

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, February 2, 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: O'Connell, Spadoni, President Pollitt, Petersen, Kenny, Lewis
Trustee absent: Turner

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Announcement for Board of Trustees to Consider Going Into Closed Session

O'Connell/Spadoni 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 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, Wilkinson Claims and Lake Geneva Yacht Club Claim, and the roll call vote followed:

Spadoni – Yes

President Pollitt – Yes

Petersen – Yes

Kenny – Yes

Lewis – Yes

O'Connell – Yes

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

Adjournment of Closed Session

Spadoni/Kenny 2nd made a MOTION to adjourn the closed session of the Village Board at 5:57 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

Joe Abell, Rosemarie Barrette, Bill Grunow, Michael Hoey, Rob Ireland, Rescue Squad Chief Jon Kemmett, Library Director Nancy Krei, Lou Loenneke, Assistant Zoning Administrator Bridget McCarthy, Geneva Lake Conservancy Executive Director Joseph McHugh, Fire Chief Wolfgang Nitsch, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Larry Pearce, Village Planner Mike Slavney, Village Attorney Dale Thorpe

Visitors Heard

Lou Loenneke stated that he owns property off Shabbona Drive in the Country Club Estates subdivision and he is concerned that the Village's ongoing storm water management planning will not include two "ponds" located adjacent to his property. President Pollitt stated that a series of meetings have been held by the subcommittee of the Public Works Committee, and there will be more meetings before the proposal is finalized for Village Board consideration. President Pollitt stated that the committee is looking to address the large areas that are "hot spots" for storm water management issues. Trustee Petersen stated that the area Loenneke is concerned about is included as one of the "hot spots" and it is part of the plan.

Announcements

1. CDA Board Monthly Meeting – **Wednesday, February 4, 2009, 6:00 pm**
2. Ad Hoc Joint Services Committee Meeting at the Fontana Village Hall – **Thursday, February 5, 2009, 6:00 pm**
3. Toddler Time at the Fontana Public Library – **Thursday, February 5, 12 and 19, 2009, 10:30 am**
4. Public Test of Electronic Voting Equipment for Spring Primary Election – **Wednesday, February 11, 2009, 2:30 pm**
5. VOF Assessor Village Hall Office Hours – **Friday, February 13, 2009, 10:00 am to 2:00 pm**
6. Spring Primary Election – **Tuesday, February 17, 2009, Polls Open 7:00 am to 8:00 pm**
7. Park Commission Monthly Meeting – **Wednesday, February 18, 2009, 6:00 pm**
8. Congressman Ryan Staff Member Listening Session at Fontana Village Hall – **Thursday, February 19, 2009, 2:00 to 3:00 pm**
9. Plan Commission Monthly Meeting – **Monday, February 23, 2009, 5:30 pm**
10. Library Board Monthly Meeting – **Wednesday, February 25, 2009, 10:00 am**
11. Lakefront and Harbor Committee Meeting – **Wednesday, February 25, 2009, 4:30 pm**
12. Finance Committee Meeting – **Thursday, February 26, 2009, 5:00 pm**

Approval of Minutes

Spadoni/President Pollitt 2nd made a MOTION to approve the minutes for the meetings held January 5, 2009 and January 19, 2009 as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

O'Connell/Petersen 2nd made a MOTION to accept the Treasurer's Report for December 2008 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Spadoni/Petersen 2nd made a MOTION to approve the Village and Utility Payables as presented, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Conditional Use Permit Application Filed by T-Mobile Central, LLC for Nine Additional Antennas on Existing Tower on Property Owned by Robert Stewart, 202 W. Main Street, Fontana, WI 53125 in the M-3 ETZ District

Spadoni stated that the Plan Commission recommended approval of the Conditional Use Permit application as filed with five conditions. Rosemarie Barrette stated that the applicant does not have any concerns with regard to fulfilling the conditions for approval.

Spadoni/President Pollitt 2nd made a MOTION to approve the Conditional Use Permit application filed by T-Mobile Central, LLC for nine additional antennas on the existing tower on the property owned by Robert Stewart, 202 W. Main Street, Fontana, WI 53125 in the M-3 ETZ District, with the following conditions:

1. A certified site plan and/or survey must be submitted which accurately depicts the location of the existing tower on the parcel to determine zoning district.
2. A complete submittal for building and zoning permits must be applied for and issued prior to the commencement of construction of and/or installation of any antennas and/or cables. CUP approval shall not alleviate the applicant from securing all required permits.
3. 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.
4. 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 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 days to correct the problem.
5. 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 Tradewell Builders, LLC to Construct Additional Principal Structure on Edward S. Lyon Property, 986 South Lakeshore Drive, Fontana, WI 53125 in the RS-1 Zoning District

Spadoni stated that the Plan Commission recommended approval of the Conditional Use Permit application as filed with two new conditions and the eight conditions established on the CUP approved December 1, 2008.

Petersen/O'Connell 2nd made a MOTION to approve the Conditional Use Permit application filed by Tradewell Builders, LLC to construct an additional principal structure on the Edward S. Lyon property at 986 South Lakeshore Drive, Fontana, WI 53125 in the RS-1 Zoning District, with the following 10 conditions:

1. A complete submittal for tree removal permits shall be applied for and obtained prior to the removal of any trees.
2. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any interior construction. CUP approval shall not alleviate the applicant from securing all required permits.
3. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.
4. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any occupancy permits.
5. At least one existing accessory structure shall be completely removed prior to the issuance of any occupancy permits.
6. Property maintenance throughout the entire subject property shall conform to the standards set forth in the Village of Fontana Municipal Code prior to the issuance of any occupancy permits. This includes, but shall not be limited to, the complete removal of all debris, garbage, building materials, lumber, piping, garbage, equipment, outdoor storage, etc.
7. A separate water meter for the proposed structure is required.
8. Water and sewer laterals must be depicted on the site plan submitted for building and zoning permits.
9. All previous approval conditions shall remain in effect.
10. The actual construction shall be as depicted on the approved plans submitted for this CUP amendment approval. Interior modifications may be allowed pending approval by the

Building Inspector. Exterior modifications may require an additional amendment to this approval.

The MOTION carried without negative vote.

Certified Survey Map Filed by the Stopple Estate – ETJ Review

Spadoni stated that staff reviewed the proposal and the Plan Commission recommended approval of the Extraterritorial Plat Jurisdiction review of the proposed CSM. There were two minor amendments to the CSM directed by the Wisconsin Department of Administration.

O’Connell/Kenny 2nd made a MOTION to approve the Extraterritorial Plat Jurisdiction review of the Certified Survey Map filed by the Estate of Tena Stopple, W4886 Cobblestone Road, Walworth Township, and the MOTION carried without negative vote.

Building, Site and Operational Plan Filed by First Advantage Mortgage, 105 W. Main Street

Spadoni stated that the Plan Commission recommended approval of the BSOP filed by First Advantage Mortgage to accommodate the modification of the current signage on the building at 105 W. Main Street. Approval was recommended with five conditions.

Kenny/Spadoni 2nd made a MOTION to approve the Building, Site and Operational Plan filed by First Advantage Mortgage, 105 W. Main Street, with the following five conditions:

1. The proposed signage must be made in accordance to the approval of this BSOP only.
2. The applicant must obtain all necessary building and zoning permits prior to the installation of any signage. BSOP approval shall not alleviate the applicant from securing all required permits. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. Any other temporary sign requests not listed shall fall under the terms of the Village of Fontana Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
4. “Open” signage shall be allowed as described in the Village of Fontana Municipal Code.
5. All outstanding cost recovery billed to date applicable to this project must be paid prior to the issuance of any building & zoning permits.

The MOTION carried without negative vote.

Certified Survey Map Filed by Elizabeth E. McCloy Trust & Michael J. Sherman for Parcels Located Off Brickley Drive at Woodland Drive

Spadoni stated that CSM was filed to reduce three currently platted lots to two lots. Spadoni stated that the Plan Commission recommended approval of the CSM with five conditions. Thorpe stated that the two conditions with regard to noting that the lots cannot be further subdivided in the future can be combined into one condition.

Spadoni/Kenny 2nd made a MOTION to approve the Certified Survey Map filed by the Elizabeth E. McCloy Trust and Michael J. Sherman with the following four conditions:

1. A notation shall be visibly placed on the face of the CSM which clearly states a deed restriction prohibits further subdivision of either parcel.
2. The applicant shall be responsible for recording the Certified Survey Map with Walworth County within one year from the approval date by the Village of Fontana.
3. The applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey map within 30 days of recording such document, which will constitute final Village approval of the proposed Certified Survey Map.
4. The Certified Survey Map shall be corrected as follows: Lot 1 CSM 1067 shall be corrected to read Lot 1 CSM 1037.

The MOTION carried without negative vote.

Certified Survey Map Filed by Myron and Geraldine Audino & Subdivision Variance Requests – Tabled 11/3/08, 12/1/08 & 1/5/09

Thorpe stated that he has contacted the attorney representing David Audino in an attempt to finalize the required maintenance agreement that the Village staff has been waiting for since October 2008.

Petersen/O’Connell 2nd made a MOTION to table the item until the documentation required by the Plan Commission’s motion to recommend approval of CSM and Subdivision Variance is provided by the applicant, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Resolution Adopting 2009 Salaries and Hourly Rates (Tabled 1/5/09 & 1/19/09)

President Pollitt stated that the proposed 2009 salaries and hourly rates for the non union Village employees were discussed in the closed session.

Kenny/Petersen 2nd made a MOTION to approve Resolution 02-02-09-01 as presented, and the MOTION carried without negative vote.

Restructuring Job Descriptions

President Pollitt stated that due to the recent resignations of Peg Pollitt as treasurer and Joseph McHugh as the executive director of the CDA, the current administrative staff duties are being restructured. Peg Pollitt's former duties have been assigned to Hayden-Staggs, Deputy Clerk/Treasurer Julie Olson and Assistant Zoning Administrator Bridget McCarthy, and there will be a part-time processing clerk hired. McHugh's former duties have been assigned to Hayden-Staggs, Director of Public Works Craig Workman, McCarthy and Martin. Hayden-Staggs stated that if so inclined, the Village Board could consider a motion to endorse the restructuring plan discussed in the closed session. If endorsed, Hayden-Staggs stated that Municipal Code amendments will be drafted prior to next month's meeting to address the reassigned duties.

Petersen/Spadoni 2nd made a MOTION to endorse the restructured job descriptions as presented and to direct Hayden-Staggs to prepare Municipal Code amendments to be considered at the next monthly meeting of the Village Board. The MOTION carried without negative vote.

Outdoor Wood-Fired Boilers Ordinance

President Pollitt stated that staff recommended the ordinance amendment to declare outdoor wood-fired boilers a public nuisance because of the amount of smoke they produce.

Spadoni/President Pollitt 2nd made a MOTION to approve Ordinance 02-02-09-01 as presented, and the MOTION carried without negative vote.

Comprehensive Plan Timeline, Budget Forecasting, and Direction to Plan Commission – Mike Slavney

Village Planner Mike Slavney stated that the Village of Fontana Comprehensive Master Plan has to be updated by January 1, 2010 in order to fulfill the terms of the state's Smart Growth legislation. Slavney presented an outline of the meeting schedule and agenda items to complete the update of the current Master Plan. The outline contains a list of the items that have to be completed in order to complete the update, and optional items that Slavney stated the Village of Fontana does not really have to undertake in order to update the Master Plan. Slavney stated that without the optional items, the Master Plan update will cost just under \$40,000. Hayden-Staggs stated that current budget has about \$40,000 designated for the Master Plan update. Slavney stated that he could commence work on the update, and if desired, some of the optional items could be added to the project later in the year. President Pollitt stated that the Village Board should consider approving the basic update items for the proposed amount of \$39,860, and discuss the optional items at a future meeting. The first step in updating the plan will be for the Village Board and Plan Commission members to review the current plan and provide feedback to Village staff.

Spadoni/O'Connell 2nd made a MOTION to approve the Comprehensive Master Plan Timeline as presented for the \$39,860 total fee, without the optional items at this time, and the MOTION carried without negative vote.

Authorization for Village Planner to Research ETZ Ordinance Amendment Primary Use Issue

Thorpe stated that due to recent changes in the state statutes with regard to extraterritorial zoning ordinances, reasonable uses by right have to be added to some of the districts in the Village of Fontana's ETZ Zoning Ordinance. Thorpe stated that there are a few districts in the Village's ETZ Ordinance that feature only uses by conditional use permit and there are no permitted uses by right. Thorpe stated that it is just a problem in the ETZ section of the Zoning Code, there are no districts in the Village of Fontana Zoning Ordinance that feature only allowable uses by conditional use permit. Slavney stated that it will require about five to six hours of time for his firm to complete the research and draft the necessary amendments.

Spadoni/Petersen 2nd made a MOTION to authorize the Village Planner to research and draft an amendment to address the primary use issue in the ETZ Ordinance, and the MOTION carried without negative vote.

Appoint New Chairman for ETZ Committee to Replace Mike Poivey

President Pollitt stated that Mike Poivey requested to be replaced as the chairman of the Joint Extraterritorial Zoning Committee; however, he will continue to serve as one of the Village of Fontana representatives. President Pollitt stated that Derek D'Auria has offered to serve as the chairman of the committee.

Spadoni/O'Connell 2nd made a MOTION to approve the appointment of Derek D'Auria as chairman of the Joint ETZ Committee to replace Mike Poivey, and the MOTION carried without negative vote.

Status Report on Processing Clerk Hiring

Hayden-Staggs stated that advertisements have been placed in the local newspapers and placed on the Village and League of Wisconsin Municipalities websites and there have already been some applications submitted.

2009 Tax Collection Report

Hayden-Staggs stated that 2009 taxes are still coming in and to date the Village has collected \$10,200,000. Hayden-Staggs stated that the Village will settle with the county on February 15, 2009.

208 Dewey Relocation Deadline Extension

Robert Cole requested an extension in the deadline the Village Board set to have the residence and garage removed from the village owned parcel at 208 Dewey Avenue. Hayden-Staggs stated that initially established deadline was in January 2009. Nyman stated that Cole has indicated he has made an offer to purchase a vacant lot in the Village of Walworth; however, he does not yet know if the offer has been accepted.

Petersen/Spadoni 2nd made a MOTION to extend by 90 days the initially established deadline for the removal of the residence and garage at 208 Dewey Avenue, and the MOTION carried without negative vote.

Claim Filed by Lake Geneva Yacht Club

The Lake Geneva Yacht Club filed a claim for excessive taxes with the Village of Fontana. The claim was discussed in the closed session.

Petersen/O'Connell 2nd made a MOTION to direct Village Attorney Dale Thorpe to request from the Village assessor a written response delineating his position on the claim, and for Thorpe to present the response to the Village Board in a closed session. The MOTION carried without negative vote.

Protection Committee – President Pollitt

Part-Time/LTE Pay Proposal for Longevity – Tabled 12/1/08 & 1/5/09

President Pollitt stated that the proposal to increase the part-time officer pay to \$16.50 per hour is reflected in the payroll resolution that was adopted that night. President Pollitt stated that the pay rate for LTE employees is covered in the current union contract.

Operator's License Application Filed by Rebecca Meade (The Abbey Resort)

There were no concerns noted in the background check.

Spadoni/O'Connell 2nd made a MOTION to approve the Operator's License application filed by Rebecca Meade, an employee at the Abbey Resort, and the MOTION carried without negative vote.

Approve New Agent for Lake Geneva Yacht Club Liquor License

The Lake Geneva Yacht Club filed an application to change the Agent on its Liquor Licenses from John Schnupp to Robert Timm. There were no concerns noted in the background check.

Spadoni/Petersen 2nd made a MOTION to approve the application filed by Robert E. Timm to be the agent on the Liquor License issued to the Lake Geneva Yacht Club, and the MOTION carried without negative vote.

Donation of Fire Items to the IFRM

Fire Chief Wolfgang Nitsch stated that the items on the list of things proposed to be donated to the International Fire Relief Mission features items that are no longer used by the Fontana Fire Department. Nitsch stated that Fire Department Treasurer Shane Westphal, who has participated on International Fire Relief Missions, initiated the proposal. In order to authorize the donation, the Village Board had to declare the items on the list as surplus.

Spadoni/Petersen 2nd made a MOTION to declare the 18 items on the list of things to be donated to the International Fire Relief Mission surplus and to authorize the donation of the items contingent on the receipt of a waiver that states that the equipment will be accepted as is with no liability to the Village of Fontana. The MOTION carried without negative vote.

Public Works – Trustee Petersen

Alliant Lease Agreement – Tabled 12/1/08 & 1/5/09

Hayden-Staggs stated that a conference call was conducted with representatives of Alliant, but the utility company has not yet responded to the Village's concerns.

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

Fontana Corner Market Groundwater Issue Update and Proposed Village Expense for Engineering Study

Petersen stated that the Public Works Committee determined that it was not the Village's responsibility to help fund an engineering study with regard to groundwater issues at the Fontana Corner Market gas station. Petersen stated that if the owner of the gas station wants to fund an engineering study, it would be his prerogative.

Spadoni/Petersen 2nd made a MOTION to affirm the Public Works Committee recommendation to not share in the cost for an engineering study with regard to groundwater issues at the Fontana Corner Market as proposed by the gas station owner Don Ketterhagen. The MOTION carried without negative vote.

Harvard Avenue Water Main Relay Contract – Change Order No. 1, Certificate of Substantial Completion & Final Pay Request No. 3

Petersen stated that the Village engineering firm and the Public Works Committee recommended approval of the change order calling for a decrease in the contract of \$6,895, of the Certificate of Substantial Completion, and of Pay Request No. 3 totaling \$5,520. The final pay request leaves the total amount being held as a retainer to \$5,348 on the \$213,924 contract.

Petersen/Spadoni 2nd made a MOTION to approve Change Order No. 1 calling for a contract decrease of \$6,895, the Certificate of Substantial Completion, and Final Pay Request No. 3 totaling \$5,520 as submitted by Wanasek Corporation for the Harvard Avenue Water Main Relay Contract. The MOTION carried without negative vote. President Pollitt abstained.

Timber Trail Drive and Indian Hills Road Contract Change Order No. 2 and Pay Request No. 4

Petersen stated that the Village engineering firm and the Public Works Committee recommended approval of Change Order No. 2 change order calling for an increase in the contract of \$2,177 and of Pay Request No. 4 totaling \$45,302. The pay request leaves the total amount being held as a retainer to \$21,193 on the \$847,758 contract.

Petersen/Spadoni 2nd made a MOTION to approve Change Order No. 2 calling for an increase in the contract of \$2,177 and Pay Request No. 4 totaling \$45,302 as submitted by Reesman's Excavating & Grading, Inc., for the Timber Trail Drive and Indian Hills Road Contract. The MOTION carried without negative vote.

Castle Terrace Discussion – Rosenow Letter Dated December 28, 2008

Petersen stated that since the Village just completed a resurfacing and utility construction project on Castle Terrace Drive, the Public Works Committee recommended denying the request of local contractor Richard Rosenow for the Village to bury a drainage line and construct a new cul-de-sac on the street in front of a new home constructed by Rosenow's company, Universal Contracting

Group, Inc. The committee directed Workman to work on a cost estimate to address the drainage swale as the east end of the road.

O'Connell/Spadoni 2nd made a MOTION to deny the request of local contractor Richard Rosenow for the Village to bury a drainage line and construct a new cul-de-sac on the street in front of a new home constructed at 267 Castle Terrace Drive, and the MOTION carried without negative vote.

Public Works Crew Member Position Update

The Village received about 40 applications and they are being whittled down to eight by the Public Works Committee. The eight candidates will be brought in for interviews.

Stormwater Committee Update

Petersen stated that the committee held a meeting last week and the "hot spots" were identified. Petersen stated that the committee is also investigating possible methods to pay for the improvements needed to address the storm water management issues in the Village.

Construction Updates

The construction updates are addressed in the minutes for the January 24, 2009 Public Works Committee meeting, which were distributed and posted on the Village website.

CDA – Trustee Turner

Foth Updated Proposal for Fontana-Walworth Pedestrian Path Project

Foth engineering firm submitted a revised proposal for the Fontana-Walworth Pedestrian Path that estimates a total cost \$23,500, but the contract would be on a time and materials basis. The Village Board was in consensus that a not to exceed total of \$23,500 should be approved, contingent on CDA Board approval, and if the engineering firm is going to exceed that amount, the proposal should be brought back for further consideration.

Spadoni/Lewis 2nd made a MOTION to approve the Foth engineering proposal for the Fontana-Walworth Pedestrian Path Project for an amount not to exceed \$23,500, contingent on CDA Board approval, and the MOTION carried without negative vote.

Kinzie Avenue Contract Pay Request No. 4

Petersen stated that the Village engineer recommended approval of Pay Request No. 4 totaling \$16,920 submitted by Odling Construction for the Kinzie Avenue Contract.

Spadoni/O'Connell 2nd made a MOTION to approve Pay Request No. 4 totaling \$16,920 as submitted by Odling Construction for the Kinzie Avenue Contract, contingent on CDA Board approval, and the MOTION carried without negative vote.

Third Avenue Contract Pay Request No. 5

Petersen stated that the Village engineer recommended approval of Pay Request No. 5 totaling \$23,940 submitted by Mann Brothers, Inc. for the Third Avenue Contract.

Kenny/Spadoni 2nd made a MOTION to approve Pay Request No. 5 totaling \$23,940 submitted by Mann Brothers, Inc. for the Third Avenue Contract, contingent on CDA Board approval, and the MOTION carried without negative vote.

Blue Ribbon Committee on Lakefront Building – Trustee Lewis

Approve Lakefront Building Structural Engineering Contract

The Blue Ribbon Committee recommended approval of the \$2,500 bid proposal submitted by PDI/Graef for the structural engineering contract. Spadoni stated that the Village Board members should have received copies of the 10 RFPs submitted so that they could make an informed decision. Spadoni stated that the proposal submitted by PDI/Graef was the fourth highest bid submitted. Nancy Krei stated that the committee members felt that the lower priced proposals were not as complete as the PDI/Graef proposal and the Village worked with PDI on prior projects and are very comfortable with the firm's work. Petersen stated that the Village engineering firm, Ruekert-Mielke, submitted a bid of \$1,000. Petersen stated that the Village should not be spending any more funds on the marina building because of its poor condition, and the building should be razed.

O'Connell/Lewis 2nd made a MOTION to approve the proposal submitted by PDI/Graef for the structural engineering contract for the Village's lakefront marina building as recommended by the

Blue Ribbon Committee, and the MOTION failed on a 2-4 vote, with Trustees O'Connell and Lewis voting yes, and Trustees Spadoni, Petersen and Kenny and President Pollitt voting no. Following the vote, the Village Board directed the RFPs back to the Blue Ribbon Committee for reconsideration.

Lakefront and Harbor – Trustee O'Connell
Pringle Rip Rap Application

O'Connell stated that the DNR approved the rip rap application filed by the Ullman Estate in care of Jody Pringle for repairs already completed to the current rip rap and for additional rip rap construction or repairs at 672 S. Lakeshore Drive.

Spadoni/Kenny 2nd made a MOTION to approve the Rip Rap Application filed by the Ullman Estate in care of Jody Pringle for repairs already completed to the current rip rap and for additional rip rap construction or repairs at 672 S. Lakeshore Drive, subject to compliance terms dictated by the DNR. The MOTION carried without negative vote.

Austin Pier Repair Proposal

O'Connell stated that the Lakefront and Harbor Committee recommended approval of the Austin Pier Services, Inc., proposal for pier repairs totaling \$814.90.

Petersen/Spadoni 2nd made a MOTION to approve the Austin Pier Services, Inc., proposal for pier repairs totaling \$814.90 as recommended, and the MOTION carried without negative vote.

Austin Bumper Installation Proposal on Pier No. 1

O'Connell stated that the Lakefront and Harbor Committee recommended approval of the Austin Pier Services, Inc., proposal for installing bumpers on the north and south sides of Pier No. 1 for a total of \$825. The bumpers will not be installed in the area of the pier used by Gage Marine.

Spadoni/Petersen 2nd made a MOTION to approve the Austin Pier Services, Inc., proposal for installing bumpers on the north and south sides of Pier No. 1 for a total of \$825 as recommended, and the MOTION carried without negative vote.

Finance Committee – President Pollitt

Cost Recovery Policy Creation

President Pollitt stated that the Finance Committee is considering amendments to the Village's cost recovery policy to help pursue overdue bills.

Lien Filing for Rookus and Grunow Past Due Cost Recovery

President Pollitt stated that the Finance Committee recommended the Village commence the process to file liens against the Rookus development group and Bill Grunow, Sr., for past due cost recovery bills for the ETZ zoning proposals. Thorpe stated that he could research the issue and bring back options for the Village Board to consider.

Spadoni/Petersen 2nd made a MOTION to direct Village Attorney Thorpe to research the filing of liens against the Rookus development group and Bill Grunow, Sr. for past due cost recovery bills and to bring back options for the Village Board to consider at its next monthly meeting. The MOTION carried without negative vote.

Audit 2008 Report

Hayden-Staggs stated that the Village auditor and his staff members were at the Village Hall the third week of January to collect the documents for the annual audit. The audit will be presented to the Village Board in May.

Financial Control Policy

President Pollitt stated that staff is working on amending the financial control policy to reflect the new administrative staff restructuring. President Pollitt stated that a few recommendations made by the auditor will be addressed in the financial control policy.

Park Commission – Trustee Lewis

Approval of Big Foot Lions Club Annual Events – Fourth of July Concession Stand, Lobster Boil & Steak Fry Event with Parking on Baseball Diamond, and Triathlon Breakfast Tent

Big Foot Lions Club members Andy Pearce, Joe Abell and Bill Grunow presented the plans for three events to be staged in Reid Park. All of the events were favorably reviewed by the Park Commission at its monthly meeting. Abell stated that the plans for the Fourth of July concession stand are the same as previous years. Abell stated that the concession stand area is broke down and the site is cleared by the time the traffic clears following the fireworks display, unless it rains and then the tent is taken down the next day. Abell stated that concession will be sold from noon on Saturday, July 4, 2009 until the beginning of the fireworks display at dusk.

Petersen/Kenny 2nd made a MOTION to approve the Park Permit application as presented for the Big Foot Lions Club Fourth of July concession stand in Reid Park, and the MOTION carried without negative vote.

Pearce presented the plans for the 26th annual Lobster Boil and Steak Fry in Reid Park on Saturday, July 25, 2009, with the exception that the Lions Club is seeking authorization for event workers to park their vehicles on the baseball diamond. The Park Commission recommended approval of the parking proposal with the condition that the Lions Club works with the Director of Public Works to ensure the parking does not adversely affect the baseball diamond. If there is rainy weather and the field is too saturated, the vehicles will not be parked in the baseball diamond area. In response to a question from Petersen, Pearce stated that there will be a club member monitoring the automobiles that are parked on the ball diamond to ensure that only club members working the event are parking there.

Spadoni/Kenny 2nd made a MOTION to approve the Park Permit application as presented for the Big Foot Lions Club Lobster Boil and Steak Fry in Reid Park on Saturday, July 25, 2009, with the condition the Loins Club work with the Director of Public Works on the parking plan for the baseball diamond area. The MOTION carried without negative vote.

Grunow presented the plans for a new breakfast tent to be operated in conjunction with the Lake Geneva Triathlon that will be staged by Frank Dobbs on the Fontana lakefront on Saturday, September 12, 2009. Grunow stated that following the Park Commission meeting, he talked to Dobbs and the Lions Club has opted to set up its own tent to offer breakfast sandwiches, coffee, juice and fruit to event participants to spectators. Grunow stated that the tent will be set up the night before the event and they will begin serving at 5:00 am on September 12, 2009. Grunow stated that the site should be cleaned up and the tent and equipment cleared by noon.

Spadoni/O'Connell 2nd made a MOTION to approve the Park Permit application as presented for the Big Foot Lions Club to operate a breakfast tent in Reid Park on Saturday morning, September 12, 2009 in conjunction with the annual triathlon. The MOTION carried without negative vote.

Abell stated that he wanted to present to the Village a \$6,000 check from the Big Foot Lions Club for its first annual installment on a \$30,000 pledge the club approved to help fund the Little Foot Playground renovation project. Abell stated that it was the club member's pleasure to be able to donate funds toward the playground renovation project and he thanked the Village for allowing the club to hold its annual events on the Fontana lakefront. President Pollitt thanked Abel and the Lions Club for the generous donation to the renovation project and for its annual appropriations to the Fontana Park Commission.

F/W WPCC – Trustee Petersen TSS and BOD Loadings Update

Petersen stated that President Pollitt sent a letter to the Fontana-Walworth Water Pollution Control Commission on the status of the revised 2030 Flow and Loading Projections for the Village of Fontana. Petersen stated that the investigation is continuing and that the Village Board members will receive copies of the F/W WPCC Board meeting minutes in the Village Board monthly meeting packets.

GLLEA – President Pollitt

Transfer of Financial Responsibility to City of Lake Geneva

President Pollitt stated that the Geneva Lake Law Enforcement Agency Board approved a motion at its last meeting to transfer the financial responsibility of the GLLEA to the City of Lake Geneva from the Village of Fontana. President Pollitt stated that he did not vote on the motion because his wife, Peg Pollitt, is the City of Lake comptroller.

Joint Services Ad Hoc Committee – Administrator Hayden-Staggs

Update

Hayden-Staggs stated that the next meeting of the Ad Hoc Committee is scheduled for Thursday, February 5, 2009 beginning at 6:00 pm the Fontana Village Hall.

Pending Item for Future Agendas

1. Fontana Fen Property Line Delineation

Adjournment

Spadoni/Petersen 2nd made a MOTION to adjourn the Village Board meeting at 7:34 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: 3/2/09