

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

Monday, March 1, 2010

President Arvid Petersen called the monthly meeting of the Village Board to order at 6:02 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Thomas McGreevy, Patrick Kenny, Diane Lewis, Micki O'Connell, President Petersen, William Turner (arrived at 6:04 pm)

Trustee absent: George Spadoni

Also present: Steve Beers, Pam Carper, Administrator/Treasurer Kelly Hayden, Rob Ireland, David Jensen, Alex Koldeway, Laurie Larson, Jim Mann, Village Clerk Dennis Martin, Jerry Mortier, Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Rick Pappas, Doug Renk, Village Attorney Dale Thorpe (arrived at 6:22 pm), Tim Vowell (arrived at 7:10 pm), Cindy Wilson, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. CDA Building Committee Meeting – **Wednesday, March 3, 2010, 4:30 pm**
2. CDA Board Monthly Meeting – **Wednesday, March 3, 2010, 6:00 pm**
3. Read & Romp Program @ Fontana Public Library – **Thursdays, March 4, 11, 18 and 25, 2010, 10:30 am**
4. Protection Committee Meeting – **Monday, March 15, 2010, 4:00 pm**
5. Plan Commission Staff Meeting – **Wednesday, March 17, 2010, 1:00 pm**
6. Library Board Meeting – **Wednesday, March 17, 2010, 10:00 am**
7. Park Commission Meeting – **Wednesday, March 17, 2010, 6:00 pm**
8. Finance Committee Meeting – **Thursday, March 18, 2010, 5:00 pm**
9. Lakefront and Harbor Committee Meeting – **Wednesday, March 24, 2010, 4:30 pm**
10. Public Works Committee Meeting – **Saturday, March 27, 2010, 8:00 am**
11. Plan Commission Monthly Meeting – **Monday, March 29, 2010, 6:00 pm**
12. Public Test of Electronic Voting Equipment – **Wednesday, March 31, 2010, 2:00 pm**

Approval of Minutes

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meetings held February 1 and 18, 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 February 2010 and the current Cash Flow Statements, Vendor Report and Payroll Overtime Report were distributed.

Trustee McGreevy/Trustee Lewis 2nd made a MOTION to acknowledge the receipt of the February 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 Kenny/Trustee McGreevy 2nd made a MOTION to approve the Village and Utility Payables as presented, with one correction for an expense reimbursement to Ron Nyman totaling \$532.50, and the MOTION carried without negative vote.

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

Charter Communications Representative Tim Vowell – Franchise Agreement with Village of

Fontana

Charter Communications Director of Government Relations Tim Vowell did not arrive at the meeting until 7:10 pm, and most of the residents who came to the meeting for the issue had already left. Vowell addressed the Village Board and the few residents still in attendance at the meeting; however, he will be coming back to next month's meeting to report on the company's ongoing negotiations with CBS Chicago to enter into a renewed contract. The current contract between Charter and CBS Chicago expires in March; however, Mr. Vowell stated that Charter is attempting to negotiate a new contract. At the suggestion of McGreevy, Vowell also will be discussing with his company the establishment of a "Chicago tier" of channel offerings as a means to protect the Village from losing any more Chicago channels. The Village of Fontana and Charter Communications current cable franchise agreement is binding and does not expire until 2017. Also, Vowell stated the satellite and Direct TV providers are not able to offer Chicago channels in their packages to Fontana residents, because officially Fontana is in the Milwaukee market according to the Neilson Ratings Company. Village residents' only alternative is to use a TV antennae if Charter does not carry the Chicago channels in the future. Vowell stated that Charter is continuing negotiations and he will provide an update at the next meeting. The Village Board members urged residents to continue to contact Charter Communications through Tim Vowell, Director of Government Relations, 2701 Daniels Street, Madison, WI 53718-6792; Email: tim.vowell@chartercom.com.

Approve Engagement Letter with Foley & Lardner for Refinancing Bond Counsel

Hayden stated that the proposal from Foley & Lardner to provide refinancing bond counsel services totals \$6,500. The fee is included the administrative expense calculation for the refunding proposal. Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the engagement letter with Foley & Lardner for refinancing bond counsel services as presented, and the MOTION carried without negative vote.

Consider Resolution Authorizing and Providing for Sale and Issuance of \$3,070,000 General Obligation Promissory Notes, Series 2010, and All Related Documents

Jim Mann of Ehlers and Associates stated that the refunding proposal will pay off previous loans issued in 1999, 2002, 2004, 2005 and two from 2007. Mann stated that the interest rates for the refunding borrowing will range from 4.1 to 5.1 percent during the lending period. Mann stated that the Village will realize a net savings of \$128,000 over the next seven years. Mann stated that the total bond amount was reduced to \$3,035,000 from the initial \$3,070,000 following the Bid Tabulation Negotiated Sale on March 1, 2010. In response to a question from Turner, Mann stated that the \$128,000 net savings calculation includes the administrative expenses.

Trustee Kenny/Trustee Turner 2nd made a MOTION to approve Resolution 03-01-10-01 Authorizing and Providing for Sale and Issuance of \$3,035,000 General Obligation Promissory Notes, Series 2010, and All Related Documents as presented, and the Roll Call Vote followed:

Trustee Kenny – Aye

Trustee Lewis – Aye

Trustee Turner – Aye

Trustee O'Connell – Aye

President Petersen – Aye

Trustee McGreevy – Aye

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

Discussion on Working Capital and State Trust Fund Loan

Hayden stated that Walworth State Bank has submitted a proposal to provide a \$525,000 loan for 3.8 percent interest. Hayden stated that the State Trust Fund would charge an interest rate of 4.5 percent for the loan. President Petersen stated that the proposal is to replenish the working capital funds that were used last year to fund the property purchase of the Wilkinson lots. Kenny stated that increasing the working capital fund will help the Village secure a better bond rating from Moody's. Turner stated that with the better bond rating, the Village will be able to secure lower interest rates on the refinancing bonds, and the savings the Village realizes with those lower rates will pay off the interest on the \$525,000 loan.

Trustee Kenny/Trustee Turner 2nd made a MOTION to approve a \$525,000 loan from Walworth State Bank at 3.8 percent interest, subject to review and confirmation by the Finance Committee, and

the MOTION carried without negative vote.

Draft Ordinance Amending Section 2-336 of Village of Fontana Municipal Code, Park Commission Membership

President Petersen stated that the proposed ordinance amendment to make the trustee advisor position on the Park Commission the chairman of the commission was distributed for review. O'Connell stated that the proposed amendment should be presented first to the Park Commission for a recommendation. Lewis asked why the amendment was being proposed. Petersen stated that the Park Commission is the only Village committee or commission that does not have a trustee serving as its chairman. Petersen stated that there are many issues the Park Commission has to act on and having a trustee serve as chairman will help the Village to ensure that all the required business is being acted on in a timely fashion. O'Connell asked if the proposal would affect the recently established 501-c3 charitable organization if the Park Commission chairman is a Village trustee. Hayden stated that the Friends of the Parks charitable organization is a separate entity from the Village. There is a Park Commission member who is appointed to the Friends of the Parks Board of Directors; Sharon O'Brien is the current appointee.

Trustee O'Connell/Trustee Turner 2nd made a MOTION to table the item and refer the proposed amendments to the Park Commission for a recommendation. The MOTION carried without negative vote.

Walworth State Bank Borrowing of \$525,000 for Property Purchase of 543 Valley View Drive and 531 Mill Street

Hayden stated that the proposal submitted by Walworth State Bank is to borrow \$525,000 for 3.8 percent interest over a 10-year term. Hayden stated that if the Village Board was inclined, approval would be subject to all the property purchase contingencies being worked out.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the \$525,000 borrowing proposal as submitted by Walworth State Bank for 3.8 percent interest over a 10-year term, with the condition that all the property purchase contingencies are waived. The MOTION carried without negative vote.

Worker's Compensation Denial of Firefighter ER Bill

Hayden stated that one of the volunteer firefighters was transported from a practice burn drill to the emergency room on orders of the Fire Chief when the firefighter's heart rate and blood pressure were at elevated levels on June 15, 2009. The incident was denied for coverage under the Village's worker's compensation policy because the firefighter was checked over and released and there was not a coverable injury sustained by the firefighter. The Village's other supplemental insurance policy that covers the volunteer firefighters and Rescue Squad members only covers accidental death claims. The Village is currently soliciting a renewal quote for its insurance policies, and additional coverage is being proposed so similar incidents will be covered in the future. Hayden stated that the amount that the firefighter's personal health insurance did not cover is \$529.43.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to authorize payment of the \$529.43 to the volunteer firefighter for the health insurance bill he received for the June 15, 2009 incident, and the MOTION carried without negative vote.

Board of Appeals Appointments to Fill Vacancies

President Petersen stated that he was nominating Jim Feeney to fill one of the two open alternate positions on the Board of Appeals.

President Petersen/Trustee McGreevy 2nd made a MOTION to appoint Jim Feeney to fill the Alternate I position on the Board of Appeals, and the MOTION carried without negative vote.

Legal Expense Refund for Wilkinson Claims

Hayden stated that the final determination by the Village insurance provider was to reimburse the Village \$49,941.09 for the legal fees it incurred on the Wilkinson claims.

2010 Fourth of July Fireworks

Hayden stated that she and President Petersen met with the Geneva Lake West Chamber of Commerce Board of Directors regarding the annual fireworks display and the fund-raising efforts.

Hayden stated that the Chamber of Commerce Board members indicated that they are concerned about handling the fund-raising as a solo project and requested assistance from the Village. Trustee O'Connell/Trustee Kenny 2nd made a MOTION to authorize Village staff to assist the Geneva Lake West Chamber of Commerce in raising funds and organizing the annual Fourth of July fireworks display, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Conditional Use Permit Application Filed by Lowell Management Services, Inc. for Three-Car Garage & Upper Level Guest Quarters at 289 Stearns Road

President Petersen stated that the Plan Commission held a public hearing and unanimously approved a motion to recommend Village Board approval of the Conditional Use Permit application as filed by Lowell Management Services, Inc., for the construction of a three-car garage and upper level guest quarters at 289 Stearns Road, with the following four conditions: all findings from the Ruekert-Mielke correspondence dated January 12, 2010 shall be complied with; a complete submittal for building and zoning permits shall be applied for.; all outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits; and an as-built foundation and height surveys shall be submitted as required by the Municipal Code.

Trustee McGreevy/Trustee Turner 2nd made a MOTION to approve the Conditional Use Permit application as filed by Lowell Management Services, Inc., for the construction of a three-car garage and upper level guest quarters at 289 Stearns Road, with the following four conditions:

1. All findings from the Ruekert-Mielke correspondence dated January 12, 2010 shall be complied with.
2. A complete submittal for building and zoning 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. An as-built foundation and height surveys shall be submitted as required by the Municipal Code.

The MOTION carried without negative vote.

Building, Site and Operational Plan Filed for Frontier Flowers of Fontana, LLC, 531 Valley View Drive

President Petersen stated that after reviewing the application, the Plan Commission unanimously approved a motion to recommend Village Board approval of the BSOP application as submitted by Renee Cerny for Frontier Flowers, 531 Valley View Drive, with the following seven conditions:

1. Signage shall be approved as follows: One 6-foot-by-4-foot on-building sign, to be located at the “peak” of the proposed canopy, lit: 24-square-foot maximum; One LED “Open” sign, provided it meets the requirements of Section 18-254(b)(14) of the Municipal Code.
2. A complete submittal for building, zoning and mechanical permits for building alterations and signage shall be applied for.
3. A Conditional Use Permit shall be applied for and obtained for any additional signage.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
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.
6. Any changes or modifications to the above shall be applied for and approved by the Village Board through a Building, Site and Operational Plan amendment.
7. All findings from the Ruekert-Mielke correspondence dated February 5, 2010 shall be complied with.

Trustee O'Connell/Trustee McGreevy 2nd made a MOTION to approve the Building, Site and Operational Plan application as submitted by Renee Cerny for Frontier Flowers, 531 Valley View Drive, with the following seven conditions:

1. Signage shall be approved as follows: One 6-foot-by-4-foot on-building sign, to be located at the “peak” of the proposed canopy, lit: 24-square-foot maximum; One LED “Open” sign, provided it meets the requirements of Section 18-254(b)(14) of the Municipal Code.
2. A complete submittal for building, zoning and mechanical permits for building alterations and signage shall be applied for.
3. A Conditional Use Permit shall be applied for and obtained for any additional signage.

4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
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.
6. Any changes or modifications to the above shall be applied for and approved by the Village Board through a Building, Site and Operational Plan amendment.
7. All findings from the Ruckert-Mielke correspondence dated February 5, 2010 shall be complied with.

The MOTION carried without negative vote.

Building, Site and Operational Plan Filed for Thyme on Geneva Lake, 106 W. Main Street

President Petersen stated that after reviewing the application, the Plan Commission unanimously approved a motion to recommend Village Board approval of the BSOP application as filed for Thyme on Geneva Lake to operate at 106 W. Main Street, with the following six conditions:

1. Signage for “Thyme on Geneva Lake” shall be approved as follows:
 - a. One on-building sign on East wall: Maximum 30-square-feet.
 - b. One on-building sign on South wall: Maximum 8-square-feet
 - c. One monument sign not to exceed 12-square-feet (and 6 feet in height)
2. A complete submittal for building, zoning and electric permits for interior alterations and signage shall be applied for.
3. Permits shall be obtained for the monument sign at such time the applicant is ready to install. However, if the monument signage is for a different business, that business owner shall apply for signage and business approval through the BSOP process.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
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.
6. Any changes or modifications to the above shall be applied for and approved by the Village Board through a Building, Site and Operational Plan amendment.

Trustee O’Connell/Trustee McGreevy 2nd made a MOTION to approve the Building, Site and Operational Plan application as filed for Thyme on Geneva Lake to operate at 106 W. Main Street, with the following six conditions:

1. Signage for “Thyme on Geneva Lake” shall be approved as follows:
 - a. One on-building sign on East wall: Maximum 30-square-feet.
 - b. One on-building sign on South wall: Maximum 8-square-feet
 - c. One monument sign not to exceed 12-square-feet (and 6 feet in height)
2. A complete submittal for building, zoning and electric permits for interior alterations and signage shall be applied for.
3. Permits shall be obtained for the monument sign at such time the applicant is ready to install. However, if the monument signage is for a different business, that business owner shall apply for signage and business approval through the BSOP process.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
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.
6. Any changes or modifications to the above shall be applied for and approved by the Village Board through a Building, Site and Operational Plan amendment.

The MOTION carried without negative vote.

Proposal to Rewrite Chapters 17 and 18 of Municipal Code

Hayden stated that Village Planner Mike Slavney was requested to submit a cost estimate for rewriting Chapters 17 and 18 of the Municipal Code. The estimated cost for the project was \$48,720. Hayden stated that the Village may want to put the proposal out for RFPs or break it down into two phases over a two-year period. Hayden stated that staff will review the proposal and the two chapters and come back to the Village Board with a recommendation. Thorpe stated that are many methods that can be incorporated to rewrite the land division and zoning chapters. Thorpe stated that he would recommend a comprehensive rewriting of the chapters to unify the current Municipal Code.

Thorpe stated that redundant and inconsistent items pop up from time to time in the chapters because they have been works in progress for more than 30 years. Rewriting the chapters would address all the contradictions and redundancies. Turner stated that staff should review the chapters and work with Thorpe and Slavney; however, the review should be led by staff to save funds. Turner stated that the project should not be a \$50,000 RFP deal and he thinks that Chapters 17 and 18 are working pretty well. Hayden stated that many sections of the two chapters simply are disjointed and in need of reorganization and rewriting. Thorpe stated that new Chapters 17 and 18 will be unified and easier for staff to work with. Thorpe stated that the Village staff could straighten out the two chapters with involvement of the Village planner as an advisor. Petersen stated that he thinks staff should take on the task of reviewing the two chapters. Joseph McHugh asked if the Village will incorporate the updated DNR shore land zoning regulations in the chapters. Thorpe stated that the Walworth County zoning code is required to incorporate the DNR regulations, and the regulations treat all the lakes the same. Thorpe stated that there are specific regulations or provisions for the unique characteristics of Geneva Lake in the Village code. Petersen stated that he would support the adoption of a unified Geneva Lake zoning and land division ordinance. Staff was directed to review Chapters 17 and 18 and to work with Thorpe and Slavney on rewriting the chapters.

Park Commission – Trustee Lewis

Park Permit Application Filed by Tuesday Afternoon Bridge Club for Park House

Lewis stated that the Park Commission recommended approval of the application and the request to waive the fee for the use of the Park House.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application as filed by the Tuesday Afternoon Bridge Club for the Park House with the fee waived for the non-profit group as recommended. The MOTION carried without negative vote. Trustee O’Connell abstained.

Park Permit Application Filed by Fontana Garden Club for Annual Garden Fair at Park House, May 28 to 30, 2010

Lewis stated that the Park Commission recommended approval of the application and the request to waive the fee for the use of the Park House.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the Park Permit application as filed by the Fontana Garden Club for the Park House with the fee waived for the non-profit organization as recommended. The MOTION carried without negative vote

Park Permit Application Filed by Big Foot Ball and Glove Program for Duck Pond Summer Events

Lewis stated that the Park Commission recommended approval of the application and the request to waive the fee for the use of the Duck Pond Recreation Area and Duck Pond Pavilion. The Big Foot Ball and Glove Program would like to use the Duck Pond Recreation Area ball fields and pavilion on Saturday, June 12, 2010; Saturday and Sunday, July 10 and 11, 2010; and Saturday and Sunday, July 17 and 18, 2010. Only the fields are being requested for June 12, 2010 for a Local MLB Pitch, Hit and Run Competition. The fields and use of the pavilion to sell concessions is being requested for tournaments on July 10, 11, 17 and 18, 2010.

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to approve the dates as requested by the Big Foot Ball and Glove Program, with the fees waived for the nonprofit organization. The MOTION carried without negative vote.

Park Permit Application Filed by Georgie B’s Restaurant for Porter Court Plaza Anniversary/Geneva Lake Conservancy Fund-Raising Event, Saturday, May 29, 2010 & Potential Municipal Code Amendment

Lewis stated that the Park Commission approved a motion to recommend Village Board approval of the Park Permit application as filed by Georgie B’s Restaurant for the May 29, 2010 event in Porter Court Plaza, and to recommend to the Village Board that the beer catering proposal be approved and the Municipal Code be amended if necessary. Pam Carper stated that they would like to offer beer at the second annual anniversary celebration and fund-raiser for the Geneva Lake Conservancy. O’Connell asked Carper if the event still will be held if the beer aspect is not approved, and she responded yes. Carper stated that the event most likely will raise more money if there is beer

available. Carper stated that she filed two site plans for the event. One plan includes a double-fenced-in area for the service of beer, and the other site plan does not have a fenced-in area in case the proposal to sell beer is not approved. In response to a question, Martin stated that the Geneva Lake Conservancy is not eligible for a Temporary Class B (Picnic) Liquor License; however, Martin stated that Georgie B's could receive approval for selling beer at the event with its Class "B" Retail License under the catering provisions of the Wisconsin Department of Revenue's liquor licensing regulations. Hayden stated that if favored by the Village Board, the Village would have to amend the Municipal Code to allow for beer to be consumed in Porter Court Plaza. The Municipal Code currently allows for beer and wine consumption permits to be obtained for the Duck Pond Recreation Area Pavilion. Carper stated at the Park Commission meeting that if approved, the cups of beer would be purchased inside the premises at Georgie B's, and patrons would receive wrist bands and tickets for a cup of beer to be served outside in the fenced-in area. Carper stated that patrons would enter and exit the beer garden area through the restaurant and an emergency exit will be incorporated into the fencing. Following discussion, the Park Commission members were in consensus that the request for selling beer at the fund-raising event is appropriate and they do not have any concerns with allowing the consumption of beer in Porter Court Plaza for specially approved events. Petersen asked the Village Board members if they favored allowing beer to be consumed in Porter Court Plaza for specifically approved events. McGreevy stated that he likes the idea of the license holder being responsible for the beer. Chief Olson stated that he has not yet reviewed the application or presented the proposal to the Protection Committee for a recommendation. Workman stated that to erect fencing in the Porter Court Plaza will require some sort of bollard system since posts can't be pounded into ground. Workman stated that there are too many utility lines and underground obstacles to deal with to erect a traditional fence; however, there are other alternatives available. Turner stated that the event is for charity and the Village should work with the applicants to have the beer proposal approved if possible.

Trustee O'Connell/Trustee Kenny 2nd made a MOTION to approve the Park Permit Application for Porter Court Plaza as recommended for only the food and entertainment aspects, and the MOTION carried without negative vote.

Trustee Turner/Trustee Lewis 2nd made a MOTION to direct staff to prepare an ordinance amendment to allow for the consumption of alcohol in Porter Court Plaza for specifically approved events and to direct Workman to determine if it is feasible to erect temporary fencing in Porter Court Plaza. The MOTION carried without negative vote.

Public Works – Trustee McGreevy

Pottawatomie Drive Reconstruction Project and Stormwater Hot Spot No. 3 Proposal for Design Services

Workman stated that Ruekert-Mielke submitted a proposal to provide professional engineering services for the Pottawatomie Drive Reconstruction project for an estimated \$60,000 to \$70,000, plus reimbursable expenses between \$5,000 and \$10,000. The proposal is on a time and material basis and the upper cost range includes design of a storm sewer facility on the Big Foot Country Club property and associated easement documents. The project includes the reconstruction of Pottawatomie Drive between Sauganash Drive and Shabbona Drive. As well as reconstructing Pottawatomie Drive, the project includes water main relay, sanitary sewer and storm sewer work. The project also incorporates a new storm sewer in Sauganash Drive with extensions into Mayflower Lane and Waubun Drive, and a new storm sewer through private properties west of Sauganash Drive and across Tarrant Drive, with an outlet into the Big Foot Country Club. Hayden stated that the Village will have to borrow funds to complete the project. Turner stated that the project is the beginning of \$4 million worth of storm water management and creek rehabilitation work being planned by the Village and the CDA. Turner stated that the Village Board previously decided to fund the storm water projects through General Fund borrowing instead of through the establishment of a Storm Water Utility District. Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the Ruekert-Mielke proposal to provide professional engineering services for the Pottawatomie Drive Reconstruction project for an estimated \$60,000 to \$70,000, plus reimbursable expenses between \$5,000 and \$10,000, as presented, and the MOTION carried without negative vote.

Blackstone Landscaping Contract Renewal

Workman stated that Blackstone Landscaping submitted a proposal for a three-year contract renewal

to provide the annual maintenance of the Village's landscaped medians and park areas. Workman stated that the proposal has not yet been reviewed by the Park Commission. Workman stated that the proposal calls for the same rate as last year's contract. Workman stated that Blackstone has requested authorization to erect small advertising signs on the boulevard in discreet locations. Workman stated that if the Village Board favored the proposal for signage, he would recommend also allowing Roy Diblik and Northwind Perennials to erect signs. President Petersen stated that no signage should be allowed. The Village Board members were in consensus that authorizing signage on the boulevard would be a bad, precedent setting idea. O'Connell stated that the proposed contract renewal should go to the Park Commission for a recommendation. Petersen asked if the contract needed to be approved immediately since the old contract has expired. Workman stated that the contract could be tabled until the Park Commission reviews it and makes a recommendation. Trustee Lewis/Trustee Turner 2nd made a MOTION to table the Blackstone Landscaping contract renewal proposal and to direct it to the Park Commission for a recommendation. The MOTION carried without negative vote.

Authorization to Exchange Old Mosquito Sprayer for Product

Workman stated that the Village could exchange its old mosquito sprayer for product worth \$500, and still have two sprayers left for future use. Workman stated that the third sprayer is not needed and \$500 worth of chemicals would allow the village to spray for mosquito abatement up to three or four times, since the item was cut from this year's budget. Workman stated that the expenses for labor also were cut, so it will have to be determined how to authorize the crew to perform the spraying services without incurring overtime expenses. Workman stated that the mosquito chemicals have to be sprayed early in the morning or late in the evening, during non-traditional working hours. Trustee O'Connell/Trustee Kenny 2nd made a MOTION to authorize the exchange of the old mosquito sprayer for \$500 worth of mosquito abatement chemicals, and the MOTION carried without negative vote.

Protection Committee – President Petersen

No Parking Zones Amendments to VOF Municipal Code Section 74-281 – Tabled 2/1/10

Village staff mailed out notices to the property owners in the affected areas as directed at last month's meeting, and the only concerns that were received were from Steve Beers. Beers submitted an email that requests that Village Board to consider allowing residents to park on Bayview Drive because off-street parking is very limited in the area. Chief Olson stated that Bayview Drive has always been a no-parking zone on one side of the street in order to provide for enough room for emergency vehicle access. Olson stated that the no-parking has been posted, but it has not been included in Section 74-281 of the Municipal Code. Chief Olson stated that the Village could work with the Bayview Drive residents to locate parking if they are hosting a special event. Beers stated that Bayview Drive is a very short street and he understands the need for emergency vehicle access; however, the residents do not have any off-street parking available. Beers stated that during the off season when there are very few visitors in town, it would be nice if full-time residents could park on the street. O'Connell stated that the Village could designate the area for parking of automobiles with "F" resident stickers only. Chief Olson stated that the Fire Department and Rescue Squad require at least 14 feet for emergency vehicle access. Turner stated that the Village should just monitor the situation for the summer and strike items "N" and "O" from the proposed amendments. Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve Ordinance 03-01-10-01 repealing and recreating Section 74-281 of the Municipal Code as presented, with items "N" and "O" struck, and the MOTION carried without negative vote.

CDA – Trustee Turner

Foth Proposal for Shabbona Pedestrian Path Development

Turner stated that the CDA approved a motion at its last meeting to authorize the \$2,250 proposal for Foth to provide engineering services for Boy Scouts to install the pedestrian path portion of the project. The Shabbona Pedestrian Path will run down from Hillcrest Drive to Shabbona Drive. Foth is providing free design work and Dale Broeckert will work with Boy Scouts to complete the construction of the path as Eagle Scout projects. In response to a question, Workman stated that the CDA has budgeted \$30,000 for the materials that will be needed to construct the path. Trustee Turner/Trustee Kenny 2nd made a MOTION to approve the \$2,250 proposal as submitted

by Foth Infrastructure & Environment, LLC for the Shabbona Pedestrian Path project, and the MOTION carried without negative vote.

Shabbona Drive and Path Storm Sewer Contract Pay Request No. 1

Turner stated that the first pay order submitted for the storm sewer portion of the project submitted by Willkomm Excavating and Grading totals \$96,089 and the project engineering firm has recommended approval.

Trustee Turner/Trustee McGreevy 2nd made a MOTION to approve the \$96,089 Pay Request No. 1 as submitted by Willkomm Excavating and Grading, subject to approval by the CDA Board, and the MOTION carried without negative vote.

Amendment to FROG Settlement Agreement

Turner stated that he has been in contact with Bruce Jensen of the FROG organization and the group is supportive of holding the referendum for the Lakefront Building Project in June 2010. Turner stated that the initial settlement agreement calls for the referendum elections to be held with regularly scheduled primary or general elections in February, April, September or November. Thorpe stated that the settlement agreement can be amended by the Village of Fontana and FROG without going back to court. Thorpe stated that a corporate resolution can be drafted to authorize the referendum elections to be held on mutually agreeable dates. Thorpe stated that the only problem is that Attorney Steve Koch no longer represents FROG, and the resident who signed the initial agreement, Robert Sandy, is deceased. Turner stated that he talked to Bruce Jensen and Jensen stated that no attorneys are needed to amend the agreement. Turner stated that he will present the proposed amendment to Bruce Jensen, who will have a member of FROG sign the amended agreement.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the amendment to the FROG settlement agreement as presented, and the MOTION carried without negative vote.

Phase I Proposals Submitted for Purchase of 543 Valley View Drive and 531 Mill Street

Turner stated that the Department of Natural Resources grant application process requires a Phase I environmental site assessment to be conducted on the parcels. The Sigma Group submitted a proposal totaling \$1,600, and AECOM submitted a proposal totaling \$2,400.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the \$1,600 proposal for a Phase I environmental site assessment as submitted by the Sigma Group, subject to approval by the CDA Board, and the MOTION carried without negative vote.

Approve Closing & Final Contract for Purchase of 543 Valley View Drive and 531 Mill Street

Turner asked if the closing and final contract should be tabled until the Phase I environmental site assessment is completed. Thorpe stated that the closing documents contain contingencies that have to be met for the sale to be final, and one of those is the completion of the Phase I environmental site assessment.

Trustee Turner/Trustee McGreevy 2nd made a MOTION to approve the closing and final contract for the purchase of the parcels located at 543 Valley View and 531 Mill Street, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O'Connell

Update

O'Connell stated that there was nothing to report.

F/W WPCC – President Petersen

Plant Improvement Contract \$241,975 Pay Request No. 4 Approval

Petersen stated that the \$241,975 pay request has been paid for the Wastewater Treatment Facility plant improvement contract as recommended by the project engineering firm, with the condition that the individual pay request is reviewed by the Village Board at the subsequent monthly meeting.

President Petersen/Trustee McGreevy 2nd made a MOTION to approve the \$241,975 Pay Request No. 4 submitted by C.D. Smith Construction Services, Inc. for the Plant Improvement Contract, as recommended, and the MOTION carried without negative vote.

Finance Committee – Trustee Kenny

Tax Collection Summary

Hayden stated that the Tax District Treasurer's Settlements report was distributed for informational purposes. The Village collected a total of \$10,322,481 from December 2009 through January 31, 2010.

Adjournment

Trustee O'Connell/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 7:45 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: 04/05/2010