lewis

Update

In response to a concern stated by Lewis, Hayden-Staggs stated the Park Commission will be discussing at its monthly meeting on January 21, 2009 the issue of receiving DNR approval to burn the Fontana Fen during the next year.

F/W WPCC – Trustee Petersen

Update

Petersen stated that the investigation is continuing to determine why the wastewater treatment facility is experiencing unaccounted for spikes in the total flow and in the amount of solids the plant is receiving.

GLLEA – President Pollitt

Update

President Pollitt stated that the Geneva Lake Law Enforcement Agency Board of Directors did not meet in December, so there is nothing new to report.

Joint Services Ad Hoc Committee – Administrator Hayden-Staggs

Update

Hayden-Staggs stated that the Ad Hoc Committee did not meet in December, and the next meeting is still being scheduled. Hayden-Staggs stated that she will email an inquiry to the members to determine if Thursday, February 5, 2009 will work for the next meeting.

Blue Ribbon Committee on Lakefront Building – Trustee Lewis

Lakefront RFP Update

McHugh stated that the Village received six RFPs by the deadline on December 26, 2008. McHugh stated that he has not had an opportunity to review all of the proposals submitted or get them distributed to the committee members. The next committee meeting is scheduled for Thursday, January 8, 2009 beginning at 5:00 pm.

Pending Item for Future Agendas

1. Fontana Fen Property Line Delineation

Adjournment

Spadoni/O’Connell 2nd made a MOTION to adjourn the Village Board meeting at 6:50 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: 2/2/09