

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

**Monday, February 1, 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: Micki O'Connell, George Spadoni, President Petersen, Thomas McGreevy, Patrick Kenny, Diane Lewis

**Trustee absent:** William Turner

**Also present:** Joe Abell, Peg Bair, Rich Brandel, Charles Coleman, Al Haeger, Administrator/Treasurer Kelly Hayden, Jim Haeni, Pat Hollihan, Rob Ireland, Kevin Kirkland, Alex Koldeway, Library Director Nancy Krei, David Lindelow, Village Clerk Dennis Martin, Ron McCormack, Alec McGreevy, Joseph McHugh, Gary Neilson, Building Inspector Ron Nyman, Kevin Racky, Margaret Reuland, Village Attorney Dale Thorpe, Mike Walker, Public Works Director Craig Workman

**Visitors Heard**

**Present Certificate to State Champion Big Foot High School Varsity Football Team**

Trustees Spadoni and McGreevy presented a Certificate of Recognition to Assistant Coaches Pat Hollihan and Jim Haeni and players Mike Walker and Alec McGreevy, representing the Big Foot High School Varsity Football Team. The team finished the season with a perfect 14-0 record and earned the Wisconsin WIAA Division IV State Title.

**Present Certificate of Recognition to Peg Bair**

President Petersen presented a Certificate of Recognition to resident Peg Bair for her recent promotion in the Wisconsin Air National Guard. The plaque states: In recognition of your March 3, 2009 promotion to brigadier general in the Wisconsin Air National Guard. Congratulations for being the first woman to serve as a general in the Wisconsin National Guard. The Village of Fontana is proud of your current service as the chief of staff of the Wisconsin Air National Guard and commander of the Wisconsin Air National Guard headquarters. Thank you for your service to our country, which started as a registered nurse in the U.S. Air Force, after which you transferred to the Air Force Reserve in 1981, the Montana Air National Guard in 1986, and the Milwaukee-based 128th Medical Squadron of the Wisconsin Air National Guard in 2000.

**County Supervisor Candidate**

Sharon Town Board Supervisor Richard Brandl stated that he is a candidate for Walworth County Supervisor for District No. 9. The incumbent Supervisor James van Dreser is not seeking reelection. Brandl stated that he has been a member of the Sharon Town Board for nine years and is a current member of the Plan Commission. Brandl stated that he was the Sharon Town Board's representative on the Walworth County Smart Growth Planning Committee.

**Announcements**

1. Family Scrapbooking Fun Workshop at Fontana Library – **Wednesday, February 3, 2010, 10:00 am**
2. CDA Board Monthly Meeting – **Wednesday, February 3, 2010, 6:00 pm**
3. Read and Romp Program at Fontana Library – **Thursdays, February 4, 11 & 18, 2010, 10:30 am**
4. Plan Commission Staff Meeting – **Wednesday, February 10, 2010, 1:00 pm**
5. Public Test of Electronic Voting Equipment at Village Hall – **Wednesday, February 10, 2010, 2:30 pm**
6. VOF Assessor Office Hours at Village Hall – **Friday, February 12, 2010, 10:00 am to 2:00 pm**
7. Protection Committee Meeting – **Monday, February 15, 2010, 4:00 pm**
8. Spring Primary Election – **Tuesday, February 16, 2010, 7:00 am to 8:00 pm**
9. Library Board Meeting – **Wednesday, February 17, 2010, 10:00 am**

10. Park Commission Meeting – **Wednesday, February 17, 2010, 6:00 pm**
11. Plan Commission Monthly Meeting – **Monday, February 22, 2010, 6:00 pm**

### **Approval of Minutes**

Trustee Spadoni/Trustee Lewis 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held January 4, 2010 as presented, and the MOTION carried without negative vote.

### **Village Treasurer’s Report, Cash Flow Statement, Vendor Report, & Payroll Overtime Report**

The treasurer’s report for January 2010 and the current Cash Flow Statements, Vendor Report and Payroll Overtime Report were distributed.

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the January 2010 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 O’Connell/Trustee Lewis 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as presented, and the MOTION carried without negative vote.

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

#### **Big Foot Lions Club 2010 Events Approval**

#### **Village of Fontana Approval for Fourth of July Weekend Events**

Big Foot Lions Club members Joe Abell and Kevin Racky presented the proposals for the club’s three annual events in Reid Park. Abell stated that the Fourth of July concession stand event is being proposed to be expanded to July 3 and 4, 2010, with a completely fenced-in area for food service and a beer tent. The food service will include more menu items and the beer tent will include an area for live music. In conjunction with the Lions Club area, Hayden stated that the Village is planning to host a vendor area for crafts, flea market items or business expos. Hayden stated that the Village also is planning a children’s area for bounce attractions. Hayden stated that since this would be the first year, it is uncertain how many and what type of vendors will rent designated spaces in the park; however, only the portion of the park needed to accommodate the vendors will be portioned off from general use. Hayden stated that the Village also is planning to host a Battle of the Bands competition in conjunction with the Lions Club. The winning band would be contracted to play at the Lobster Boil & Steak Fry later in the month. Lewis stated that the proposal includes designating a limited area of the park for grilling and carry-ins. Hayden stated that there would be no fee for people to come to the park that day; however, no carry-in items will be allowed in the roped-off areas. Hayden stated that people will still be able to bring picnic items onto the beach. Racky stated that the Lions Club is planning to use wrist-bands for people in the beer tent as a security measure and to help prevent carry-ins of alcoholic beverages. Temporary Liquor License applications still have to be filed and approved for the July 3 and 4, 2010 and Lobster Boil events.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Big Foot Lions Club and Village events for July 3 and 4, 2010 as presented, and the MOTION carried without negative vote.

Abell stated the Lions Club is not proposing any changes to its 27<sup>th</sup> annual Lobster Boil and Steak Fry, which is held on the last Saturday in July. The event will be held Saturday, July 31, 2010, and the menu will include lobster and steak dinners, as well as hot dogs, hamburgers, popcorn, soda and water. The beer tent will also offer wine coolers. Live bands are scheduled from noon until 11:30 pm.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the plans for the Lobster Boil and Steak Fry in Reid Park on Saturday, July 31, 2010 as presented, and the MOTION carried without negative vote.

Abell stated that the menu and equipment for the second annual breakfast tent at the Lake Geneva Triathlon has been refined, but the operation will be in the same area and same time frame as last year. The year’s event is scheduled for Saturday, September 11, 2010.

Trustee Kenny/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the plans for the Lions Club breakfast tent at the Lake Geneva Triathlon on Saturday, September 11, 2010 as presented, and the MOTION carried without negative vote.

Abell thanked the Village for allowing the Lions Club to stage its fund-raising events in Reid Park and stated that the events would not be as successful as they are if they weren’t staged on the lakefront. Abell presented President Petersen with a \$6,000 check from the Lions Club. The

donation is the Lions Club annual appropriation for the new pirate ship at Little Foot Playground.

#### **Park Permit Application Amendment to Remove Reid Park Designated Area**

Lewis stated that the Park Commission recommended the removal of the Reid Park Designated Area option from the application.

Trustee Spadoni/Trustee Lewis 2<sup>nd</sup> made a MOTION to remove the option for “Reid Park Designated Area” from the Park Permit Application as recommended, and the MOTION carried without negative vote.

#### **Approve Additional Dates for Displaying U.S. Flags on Highway 67 Light Poles**

In response to a complaint from a resident who stated that the individual U.S. Flags should also be displayed for Flag Day and Veterans Day, the Park Commission recommended that the flags be displayed from Memorial Day through the Fourth of July holiday in order to encompass Flag Day on June 14. Spadoni stated that he has concerns about the cost of the proposal and it should be reconsidered by the Park Commission. Workman stated that the proposal would result in the Public Works Department only having to erect and take down the flags twice a year, instead of the current three times, and the flags have held up to the weather very well during the first three years that they have been displayed. Park Commission member Nancy Krei stated that following a lengthy discussion at the monthly meeting, the commission members reached a consensus that the U.S. Flags should remain on display on the Highway 67 light poles from Memorial Day weekend through the Fourth of July holiday, so that they will be on display for Flag Day. With regard to Veterans Day, the Village’s official U.S. Flags at the Village Hall, Safety Building and lakefront already are lowered to half-mast on the day of remembrance. Workman suggested that the Village Board consider approving the proposal for one year, and the condition of the flags could then be reviewed and replaced as needed.

Trustee Spadoni/Trustee O’Connell 2<sup>nd</sup> made a MOTION to approve the additional dates for displaying the U.S. Flags on the Highway 67 light poles as recommended in 2010, and to direct the Park Commission to review the decision for 2011 and to budget for replacements flags if necessary. The MOTION carried without negative vote.

#### **Park House Permit Application Filed by Women’s Community Coop**

Lewis stated that the Park Commission approved a motion to recommend approval of the application as submitted, with the fee waived for the non-profit organization.

Trustee Lewis/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Park House Permit Application as recommended, with the fee waived, and the MOTION carried without negative vote.

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

##### **Conditional Use Permit Application Filed by U.S. Cellular to Modify Antenna and Ground Equipment on Existing Tower on Robert Stewart Property, 202 W. Main Street**

Spadoni stated that the Plan Commission recommended conditional approval of the application as submitted following the January 25, 2010 public hearing.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application as filed by U.S. Cellular to modify the antenna and ground equipment on the existing tower on the Robert Stewart Property at 202 W. Main Street, with the following four conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any antennas, cables, and equipment boxes, etc. CUP approval shall not alleviate the applicant from securing all required permits. Note: Zoning permits shall be obtained by the Village of Fontana; building permits shall be obtained by the Town of Walworth.
2. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
3. The approved CUP shall be maintained and operated subject to the following conditions:
  - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
  - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.

- c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
  - d. Outside Storage: Outside storage of materials is prohibited.
  - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
  - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
  - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building & Zoning Department shall verify compliance with FAA regulations.
  - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have thirty (30) days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven (7) days to correct the problem.
4. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

The MOTION carried without negative vote.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Stone Pillars, Stone Walls & Driveway Gates Within 25-Foot Street Yard Setback Area in the RS-1 Single-Family Residential District**

Spadoni stated that the Plan Commission recommended conditional approval of the application as submitted following the January 25, 2010 public hearing.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application as filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct stone pillars, stone walls and driveway gates within the 25-foot street yard setback area with the following five conditions:

1. No portion of the stone pillars, stone wall and/or entrance gates shall be placed any closer to the property line than what is depicted (4 feet).
2. A complete submittal for building, zoning and electric permits shall be applied for.
3. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
4. As built foundation shall be submitted to verify approved location.
5. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

The MOTION carried without negative vote.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Detached Accessory Garage Exceeding 15-Feet in the RS-1 Single-Family Residential District**

Spadoni stated that the Plan Commission recommended conditional approval of the application as submitted following the January 25, 2010 public hearing.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application as filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct a detached accessory garage exceeding 15-feet in the RS-1 Single-Family Residential District, with the following seven conditions:

1. All findings from Ruckert-Mielke correspondence dated January 11, 2010 shall be complied with.

2. The maximum building height shall not exceed 18 feet as measured from the lowest existing grade adjacent to the perimeter of the proposed structure.
3. A complete submittal for building and zoning permits shall be applied for.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
5. As built foundation and height surveys shall be submitted as is required by municipal code.
6. Building and zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.
7. The owner of Lot 6 must submit a temporary grading easement or other written document acceptable to the Village to allow the petitioners to proceed with the grading work on Lot 7 as shown on the plans.

The MOTION carried without negative vote.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Boathouse Within the 50-Foot Shore Yard Setback Area in the RS-1 Single-Family Residential District**

Spadoni stated that the Plan Commission recommended conditional approval of the application as submitted following the January 25, 2010 public hearing. Joseph McHugh, the executive director of the Geneva Lake Conservancy, submitted a letter dated January 26, 2010 that requests the Village to deny the application. McHugh also submitted a letter dated November 30, 2009 that states the proposal is contrary to the zoning code and should be denied. McHugh stated that the Village Zoning Code prohibits the proposal through the Lakeshore Overlay District, and that no development should be approved on the shoreline. Charles Coleman stated that he is a member of the Geneva Lake Conservancy Board of Directors and the proposal should be denied to protect the western side of the lake, which is most dense portion of the lake. Coleman stated that the Wisconsin Department of Natural Resources is coming out with new development guidelines and he encouraged the Village to adopt them. President Petersen stated that the proposal is for a dry structure and it is proposed to be 20-plus feet back from the high water mark. Project architect, Ronald McCormack, presented a sketch of the proposed building and stated that at its highest elevation, only 3 feet of the new structure will be above the current grade because the structure will be constructed into a hill. Attorney Thorpe stated that he reviewed the letters submitted by McHugh and it is his legal opinion that the Village of Fontana staff report is correct. Thorpe stated that he does not agree with the legal review completed by McHugh and that the staff report is accurate. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct a boathouse within the 50-foot shore yard setback area in the RS-1 Single-Family Residential District, with the following 19 conditions:

1. The boathouse shall be considered a permanent accessory structure, and shall be included in the total number of accessory structures allowed on a lot, in accordance to Section 18-27(b)(3)(b) of the Village of Fontana Municipal Code.
2. The boathouse shall not extend below the ordinary high water mark.
3. The boathouse shall be used for the storage of watercraft and related marine equipment only.
4. The boathouse shall not be used for human habitation or for commercial purposes.
5. The roof of the structure shall not be used as an outdoor living space.
6. The boathouse shall not be located closer than three feet to any offset (side lot line).
7. The boathouse may be reduced in size, but in no case shall the boathouse be larger than the proposed 350 square feet (14-foot-by-25-foot).
8. The boathouse height shall not exceed 14 feet, as measured vertically above the ordinary high water mark.
9. All exterior lighting shall conform to Section 18-35, Exterior Lighting.
10. Prior to the issuance of a zoning permit, a complete set of plans for the boathouse, in conformance with all approved conditions, must be submitted to the Department of Building and Zoning for review and approval.
11. Prior to the issuance of a zoning permit, a Plat of Survey showing the location of the proposed boathouse, in conformance with all approved conditions, all existing property lines

- and any other information required by the Building Inspector, must be prepared by a registered land surveyor and submitted to the Department of Building and Zoning for review and approval.
12. In order to verify that the proposed boathouse does not extend below the ordinary high water mark of Geneva Lake, in conformance with the shore setback requirement, the applicant shall submit a request to the Wisconsin Department of Natural Resources for a Ordinary High Water Mark Determination and that Ordinary High Water Mark of Geneva Lake, as determined by the Wisconsin Department of Natural Resources, must be shown on the Plat of Survey required above.
  13. Prior to the issuance of a zoning permit, a landscape plan depicting landscape elements to be removed and added to the site must be submitted to the Department of Building and Zoning for review and approval. Note: the applicant shall conform to Section 18-33(a) regarding the cutting of trees and shrubbery located in the strip of land 35-feet inland from the ordinary high water mark.
  14. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
  15. An as built foundation and height survey shall be submitted to verify approved location.
  16. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.
  17. From the date of permit issuance, the applicant shall complete the construction of the boathouse, including restoring the site of the project, within 90 days.
  18. The owner of Lot 6 must submit a temporary grading easement or other written document acceptable to the Village to allow the petitioners to proceed with the grading work on Lot 7 as shown on the plans.
  19. The boathouse must be located in a site that is setback a minimum of 10 feet from the side lot line.

The MOTION carried without negative vote.

**Recommendation to Amend Section 18-80 (a) and (c) Regarding Permitted Uses in the RS-1 Single Family District – Ordinance Approval**

Spadoni stated that the Plan Commission recommended approval of the ordinance amendment as submitted following the January 25, 2010 public hearing.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 02-01-10-01, amending Sections 18-80 (a) and 18-80 (c) of the Municipal Code, as recommended, and the MOTION carried without negative vote.

**Abbey Resort Outdoor Event Tent 5-Year Review Per Plan Commission Resolution 01-31-05-01**

Spadoni stated that the Plan Commission completed an initial five-year review of the outdoor event tent and recommended conditional approval for five more years before another review takes place.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve a five-year extension to the approval of Resolution 01-31-05-01 with the initial conditions extended as well as the following seven conditions from the staff report:

1. Since the structures do not meet the minimum state snow load requirement, the structures shall be erected for a period of less than 180 days per calendar year.
2. Adequate access for emergency and delivery vehicles shall be provided.
3. Required interior and exterior lighting shall be provided.
4. An annual occupancy permit shall be applied for by the Abbey Resort at the time of installation of the fabric “skins.” An occupancy inspection shall be conducted by the Building Inspector and by the Fire Inspector prior to use by the public.
5. Any temporary tent extensions (to accommodate larger events/crowds) shall be applied for with the Building and Zoning Department. Although Plan Commission and Village Board approval is not required, a building and zoning permit for the temporary larger tent is required prior to use.
6. The village may require the removal or replacement of the tent fabric and/or supports at any time if found to be unsafe, or in a dilapidated state.

7. This approval shall expire in five years. The Abbey Resort may apply for an extension of use at that time.

The MOTION carried without negative vote.

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

**Lake Geneva Marine Company Proposal to Use Beach House**

Hayden stated that Kevin Kirkland is seeking feedback on a proposal regarding his new business venture to rent kayaks and rowing equipment and the impact of the lakefront building project referendum. Hayden stated that if the referendum is approved in June 2010, Kirkland will have to vacate the current marina building next September for construction. Kirkland submitted a letter January 29, 2010 in which he requests preliminary approval for use of the beach house as a temporary office during the fall. Kirkland would transport the rental equipment to and from the lakefront each day, and would use the beach house as a rental/check-in area. The Village Board members were in consensus that a lease amendment could be adopted if the referendum is approved and the lakefront marina building is not available in the fall.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to give preliminary approval for Kevin Kirkland to use the beach house for his kayak/rowing program during the fall of 2010 and directed staff to present a lease amendment for consideration if the CDA Lakefront Building Project referendum is approved in June 2010. The MOTION carried without negative vote.

**Abbey Resort Application for Horse Drawn Carriage Rides**

Hayden stated that the Abbey Resort applied for a permit to offer horse drawn carriage rides on Saturday and Sunday, February 13 and 14, 2010. Hayden stated that Section 10-1 (d) (1) of the Municipal Code authorizes horse drawn carriage rides through the submission of an application. Hayden stated that the application was reviewed by the Police Department and approval was recommended. President Petersen stated that the operators will be using manure bags on the horses to collect the waste.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Horse Drawn Carriage Rides Application as filed, and the MOTION carried without negative vote.

**Village of Walworth IGA for Building Inspection Services**

Hayden stated that the Intergovernmental Agreement automatically renews unless one of the municipalities opts out or initiates amendments. Hayden stated that the Village of Fontana staff added a provision that charges the Village of Walworth a fee of \$30 per cross connection inspection, and added rates for extra staff hours worked that exceed the baseline number. Hayden stated that the proposed changes were submitted to the Village of Walworth for consideration several weeks ago; however, the Village of Walworth has not yet responded. Hayden stated that when she checked with the Village of Walworth staff, they indicated if Walworth Village President Todd Watters has not responded, there most likely are no concerns with the proposal. Hayden asked the Village Board members if they would consider a motion to approve the amended IGA with the Village of Walworth for Building Inspection Services, subject to approval by the Walworth Town Board and a final review by Village Attorney Thorpe.

Trustee O'Connell/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the amended Intergovernmental Agreement with the Village of Walworth for Building Inspection Services as presented, subject to approval by the Village of Walworth and a final review by Village Attorney Thorpe. The MOTION carried without negative vote.

**Payroll Resolution 2010**

Hayden stated that the annual payroll resolution features the same salaries as last year, with the exception of Police Department Administrative Assistant Gail Nichols, who received the same pay rate increase called for in the Police Department Union contract. Nichols' contract is tied into the Police Department Union Contract. No other Village employees are receiving pay increases this year.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Resolution 02-01-10-01 as presented, and the MOTION carried without negative vote.

**Employee Contracts for Municipal Clerk, Deputy Clerk/Treasurer, Building**

### **Inspector/Zoning Administrator, Assistant Zoning Administrator/Code Specialist**

Hayden stated that the employment contracts for Municipal Clerk Dennis Martin, Deputy Clerk/Treasurer Julie Olson, Building Inspector/Zoning Administrator Ron Nyman, and Assistant Zoning Administrator/Code Specialist Bridget McCarthy have been amended to include consistent language under Section II for the term of employment, and under Section VII for insurance benefit language. Hayden stated that the amended language mirrors the language already included in the contracts for the administrator/treasurer and director of Public Works positions. Hayden stated that all of the employees are at will employees.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the employment contracts for Municipal Clerk Dennis Martin, Deputy Clerk/Treasurer Julie Olson, Building Inspector/Zoning Administrator Ron Nyman, and Assistant Zoning Administrator/Code Specialist Bridget McCarthy as presented, subject to a final review of the contract by Village Attorney Thorpe. The MOTION carried without negative vote.

### **Resolution to Oppose DOR County Assessment Proposal**

The Wisconsin Towns Association requested that the Village of Fontana adopt a resolution that opposes the Wisconsin Department of Revenue's proposal to change from municipal assessments to county assessments of real and personal property. The proposal will create a significant increase in local property taxes and take away local appeal rights.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Resolution 02-01-10-02 as presented, and the MOTION carried without negative vote.

### **Proposal to Close Village Hall on Saturday Mornings from February 6, 2010 to March 27, 2010**

Hayden stated that now that tax collection season has ended, there will not be very many customers on Saturday mornings at the Village Hall. Once the spring season starts, residents and property owners will be coming in on Saturday mornings to purchase their parking stickers and beach passes.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the proposal to close Village Hall on Saturday mornings from February 6, 2010 through March 27, 2010, and the MOTION carried without negative vote.

### **Approve Agreement with U.S. Census Bureau to Host Assistance Center Site**

The agreement authorizes the U.S. Census Bureau to have employees available at the Village Hall to provide customer services during the census collection period from March 19, 2010 through April 19, 2010. Library Director Nancy Krei stated that the Fontana Public Library will also serve as a collection point for completed census forms as well as a source for information.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the agreement with the U.S. Census Bureau to host an assistance center site at the Village Hall from March 19, 2010 through April 19, 2010, as presented, and the MOTION carried without negative vote.

### **Board of Appeals Appointments**

President Petersen stated that there are two positions open for alternatives on the Board of Appeals and he asked for suggestions. Board of Appeals members must be residents.

### **Summer Hiring Timeline & Approvals**

Hayden stated that advertisements for the summer positions will be placed in February. Hayden stated that she would like the Board to approve rehiring Megan Long as the beach manager and Tony Aranda as the community service officer. Hayden stated that the harbormaster position still has to be filled.

Trustee Kenny/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the hiring of Megan Long as the beach manager and Tony Aranda as the community service officer for the 2010 season, and the MOTION carried without negative vote.

### **Insurance Refund on Legal Expenses – Wilkinson Claims**

Hayden stated that the Village insurance provider has indicated it will be reimbursing the Village for \$50,000 of its legal defense expenses for the Wilkinson claims. Hayden stated that the Village is still in negotiations for the remaining \$118,000 in legal expenses.



### **Public Works – Trustee McGreevy**

#### **Hamman Water Bill Appeal**

Workman stated that Ryan Hamman purchased the residence at 545 Sioux Drive in 2009 after it had been vacant since 2006. Workman stated that since the water was turned off since 2006, the equipment basically malfunctioned when a rubber gasket blew out sometime after May 23, 2009. Workman stated that Haman already has been credited for the sewer portion of the bill he received when 273,000 gallons of water flowed out of the leaking meter pit from June 1, 2009 to September 1, 2009. When the Village installed a new curb stop at the residence on May 18, 2009, the water was turned off in the pit. On May 23, 2009 Hamman turned the water on in the pit to water some newly planted evergreen shrubs and he left the water turned on. The water was turned off again on November 5, 2009 when the Village turned the water off at the street for the winter season, and the pit had to be pumped out. Workman stated the Hamman is requesting a credit for all the water that leaked into the pit except for 10,000 gallons. Workman stated that the Public Works Committee members reached a consensus that Hamman should be given a credit for 273,000 gallons of water since he has already paid the bill.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve a credit for Ryan Hamman's residence at 545 Sioux Drive for 273,000 gallons of water as submitted by the Public Works Committee, and the MOTION carried without negative vote.

#### **Adreani Easement Update**

Workman stated that he received a response from Bruce Adreani last week after several months, and there are two issues Adreani's attorney would like to discuss with Thorpe.

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

#### **Pier Permit Application Filed by Trudy A. Havens and Gary Neilson, 403 N. Lakeshore Drive**

O'Connell stated that the Lakefront and Harbor Committee recommended approval of the pier permit application submitted by Pier Docktors, Inc. for Trudy A. Havens and Gary Neilson at 403 North Lakeshore Drive, subject to final approval by the Wisconsin Department of Natural Resources.

Trustee O'Connell/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the pier permit application submitted by Pier Docktors, Inc. for Trudy A. Havens and Gary Neilson at 403 North Lakeshore Drive, subject to final approval by the Wisconsin Department of Natural Resources. The MOTION carried without negative vote.

#### **Amended Pier Permit Application Filed by Margaret McNally, 413 N. Lakeshore Drive**

O'Connell stated that the Lakefront and Harbor Committee recommended approval of the amended Pier Permit application as submitted by Pier Docktors, Inc. for Margaret McNally at 413 North Lakeshore Drive, subject to final approval by the Wisconsin Department of Natural Resources.

Trustee O'Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the amended Pier Permit application as submitted by Pier Docktors, Inc. for Margaret McNally at 413 North Lakeshore Drive, subject to final approval by the Wisconsin Department of Natural Resources. The MOTION carried without negative vote.

#### **Portuguese Water Dogs Shows at Fontana Beach – September 28-30, 2012 & September 27 to 29, 2013**

O'Connell stated that the Abbey Resort would like to bring back the Portuguese Water Dogs Show that it hosted back in 2001. The two shows would be held on the beach, which would be taken care of and cleaned up by the event organizers, who also will pay the Village a fee for the use of the beach.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Portuguese Water Dogs Shows on the Fontana Beach on September 28-30, 2012 and September 27 to 29, 2013, with the fee to be determined, and the MOTION carried without negative vote.

### **F/W WPCC – President Petersen**

#### **CD Smith Pay Request No. 3 for Plant Improvement Contract**

Hayden stated that the \$115,638 pay request has been paid per the terms of last month's direction when the Village Board approved a motion to preauthorize the Village staff to issue checks for the pay requests for the Wastewater Treatment Facility plant improvement contract when recommended by the project engineering firm, 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.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$115,638 Pay Request No. 3 submitted by C.D. Smith Construction Services, Inc. for the Plant Improvement Contract, as recommended, and the MOTION carried without negative vote.

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

##### **Liquor License Agent Change for LG Yacht Club – Timmy Wedell**

The Police Department completed the required background check for the appointment of a new agent for the liquor licenses issued to the Lake Geneva Yacht Club, 1250 S. Lakeshore Drive. Tim Wedell is the new club manager and executive chef at the Yacht Club.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the appointment of Timmy R. Wedell, 149 Third Avenue, Fontana, as the agent for the liquor licenses issued to the Lake Geneva Yacht Club, 1250 S. Lakeshore Drive, subject to the required review by the Protection Committee. The MOTION carried without negative vote.

##### **No Parking Zones Amendments to VOF Municipal Code Section 74-281**

The Protection Committee recommended amendments to Section 74-281, which designates the no parking areas in the village. Hayden stated that if the Village Board is inclined to approve the recommended amendments, staff would like to contact the residents who live on the affected streets to solicit their feedback during the next month.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item and to direct staff to contact the residents who live on the affected streets to solicit their feedback during the next month. The MOTION carried without negative vote.

#### **CDA – Trustee Turner**

##### **Duck Pond Lot Line Adjustment for Dump Site**

Workman stated that the item was added to the agenda to provide an update to the Village Board members. Workman stated that as part of a Voluntary Party Liability Exemption application that is being prepared for the CDA by AECOM Environmental, the 12-acre landfill lot needs to be separated from the rest of the Duck Pond site. Workman stated that the final application requires that the dump site be identified, and it currently is part of one large lot at the Duck Pond area. Thorpe stated that a lot line adjustment is outside the jurisdiction of the Village Board and the item was for informational purposes only.

##### **Parking Stations Approval**

Hayden stated that the Village has received two proposals for the purchase of pay-and-display parking stations, one from Total Parking Solutions, Inc., and one from Access Parking Systems. Hayden stated that the model will be the same as the unit that was leased last summer and placed at Third Avenue and Reid Street. Hayden stated that the CDA Board will be considering the two proposals at its monthly meeting Wednesday, February 3, 2010. Hayden stated that the current proposal is to purchase and install two of the pay stations as part of the Third Avenue Project budget, with one of the stations to be erected in the boat trailer parking lot and the second in the same location as last season on Third Avenue at Reid Street. Hayden stated that if the Lakefront Project referendum is approved, two more pay stations will be erected in the renovated beach house parking lot.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the purchase of two pay stations by the CDA, with the final decision to be ratified by the CDA Board. The MOTION carried without negative vote.

##### **Small Business Guidelines**

Hayden stated that the CDA Board reviewed the draft of the Small Business Loan Guidelines at its January 6, 2010 meeting and directed staff to have Thorpe review the proposal. Thorpe provided 11

recommendations intended to clarify and add protective measures to the proposed loan application and processing guidelines.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the proposed Community Development Authority Small Business Loan Guidelines with the 11 recommendations provided by Village Attorney Thorpe incorporated into the guidelines, and subject to a final review by the CDA Board and staff. The MOTION carried without negative vote.

### **2010 Draft CDA Budget**

Hayden stated that the draft of the 2010 CDA budget is not yet completed.

### **Abbey Letter of Credit Replacement**

Hayden stated that the initial Letter of Credit for the loan the CDA approved for the Abbey Spa renovation project was initially issued by Park National Bank. Park National Bank has been taken over by the FDIC and the Letter of Credit may no longer be valid. Hayden stated that if necessary, a new Letter of Credit will have to be obtained by the Abbey Resort and filed with the Village.

### **Report and Update on Lakefront Workshop**

Workman stated that the CDA Lakefront Building Committee held a meeting with Ruckert-Mielke and PDI/Graef to discuss the Lake Street reconstruction and beach house parking lot renovation phases of the project. Workman stated that general direction was provided on streetscape and landscape ideas and site furnishings, and a more detailed concept plan will be presented at the next committee meeting.

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

#### **Copy Machine Lease Proposal**

Hayden stated that the lease for the copying machine at the Village Hall is expiring and the Village received three proposals for a new lease. Proposals were submitted by Martin Business Group, Konica/Minolta and Ricoh. The proposal submitted by Martin Business Group would save the Village \$918 annually.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the copy machine lease proposal submitted by Martin Business Group, and the MOTION carried without negative vote.

### **Tax Collection Report**

Hayden stated that the Village has collected about \$9 million in tax payments to date, and with the new grace period running through February 5, 2010, the Village should collect up to \$10 million in tax payments.

### **2010 WS Budget**

Hayden stated that the Public Works Committee has not been able to secure a quorum for an official meeting the last two months; however, the committee members have reviewed the proposed budget and no concerns have been stated. At its last monthly meeting, the Finance Committee approved a motion to send the proposed 2010 Water and Sewer Budget to the Village Board with a recommendation for approval. O'Connell stated that she is opposed to approving the budget as presented. O'Connell stated that items were cut from the Village Budget and nothing was eliminated from the 2010 Water and Sewer Budget after it was presented to the Finance Committee. O'Connell stated that the two laptop computers included in the 2010 Water and Sewer Budget are not needed and a list of the computers has not yet been provided, so she can't vote to approve the budget.

Workman stated that although no cuts were made to the proposed 2010 Water and Sewer Budget by the Finance Committee, the preliminary budget was fine tuned by the administration prior to being presented. Workman stated that the overall water budget actually calls for a 12 percent decrease from last year, including a 31 percent decrease in the Total Water Asset Additions account; and the overall sewer budget calls for a 36 percent decrease in total expenses from last year. President Petersen stated that Workman and Hayden made significant cuts to the 2010 Water and Sewer Budget before it was presented for initial consideration.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2010 Water and Sewer Budget as submitted, and the MOTION carried with one negative vote cast by Trustee O'Connell, and with Trustee Turner absent.

### **Ehler's Refunding Options & Special Meeting Pending**

Hayden stated that per the directive of the Finance Committee, she and Jim Mann talked to Tobias Steivang at Walworth State Bank and the refunding proposal is being fine tuned. At the January 28, 2010 Finance Committee meeting, Mann presented refinancing options for the Village's current outstanding debt that could save the Village between \$197,002 and \$188,779 during the term of the borrowing. The committee approved a motion to recommend Village Board approval of the refinancing proposal at the lowest interest rate possible. Hayden stated that a special meeting of the Village Board will be required to approve the refunding plan and approve a bond sale.

### **Announcement for Board of Trustees to Consider Going Into Closed Session**

Trustee O'Connell/Trustee Kenny 2<sup>nd</sup> made a MOTION at 7:11 pm to go into closed session to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the AFSCME Union contract negotiations, and the Roll Call vote followed:

Trustee Spadoni - Aye

President Petersen – Aye

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Lewis – Aye

Trustee O'Connell – Aye

The MOTION carried on a 6-0 vote with Trustees Turner absent.

### **Adjournment of Closed Session**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn the Closed Session at 7:22 pm, and the MOTION carried without negative vote.

### **Adjournment**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:23 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: 3/1/2010