

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, February 7, 2011**

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: Tom McGreevy, Pat Kenny, Peg Pollitt, Cindy Wilson, George Spadoni, President Arvid Petersen

**Trustee absent:** Micki O'Connell

**Also Present:** Steve Beers, Bob Chanson, Jim and Megan Feeney, Administrator/Treasurer Kelly Hayden, Rob Ireland, Jon Kemmett, Kevin Kirkland, Alex Koldeway, Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Wolfgang Nitsch, Building Inspector/Zoning Administrator Ron Nyman, Police Chief Steve Olson, Rick Pappas, Terry Tavera, Tom Westphal, Director of Public Works Craig Workman, Bob Youngquist

**Visitors Heard**

At the end of the meeting, Hayden stated that the Police Chief Steve Olson wanted to remind citizens to clear the snow piled up around and burying fire hydrants and she asked if the local newspaper reporters would print an announcement in an upcoming edition.

**Announcements**

1. Spring Primary Election – Tuesday, February 15, 2011, 7:00 am to 8:00 pm
2. Human Resources Committee Meeting – Tuesday, February 15, 2011, 6:00 pm
3. Library Board Meeting – Wednesday, February 16, 2011, 10:00 am
4. Plan Commission Staff Meeting – Wednesday, February 16, 2011, 1:00 pm
5. Park Commission Meeting – Wednesday, February 16, 2011, 6:00 pm
6. Read & Romp Program at Library – Thursdays, February 17 and 24, 2011, 10:30 am
7. Assessor Village Hall Office Hours – Friday, February 18, 2011, 10:00 am to 2:00 pm
8. Protection Committee Meeting – Monday, February 21, 2011, 5:45 pm
9. Lakefront and Harbor Committee Meeting – Wednesday, February 23, 2011, 4:30 pm
10. Public Works Committee Meeting – Saturday, February 26, 2011, 8:00 am
11. Plan Commission Monthly Meeting – Monday, February 28, 2011, 5:30 pm
12. Public Workshop for Chapters 17 & 18 Rewriting Project – Saturday, March 5, 2011, 9:00 am

**Approval of Village Board Minutes**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held January 10 and 31, 2011 as presented, and the MOTION carried without negative vote. Trustee Pollitt abstained.

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

Petersen stated that the reports were distributed and/or emailed to the Village Board members.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the December 2010 treasurer's reports and the current Cash Flow Statement, Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Payables were distributed and presented at the meeting. Pollitt pointed out errors for bills to be paid to the Geneva Lake Law Enforcement Agency and to the Geneva Lake Environmental Agency.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to authorize the payment of the payables as distributed and presented at the meeting, with the two bills corrected as noted for the Geneva Lake Law Enforcement Agency and for the Geneva Lake Environmental Agency, and the MOTION carried without negative vote.

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

## **Hayden**

### **Ordinance Creating Sec. 30-7 Authorizing Clerk to Reduce Number of Election Workers**

Martin stated that the proposed ordinance authorizes the Village to reduce the total number of poll workers required to work at an election.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 02-07-11-02, creating Section 30-7, authorizing the clerk to reduce the number of election workers, as presented, and the MOTION carried without negative vote.

### **Agent Change, Stephen Fairchild, & Seller's Permit Change for Park Place LLC Liquor License**

Petersen stated that he would step down for the agenda item and asked Trustee Spadoni to serve as the temporary meeting chairman. Martin stated that the required background checks have been successfully completed and the new Seller's Permit is active and in good standing with the Wisconsin Department of Revenue. The agent change and Seller's Permit change are for the license issued to Park Place, 268 Reid Street, to be transferred from the late Richard Rosenow to the Park Place, LLC. Trustee Spadoni/Trustee McGreevy made a MOTION to approve the Agent change to Stephen Fairchild and to approve the new Seller's Permit for the liquor license issued to Park Place, LLC, 268 Reid Street, and the MOTION carried on a 5-0 vote, with Trustee O'Connell absent and President Petersen having stepped down.

### **Section 78-1: Proposed Ordinance Amendment to Section 78-1**

Hayden stated that the proposed amendment adds "within 300 feet" to the notice to connect section, and adds wells to the abandonment section of the ordinance.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 02-07-11-03, amending Section 78-1 of the Municipal Code, regarding compulsory connection to sewer and water, as presented, and the MOTION carried without negative vote.

### **Approve Purchase of Pay Station for Beach Parking Lot**

Hayden stated that the \$16,322 purchase of a new pay station for the beach parking lot is in the 2011 budget and the proposal submitted by Total Parking Solutions, Inc., is the same as submitted last year for the pay station that was erected in the boat trailer parking lot. With the purchase this year, the Village will now have a parking meter pay station located on the southeast corner of Third Avenue and Reid Street, in the boat trailer parking lot on Third Avenue, and in the beach parking lot. A discussion on what to do about the parking stalls in the old main lift station parking lot on Fontana Boulevard across the street from the beach lot ensued. A recommendation on designating the old Main Lift Station parking lot stalls for resident F sticker parking only, to reinstall the old parking meters back in the lot, or to number the stalls and add them to the pay station "pay and display" stalls was deferred to the Protection Committee. In response to a question from Spadoni, Hayden stated that the new pay station will be installed in the middle of the beach parking lot, and the initial plan was for the CDA to purchase two pay stations to be erected in the beach parking lot if the Lakefront Building Project referendum would have received approval.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$16,322 purchase of a parking pay station from Total Parking Solutions, Inc., as presented, and the MOTION carried without negative vote.

### **Village Hall Saturday Morning Hours from Memorial Day to Labor Day**

Hayden stated that Village Hall was reopened for customer service hours on Saturday mornings from 8:00 am to Noon during the tax collection season; however, there was very little activity. Hayden stated that there will be no real activity until the Memorial Day weekend, when summer residents will want to purchase their parking stickers, boat launch passes and beach passes. Hayden stated that when there is activity at the Village Hall on Saturdays, there is no need to open before 9:00 am.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to close Village Hall on Saturdays except for the period from Memorial Day to Labor Day, from 9:00 am to Noon, and the MOTION carried without negative vote.

### **Fireworks Fund-Raising Efforts with Geneva Lake West Chamber of Commerce**

Hayden stated that the Geneva Lake West Chamber of Commerce has requested that the Village

again assist the chamber with coordinating the fund-raising for the Fourth of July fireworks display. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize staff to work with the Geneva Lake West Chamber of Commerce on fund-raising efforts for the annual Fourth of July fireworks display, and the MOTION carried without negative vote.

#### **Park Commission – Trustee Wilson**

##### **Fontana Garden Club Memorial Day Weekend Plant Sale at Porter Court Plaza, May 27 to 29, 2011**

Wilson stated that the Fontana Garden Club would like authorization to hold its annual Memorial Day weekend plant sale at the Porter Court Plaza instead of at the Park House and she thinks it is a wonderful idea. The Park Commission has been discussing possible events for the Porter Court Plaza and the members are in favor of the proposal. Petersen stated that the club members should be sure to work with the Department of Public Works when driving tent stakes in the Porter Court Plaza because there are many utility lines in the area.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by the Fontana Garden Club to hold its annual Memorial Day weekend plant sale at the Porter Court Plaza as presented, from May 27 to 29, 2011. The MOTION carried without negative vote.

#### **Ordinance – Parking on Park Property**

Wilson stated that she was unsure of the origin of the proposed ordinance amendment that would make the parking of iceboats and vehicles on the beach, and the parking automobiles on the ball diamond area of Reid Park legal under the Municipal Code. Hayden stated that the Municipal Code currently does not allow the parking of vehicles on the beach or on any parkland, which historically has been allowed by the Village Board during the winter and for specially approved events in Reid Park. Hayden stated that when she and Chief Olson were reviewing the section with the Village presidents it was determined that an amendment should be made to authorize the longtime practice of parking automobiles and iceboats on the beach during the winter. Petersen stated that specific directions could be added to the proposed ordinance amendment that would require an emergency lane to remain open on the beach when vehicles and iceboats are parked there. Spadoni stated that the parking of vehicles and iceboats on the beach has been allowed for many years in the winter months and it is not a problem. Spadoni stated that if an ordinance is going to be created it should spell out the specific requirements and what is allowed on the beach during the winter. Hayden stated that the ordinance is already in the Municipal Code and it has to be amended in order to authorize the parking on the beach in the winter months, and to authorize the parking of event worker's automobiles on the ball diamond in Reid Park during Big Foot Lions Club and other specially permitted summer events. Hayden stated that the proposed amendment, to add "except as permitted by signage," was drafted as a starting point to state that there is no parking except when approved and posted on signage. Hayden stated that signage could be erected at the beach during the winter and on temporary signs by the designated parking area in the park during the summer events. Spadoni stated that he does not think the signage is a good idea and the ordinance could just be amended to state except as permitted by village staff. Petersen stated that it could also be amended to state except as authorized by the Village Board. Chief Olson stated that posting signage would enable police to enforce the no parking when it has not been preapproved. Petersen stated that he would suggest removing "by signage" from the proposed ordinance amendment and approve the addition of "except as permitted" to the section. Pollitt asked who would be responsible for approving the parking permits, and Petersen replied the Village Board. Bob Youngquist thanked the Village Board for allowing the iceboat club members to park their automobiles and iceboats on the beach during the winter and stated that the club members will cooperate with the village on any requests or parking restrictions that are deemed necessary.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Ordinance 02-07-11-01, amending Section 74-52(a) to add "other than government employees/contractors" and "except as permitted" to the section, and the MOTION carried without negative vote.

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

##### **Icebreaker Kayak/Paddleboard Race Event May 7, 2011 at Municipal Beach**

Kevin Kirkland stated that he would like authorization for his Fontana Paddle Company to host an event on the beach for two to three hours on Saturday, May 7, 2010. The Lakefront and Harbor

Committee approved a motion at its last meeting to recommend approval of the event. Hayden stated that since the proposed event will include the launching of kayaks, a launch fee would be applicable unless waived by the Village Board.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the May 7, 2010 Icebreaker Kayak/Paddleboard Race on the Fontana Municipal Beach, with the launch fees waived, and the MOTION carried without negative vote.

### **Ordinance Approving Recommendation to End Trial Period for Village Launch Season Extension – Tabled 12/6/10 & January 10, 2011**

The ordinance was referred back to the Lakefront and Harbor Committee, and the committee recommended approval of moving the end of the manned boat launch season back to October 15, after an extension period to October 31 was tried last season. The committee also recommended approval of adding the honor box language to the launch access fees section of the code.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 02-07-11-04 as recommended, and the MOTION carried without negative vote.

### **Ordinance & Resolution Amendments to Abolish Commercial Launch Rate**

Hayden stated that the committee recommended changing the commercial launch rates to the same scale as the rates charged for private boat owners. Hayden stated that if the ordinance and resolution amendments were approved, the Village would not be abolishing the commercial launch rate, it would just make the rates consistent for all launches. Following discussion, Hayden stated that if desired, the clause in the draft resolution could be changed from stating “recommended the abolishment of the Commercial Launch Rate” to “recommended that the commercial launch rates be set on the same scale as the private boat launch rates.” The proposed ordinance amendment states that the regular launch fees will be imposed for commercial launches. Spadoni stated that he wanted to make a motion to table the item and refer it back to the committee to reconsider the proper wording. Pollitt stated that it wouldn’t be necessary to send it back to committee just to change the wording in the proposed resolution to amend the Village fee schedule. Spadoni stated that he thinks the Village should work with the commercial boat launch businesses and not raise the commercial rates. Spadoni stated that revenue from commercial boat launches has decreased severely over the last several years and the Village should be trying to generate more revenue, not turning its head on the business community owners. Rick Pappas presented a commercial launch analysis that he prepared using the 2010 commercial launch figures. Pappas stated using the 2010 launch figures, the village would have to have a decrease of more than 35 percent in total launches before it loses revenue. Pappas stated that the major commercial launch user prior to two years ago was Gordy’s, and Tom Whowell has indicated he gets a fixed rate at the Abbey Resort so Gordy’s no longer uses the Village ramp. Pappas stated that Whowell also told the committee that Gordy’s passes the cost of the launch on to the customer, and the committee’s intent it just to make it fair for residents who were paying more to launch their boats than commercial launchers. Kenny stated that he wanted to make sure that the committee had consulted with all the local boat launch businesses. McGreevy stated that the commercial boat launch was established by the village to provide a discount to the businesses in an attempt to generate more revenue. McGreevy stated that the commercial boat employees are very fast in and out of the launch area and they do not use a space in the boat trailer parking lot. Wilson stated that she knows the committee members spent a lot of meeting time considering the issues prior to approving the recommendation. Wilson stated that she wanted to make a motion to approve the proposed resolution with the wording change suggested by Hayden, and to approve the ordinance amendment as presented. Petersen stated that the previous motion to table the issue made by Spadoni died for lack of a second, and he seconded the motion made by Wilson.

Trustee Wilson/President Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 02-07-11-01 with the second paragraph amended to state, “Whereas, the Lakefront and Harbor Committee has recommended that the commercial launch rates be set on the same scale as the private boat launch rates,” and to approve Ordinance 02-07-11-05, amending Section 54-163(b), as presented, and the MOTION failed to earn approval on a 3-3 vote. Trustees Wilson and Pollitt and President Petersen voted yes; Trustees Spadoni, Kenny and McGreevy voted no; and Trustee O’Connell was absent.

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

**Resolution Declaring Past Delinquent Personal Property Uncollectible**

Hayden stated that the committee recommended approval of writing off the village portion of the personal property taxes that have been deemed uncollectible from the years 2005 through 2008. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Resolution 02-07-11-01, declaring past delinquent personal property uncollectible, as recommended, and the MOTION carried without negative vote.

**Resolution Approving 2010 Budget Amendments**

Hayden stated that the resolution to amend the 2010 budget that was recommended for approval by the Finance Committee has been updated to include three more items directed by the village auditor. The additional items that were added after the Finance Committee review are \$1,407 for a Park Commission supplies expense item; \$5,987 for miscellaneous bonding expenses; and a \$62,792 reduction in Highway Maintenance Capital Improvement Expense. The resolution is to authorize items that were approved in 2010 but were not in the initially approved 2010 budget. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 020711-02 as presented, and the MOTION carried without negative vote.

**Ordinance Creating Section 2-463 Relating to Refunds of Certain Overpayments to the Village**

Hayden stated that the committee recommended adoption of the ordinance that would eliminate the requirement for village staff to issue and mail out to property owners refund checks for property tax overpayments unless the total amount exceeds \$10. Hayden stated that with the slight decrease in the mill rate this last year, the Village had to issue and mail out several hundred checks for amounts less than \$8. Kenny stated that the initially drafted ordinance called for no check to be issued for property tax payment refund amounts and mailed out to the property owner that do not exceed \$5; however, the Finance Committee recommended that the not to exceed amount be increased to \$10. Hayden stated that if a property owner asks for the refund amount, the Village will still issue a check; however, if not, the funds would be retained and credited to the General Fund. Hayden stated that the Finance Committee recommendation included that the retained funds should be credited to the Public Library for material acquisition. Spadoni stated that \$8 is a lot of money in these tough economic times and he does not support the proposal. Spadoni stated that the refunded money could be used to purchase a gallon of milk and the Village should issue the checks no matter how small the total amount. In response to a question, Hayden stated that the draft ordinance was modeled on an ordinance adopted by the Town of Delavan, but Village Attorney Dale Thorpe has not indicated if there are any legal concerns with the proposal. Spadoni suggested that the ordinance be tabled and referred to Thorpe for a legal review.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the proposed Ordinance creating Section 2-463 and to refer it to Village Attorney Dale Thorpe for a legal review, and the MOTION carried without negative vote.

**Debt Schedule for 2011 and Beyond**

Hayden stated that the distributed debt schedule for 2011 through 2015, and the principal balance and P&I summary for 2011 through 2029 were reviewed by the Finance Committee. Pollitt had some questions about the CDA borrowing and if the Village budget included funds for this year's payment.

**Protection Committee – Trustee Pollitt**

**Recommendation on Adding Handicapped Parking Stalls on Lake Street**

Pollitt stated that the Protection Committee approved a motion to recommend that a handicapped designated parking stall be delineated on Lake Street at the bump-out located adjacent to Chuck's. Petersen stated that he thought the plan was to wait until Lake Street is reconstructed until the additional handicapped parking stall is added, and stated that if the stall is delineated for handicapped parking only, someone will be able to park an automobile in the stall all day without having to move it.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to authorize village staff to delineate the parking stall on Lake Street adjacent to the bump out by Chuck's for vehicles with handicapped parking permits only, as recommended, and the MOTION carried without negative vote.

## **Recommendation on Sale of Fire Brush Truck and Police ATV to Fund Purchase of Gator Emergency Services Vehicle & Equipment**

Pollitt stated that the Protection Committee approved a motion to recommend Village Board approval of the proposal to sell the Police Department ATV and the 1967 Jeep fire brush truck and to use the proceeds from the sales to purchase a Gator vehicle from the State of Wisconsin Depot and to equip the new vehicle to provide emergency services to the police, fire and rescue departments. The 2002 Suzuki ATV and Jeep will be sold on eBay.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the sale of the 2002 Suzuki ATV and the 1967 Jeep truck on eBay, and to authorize the purchase of a Gator vehicle from the State of Wisconsin Depot and the purchase of equipment to retrofit the Gator vehicle with police, fire and rescue emergency equipment as recommended. The MOTION carried without negative vote.

## **Plan Commission – Trustee Spadoni**

### **Announcement: Chapters 17 & 18 Rewriting Project Public Workshop Scheduled for March 5, 2011, at 9:00 AM**

Spadoni stated that the workshop to kickoff off the rewriting project has been scheduled for Saturday, March 5, 2011 from 9:00 to 10:30 am at the Village Hall.

## **Public Works – Trustee McGreevy**

### **Big Foot Country Club Storm Water Concerns**

Workman stated that a diagram of the six areas of storm water concerns at the Big Foot County Club and a list of proposed recommendations and projects already completed was distributed for informational purposes and the committee is still reviewing the situation.

## **Brookwood Lift Station Generator**

McGreevy stated that the committee reviewed the three bids received for a new generator at the Brookwood lift station and approval of the \$18,385 low bid submitted by Cummins NPower, LLC, Oak Creek, is recommended. Bids also were submitted by Generac, \$19,931, and by Cat, \$25,222. Workman stated that project is in the 2011 budget.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$18,385 bid submitted by Cummins NPower, LLC, Oak Creek, as recommended, and the MOTION carried without negative vote.

## **Truck Hoist Purchase**

Workman stated that the manual jacks the DPW crew uses for truck maintenance and repair work require about \$1,000 to maintain or it will cost up to \$3,000 to replace them. Workman stated that the committee is recommending the purchase of a used free standing truck hoist for \$1,500, which is available in the DPW maintenance budget. Workman stated that the BendPak Floorplate Lift has a 12,000-pound capacity and can be used instead of the manual jacks. Workman stated that the committee also is recommending selling the 1978 Chevrolet step van which will help offset the funds to be taken out of the maintenance budget. In response to a question from Pollitt, Workman stated that the used truck hoist was the same expense that was approved earlier in the meeting with the monthly payables.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the \$1,500 purchase of a BendPak Floorplate Lift as recommended, and the MOTION carried without negative vote.

## **Authorization to Sell 1978 Chevrolet Step Van**

Workman stated that the 1978 Chevrolet van still runs, but the DPW does not use it in the winter months when it does run well. The van was converted for the DPW after it was transferred from the Rescue Squad.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the sale of the 1978 Chevrolet step van on eBay, as recommended, and the MOTION carried without negative vote.

## **CDA – President Petersen**

### **Update**

Petersen stated that no meeting was held in February. In January the CDA approved the RFP submitted by Brain Pollard and Eric and Margaret Nyman for the 138 Fontana Boulevard

development site. The RFP for the Duck Pond Development site has been issued, with a submission deadline of March 31, 2011.

**F/W WPCC – President Petersen**

**Pay Request No. 15 for Wastewater Treatment Facility Improvement Project**

Petersen stated that the \$55,166 pay request was reviewed and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Pay Application No. 15 totaling \$55,166 for the Wastewater Treatment Facility Plant Improvement Project, as recommended, and the MOTION carried without negative vote.

**GLLEA Board – President Petersen**

**Update**

Petersen stated that the GLLEA Board meeting scheduled for February has been cancelled and the board is scheduled to meet next on March 9, 2011.

**Adjournment**

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:05 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: 3/7/11