

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, January 11, 2016

Village President Pat Kenny called the 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: President Pat Kenny, Tom Whowell, Rick Pappas, Dave Prudden, Arvid Petersen

Trustees Absent: Tom McGreevy, George Spadoni

Also Present: Jade Bolack, Clerk Theresa Loomer, James Mann, Administrator Dennis Martin, DPW Manager Brett McCollum, Fire and Rescue Dept. Chief Wolfgang Nitsch, Maureen Schiel, Village Attorney Dale Thorpe, Treasurer Scott Vilona

Visitors Heard

None

Announcements

None

Approval of Village Board Minutes

The open and closed session minutes for the November 23, 2015 meeting and open session minutes for the December 21, 2015 meeting were distributed.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve the open and closed session minutes for the meeting held November 23, 2015, as presented, and the MOTION carried without negative vote.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve the minutes for the meeting held December 21, 2015, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report, Vendor Report, & Payroll Overtime Report

The November and December, 2015 Treasurer's, Vendor and Payroll Overtime reports were distributed.

Trustee Pappas/Trustee Prudden 2nd made a motion to approve the Vendor Report and Payroll Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Whowell initially requested to table Thorpe's bill until after the Finance Committee is able to meet. He stated he was disappointed in the year-end total which was around \$175,000. Whowell added that he was disappointed his name was on the December bill in the amount of \$670 which he said was mostly generated from Thorpe's questions to him. He said the bill is too vague and includes topics like conferences and internal staff meetings. Petersen stated it is inappropriate for any trustee to call the Village Attorney without first going through the Village Administrator. Martin said the same discussion occurred a couple years ago and a directive came from the Village Board to go through the Village Administrator or Village President. He explained there are three parts to Thorpe's bill: services to the Village Board, cost recovery, and municipal court prosecution. Martin said the Finance Committee was asked to look into the legal services budgets, but the committee has not yet met since he and President Kenny met with Thorpe to discuss the concerns. A Finance Committee meeting is tentatively scheduled for Monday, January 18, 2016, when it will be looked into further. Pappas and Whowell both suggested the bill be written more detailed than "client" since it is hard to determine exactly who the client it. Thorpe indicated he is sometimes asked not to include names.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the Village and Utility payable list as distributed, and refer the parameters of the Village Attorney's bill to the Finance Committee, and the MOTION carried without negative vote.

General Business – President Kenny

Initial Resolution Authorizing the Issuance of Not to Exceed \$160,000 General Obligation Bonds for Sewerage Improvements

Trustee Pappas/Trustee Petersen 2nd made a MOTION to approve Resolution 01-11-16-01, an Initial Resolution Authorizing the Issuance of Not to Exceed \$160,000 General Obligation Bonds for Sewerage Improvements, and the Roll Call vote was as follows:

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

The MOTION carried on a 5-0 vote with Trustee Spadoni and Trustee McGreevy absent.

Initial Resolution Authorizing the Issuance of Not to Exceed \$760,000 General Obligation Bonds for Street Improvements

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve Resolution 01-11-16-02, an Initial Resolution Authorizing the Issuance of Not to Exceed \$760,000 General Obligation Bonds for Street Improvements, and the Roll Call vote was as follows:

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee Whowell – Aye

The MOTION carried on a 5-0 vote with Trustee Spadoni and Trustee McGreevy Absent.

Initial Resolution Authorizing the Issuance of Not to Exceed \$635,000 General Obligation Bonds for Fire Engines and other Equipment of the Fire Department

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve Resolution 01-11-16-03, an Initial Resolution Authorizing the Issuance of Not to Exceed \$635,000 General Obligation Bonds for Fire Engines and other Equipment of the Fire Department, and the Roll Call vote was as follows:

Trustee Prudden – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

The MOTION carried on a 5-0 vote with Trustee Spadoni and Trustee McGreevy absent.

Initial Resolution Authorizing the Issuance of Not to Exceed \$1,235,000 General Obligation Bonds for Bridge Improvements

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve Resolution 01-11-16-04, an Initial Resolution Authorizing the Issuance of Not to Exceed \$1,235,000 General Obligation Bonds for Bridge Improvements, and the Roll Call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

The MOTION carried on a 5-0 vote with Trustee McGreevy and Trustee Spadoni absent.

Resolution Authorizing and Providing for the Sale and Issuance of Not to Exceed \$2,790,000 General Obligation Corporate Purpose Bonds; and Other Related Details

A letter from Municipal Advisor/Director James Mann and Advisor Maureen Schiel from Ehlers and Associates was distributed and states, "...At the beginning of 2016, the Village had a little under

\$28.4 million of debt outstanding, amortizing at approximately \$1.8 M per year through 2028 then dropping off significantly thereafter. The drop off is primarily due to the debt that was incurred for economic development projects associated with the tax increment district... Based on the Capital needs identified, the Village will need to issue approximately \$2,710,000 to finance the project identified. Also identified is the need to borrow approximately \$2,010,000 in 2017 for identified projects. We have prepared two options, one looking at level payments for both the 2016 and 2017 issues and one looking a structured payment for 2016 and level payments for 2017... the Tax Increment District is currently not producing enough revenues to cover the debt payments incurred in the District. The amount of shortfall has spiked in 2016 to approximately \$640,000, and if all things remain equal, will climb to \$690,000 in 2017 before the levy support starts to drop.” Schiel presented an overview of the bond sizing documents which were also previously reviewed by Dennis Martin, Scott Vilona and President Kenny. The recommendation by staff was Option No. 2 because there is some wrapping of the debt since it trims the peak levy requirement. Pappas stated Option No. 2 would push back principle payments into future years and incur roughly \$250,000 of additional interest over Option No. 1. Petersen stated the shortfall is climbing and thought that by 2017 it would level out. Mann explained the TID dropped in value again last year and its value year to year is unpredictable due to adjustments made by the DOR.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve Resolution 01-11-16-05, Authorizing and Providing for the Sale and Issuance of Not to Exceed \$2,790,000 General Obligation Corporate Purpose Bonds, and to direct staff to go with Option No. 1 for the payment schedule, and the Roll Call vote was as follows:

President Kenny – Aye

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Petersen – Aye

The MOTION carried on a 5-0 vote with Trustee McGreevy and Trustee Spadoni absent.

Fire Boat Pump Purchase Request Letter Received from Fire and Rescue Department

Whowell stated the Fontana Fire Department is in need of a new pump for the Fire Boat and the department has roughly \$24,000 from previous fundraisers and are hoping to raise another \$20,000 with upcoming fund-raising events. The estimated cost of a new pump is \$100,000. Whowell presented two payment options for the new pump; either the Fire Department borrow the necessary funds from a bank, or borrow the funds from the Village’s General Fund which they would treat like a loan and pay back. Nitsch said the Fire Department would pay the loan amount back within five to eight years with profits from their fundraisers such as the Ice Gone Wild party held every January. Nitsch stated he has talked to the pump builder and they have an opening now and could return the boat to the Village by May; however, if the boat does not go in for repairs now, due to the length of time it takes to make the repairs, it would have to wait until next fall. Thorpe pointed out the Fire Department is part of the Village and not a separate entity therefore the money could either be borrowed from a bank or the budget could be amended and the money could be borrowed from the General Fund. Martin stated he supports amending the budget and suggested borrowing the money from the Contingency Fund. The term of the loan and the interest would be spelled out in the agreement.

Trustee Prudden/Trustee Whowell 2nd made a MOTION to authorize the purchase and installation of the new pump on the Fire and Rescue Department boat as proposed, with \$75,000 to be loaned from the General Fund and the repayment term and conditions to be presented to the Village Board at a future meeting. The MOTION carried without negative vote.

Temporary Class “B” License Application Filed by Dan Green’s Touch A Life, Heal A Heart, Inc., for Annual Fire and Rescue Dept. Ice Gone Wild Fundraiser, January 23, 2016

There was a typo on the published agenda and the date of the Ice Gone Wild Fundraiser is Saturday, January 23, 2016. Last year’s event date, January 24, was incorrectly published on the agenda.

Trustee Pappas/Trustee Whowell 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 Dan Green’s Touch A Life, Heal A Heart, Inc. organization for the Fire and Rescue Department Ice Gond Wild January 23, 2016 fund-raising event on the Abbey Harbor. The MOTION carried without negative vote.

Temporary Operator's License Applications Filed by Greg Blizzard, Stanton Livingston, Wolfgang Nitsch, Joe Special and Anders Pearce

There were no concerns with the required background checks.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the Temporary Operator's License Applications filed by Greg Blizzard, Stanton Livingston, Wolfgang Nitsch, Joe Special and Anders Pearce, and the MOTION carried without negative vote.

Authorize Sale of 2009 Ford Crown Victoria

The Police Department is selling the old squad car and purchasing a new vehicle in 2016.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to Authorize the Sale of the 2009 Ford Crown Victoria, and the MOTION carried without negative vote.

Reschedule February Meeting Date

February's Village Board meeting was rescheduled to Monday, February 8, 2016. Trustee Whowell stated he will be unavailable for the whole month and Trustee Prudden stated he will be out of town on February 8, 2016.

Trustee Petersen/President Kenny 2nd made a MOTION to reschedule February's Village Board monthly meeting to Monday, February 8, 2016, and the MOTION carried without negative vote.

Park Commission – Trustee Whowell

Temporary Class "B" License Application & Special Event Permit Application Filed by Dan Green's Touch A Life, Heal A Heart, Inc., for Pig in the Park Event Saturday, July 9, 2016 in Reid Park

Mary Kreite-Green presented the Temporary Liquor License and Special Event Permit applications for the 2016 Pig in the Park Event. Kreite-Green requested a date change from the traditional date of the event which has been the Saturday of Labor Day weekend. She proposed holding the event on July 9, 2016, the second Saturday in July. She said there are too many conflicts with holding the Pig in the Park event on the same weekend as the Walworth County Fair and that by moving the date, she hopes to increase attendance and profits. Petersen asked what is paid to the Village and also asked about reimbursements to the Village for Public Work employee's time. Martin stated nothing has been received yet for last year's event, but at next week's Park Commission meeting the financial agreement between the Dan Green Foundation and the Village will be discussed. He also said that last year, Joe Special and Brett McCollum donated their time to set up for the event, so no extra expenses were incurred. The other Street Department employees who assisted with setup and take-down for last year's event did so during the regular work day. The original agreement between the Park Commission and the Dan Green Foundation calls for 30 percent of profits to be donated to the Park Commission, and 70 percent retained by the Dan Green Foundation. Martin said the Village has no formal financial agreement with the Big Foot Lions Club for its annual use of Reid Park on the last Saturday in July, but the club generally donates at least \$5,000 per year for use of the lakefront park in summer time. Martin said since Reid Park is such a popular area in the months between Memorial Day and Labor Day, only special events held by non-profit organizations have been approved to reserve the space. Martin stated that the agenda item is just to consider the date for the 2016 event, and the financial agreement is scheduled to be discussed at the next meeting of the Park Commission. Prudden stated that the Pig in the Park event is a great family event, especially for parents with young kids, and a good use of the park by a charitable organization.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to approve the Park Permit Application and Temporary Class "B" License Application and Special Event Permit Application Filed by Dan Green's Touch A Life, Heal A Heart, Inc., for Pig in the Park Event on Saturday, July 9, 2016 in Reid Park, and the MOTION carried on a 4-1 vote with Trustee Petersen opposed.

Public Works Committee – Trustee McGreevy

Pottawatomie Drive Sewer Repair Reimbursement Request

Martin presented an invoice for \$1,800 from Down To Earth Contractors for repair work completed at 211 Pottawatomie Drive for Robert and Beverly Schorsch. Several years ago, work was completed by a Village contractor and the sewer lines were cut and displaced, but not repaired. The Public Works Committee recommended reimbursement of the expense for the property owner.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the reimbursement of \$1,800 to Robert and Beverly Schorsch, 211 Pottawatomie Drive. for sewer lateral repair work completed by Down To Earth Contractors, and the MOTION carried without negative vote.

South Lakeshore Drive/Brookwood Water Main Contract Pay Request and Change Order

Martin stated the Change Order for the Lake Geneva Yacht Club and Upper Brookwood water main project is for \$16,474.75 in additional shoulder repair work in the Brookwood subdivision. Pay Request No. 5, totaling \$36,247.88, was reviewed by staff and recommended for approval.

Trustee Petersen/Trustee Whowell 2nd made a MOTION to approve the Change Order calling for an increase of \$16,474.75, and Pay Request No. 5 in the amount of \$36,247.88, as recommended, and the MOTION carried without negative vote.

CLOSED SESSION

Closed Session

Trustee Petersen/Trustee Pappas 2nd made a MOTION at 6:47 pm to adjourn into Closed Session pursuant to Wis. Stats. 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 Fire Boat Pump Purchase Request Proposal Received from Fire and Rescue Department; Utility Easement Negotiations with Abbey Springs for Water Main Relocation Project; and 138 Fontana Blvd. Offer to Purchase.

The Roll Call vote was as follows:

Trustee Whowell – Aye

Trustee Pappas – Aye

Trustee Prudden - Aye

Trustee Petersen – Aye

President Kenny – Aye

The MOTION carried on a 5-0 vote with Trustee Spadoni and Trustee McGreevy absent.

Adjournment Closed Session

Trustee Pappas/Trustee Petersen 2nd made a motion at 7:06 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

138 Fontana Blvd. Offer to Purchase

Trustee Prudden/Trustee Petersen 2nd made a MOTION to approve extending the Offer to Purchase contract between the Village of Fontana and Munson Marine until on or before March 8, 2016, and the MOTION carried without negative vote. Trustee Whowell abstained.

Adjournment

Trustee Petersen/President Kenny 2nd made a MOTION at 7:06 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: 02/08/16