

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, April 2, 2012

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Pat Kenny, Peg Pollitt, George Spadoni, President Arvid Petersen, Cindy Wilson (arrived at 5:47 pm)

Trustees absent: Tom McGreevy, Bill Gage

Also Present: Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Closed Session

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to go into closed session pursuant to Wis. Stats. Chapter 19.85 (1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Village of Fontana non-union employees., and the Roll Call vote followed:

Trustee Pollitt – Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee Kenny – Aye

The MOTION carried on a 4-0 vote, with Trustee Wilson not yet at the meeting.

Closed Session Adjournment

Trustee Pollitt/Trustee Kenny 2nd made a MOTION to adjourn the closed session at 6:01 pm and to reconvene in open session, and the MOTION carried on a 4-1 vote, with Trustee Spadoni opposed.

Also Present: Greg Blizard, Police Department Intern Tim Durkin, Diana Dykstra, Don and Merilee Holts, Rob Ireland, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Micki O’Connell, Police Chief Steve Olson, Rick Pappas, Amanda Voss

President Petersen announced the Village Board was in Open Session and asked the audience to stand for the Pledge of Allegiance.

Visitors Heard

None

Announcements

1. 2012 Spring Election – Tuesday, April 3, 2012, 7:00 am to 8:00 pm
2. Easter Egg Hunt at Duck Pond – Saturday, April 7, 2012, 10:00 am
3. FW/WPCC Board Meeting – Tuesday, April 10, 2012, 7:30 pm
4. GLLEA Board Meeting – Wednesday, April 11, 2012, 10:00 am
5. Plan Commission Staff Meeting – Wednesday, April 18, 2012, 1:00 pm
6. Park Commission Meeting – Wednesday, April 18, 2012, 6:00 pm
7. Library Board Meeting – Wednesday, April 25, 2012, 10:00 am
8. Lakefront and Harbor Committee Meeting – Wednesday, April 25, 2012, 5:00 pm
9. Finance Committee Meeting – Thursday, April 26, 2012 6:00 pm
10. Arbor Day and IMBD Celebration at Fontana Elementary School – Friday, April 27, 2012, 10:00 am
11. Plan Commission Monthly Meeting – Monday, April 30, 2012, 5:30 pm

Approval of Minutes

Pollitt stated that she thought the motion in the March 5, 2012 Village Board meeting minutes

regarding the Nonunion Payroll Resolution may be incorrect. Martin stated that he will check his meeting notes and the tape and present the minutes for approval at the next meeting.
Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the minutes as submitted for the March 26, 2012 meeting, and the MOTION carried without negative vote.

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

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to acknowledge the receipt of the March 2012 treasurer's report and the current 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

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the village and utility payables as presented, and the MOTION carried without negative vote.

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

Operator's Permit Applications Filed by Mikaela J. Powers, Julia N. Wilear, Toni Koutnik and Amy E. Lampe (Abbey Resort)

The background checks were completed with no concerns noted.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Operator's Permit applications filed by Abbey Resort employees Mikaela J. Powers, Julia N. Wilear, Toni Koutnik and Amy E. Lampe, and the MOTION carried without negative vote.

Temporary Operator's Permit Application Filed by Joseph R. Abell (Big Foot Lions Club)

There were no concerns with the background check.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Temporary Operator's Permit application filed by Joseph R. Abell for the Big Foot Lions Club July 28, 2012 Lobster Boil and Steak Fry in Reid Park, and the MOTION carried without negative vote.

Non-Union Employees 2012 Payroll Resolution – Tabled 2/6/12 & 3/5/12

Trustee Pollitt made a motion to approve the payroll resolution as presented, with the salary levels to remain the same as in 2011, and the motion was seconded by President Petersen. Spadoni stated that he proposed raises for the nonunion employees in the closed session, but his proposal was not supported. Spadoni stated that the Village Board added \$50,000 to this year's budget in the contingency account to fund raises for the nonunion employees. Spadoni stated that he does not agree that the Village Board should wait until October 2012 to review the surplus fund balance and consider the employee raises when the funds already have been set aside in this year's budget. Spadoni stated that it is not right that the Village's nonunion employees are not being rewarded for good job performances and that they haven't had salary increases for several years. Spadoni stated that the Village's union employees have received salary increases, and the employees at the Fontana-Walworth Water Protection Control Commission wastewater treatment facility have received annual raises that have ranged from 5 to 20 percent. Petersen stated that some of the wastewater treatment facility employees have had restructuring of their positions and job duties so their salaries were increased by more than the annual 5 percent increases that most of them received. Wilson stated that she agrees with Spadoni and the Village Board should reward its loyal and good nonunion employees; however, the 2012 raises could be retroactive if and when approved in October. Wilson stated if the budgeted funds are still available, and there are no unforeseen expenses as of October, the raises can be approved at that time.

Trustee Pollitt/President Petersen 2nd made a MOTION to approve Resolution 040212-01, setting exempt salaried and hourly non union personnel rates for the 2012 calendar year as presented, and the MOTION carried on a 4-1 vote, with Trustee Spadoni opposed, and Trustees Gage and McGreevy absent.

Business Association Committee Draft Ordinance – Tabled 3/5/12

Petersen stated that Assistant Zoning Administrator Bridget McCarthy solicited comments from the local business owners and made the amendments to the draft ordinance that were directed at last month's meeting. McCarthy stated that two of the business owners replied and they support the

proposed new committee. Petersen stated that McCarthy did a good job drafting the proposed ordinance and it looks good as amended, with the exception of item “c” in the “Powers and duties” section, which should be removed. The item to be removed stated, “A voting committee member shall monitor incoming correspondence at the Village Hall.”

President Petersen/Trustee Spadoni 2nd made a MOTION to approve Ordinance 040212-01, establishing a Local Business Committee, as presented, with item “c” in Section 2-445 deleted, and the MOTION carried without negative vote.

Park Commission – Trustee Wilson

Sharon Cycling Series Recommendation

Village of Sharon President Diana Dykstra presented the proposal for the new Sharon Cycling Series to include a route that uses portions of the Village of Fontana pedestrian/bicycle path. Dykstra stated that the new series includes four routes that originate from Sharon. One of the routes is proposed to run from Sharon through Walworth Township, into the Village of Fontana, and back to Sharon for a total of 24 miles. The other loops would run from Sharon to Capron and back, 16 miles; to Clinton and back, 22 miles; and to Darien and back, 17 miles. Dykstra stated that she has been going to the various municipalities to seek approval of the routes and for placement of some route signage. Dykstra stated that they would like to erect two of the directional signs in the Village of Fontana, where necessary. Wilson stated that the new program is not for an event, they are routes that will be available for public use throughout the year. Park Commission approved a motion to recommend Village Board approval of designating the Village of Fontana route on the proposed Sharon Cycling Series program map and literature, contingent on the program organizers working out the final plan details and signage plan with the Village staff.

Trustee Wilson/Trustee Spadoni 2nd made a MOTION to approve the Park Commission recommendation to authorize the Village of Sharon to designate the Village of Fontana route on the proposed Sharon Cycling Series program map and literature, subject to review by Chief Olson and contingent on the program organizers working out the final plan details and signage placement with the Village staff. The MOTION carried without negative vote.

Big Foot Recreation District Movies on the Beach 2012 Program Dates

Wilson stated that the Park Commission recommended approval of the Big Foot Recreation District summer movies on the beach program dates for the 2012 season.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the 2012 summer season Big Foot Recreation District Movies Under the Stars program dates at the Fontana Municipal Beach on Saturdays, June 9 and 23, July 7 and 21, and August 4 and 18, 2012, beginning at dusk, as recommended. The MOTION carried without negative vote.

Park Permit Applications Filed by Community Church of Fontana, Reid Park Gazebo, Easter Sunrise Service, Sunday, April 8, 2012; Reaves/Jayson Wedding Ceremony, Reid Park Gazebo, Saturday, July 21, 2012, 4:00 PM; Ozols Wedding Party, Duck Pond Pavilion with Beer/Wine Permit Application, Saturday, May 26, 2012, Noon to 5:00 PM; Indian Hills First Addition Association Annual Meeting, Park House, Saturday, May 19, 2012, 9:30 AM to 1:30 PM

Wilson stated that the Park Commission recommended approval of the application as filed.

Trustee Wilson/Trustee Kenny 2nd made a MOTION to approve the Park Permit applications as filed by the Community Church of Fontana, Reid Park Gazebo, Easter Sunrise Service, Sunday, April 8, 2012; Reaves/Jayson wedding ceremony, Reid Park gazebo, Saturday, July 21, 2012, 4:00 pm; Ozols wedding party, Duck Pond Pavilion with Beer/Wine Permit, Saturday, May 26, 2012, noon to 5:00 pm; and Indian Hills First Addition Association annual meeting, Park House, Saturday, May 19, 2012, 9:30 am to 1:30 pm, as presented, with the fees waived for the Fontana Community Church and Indian Hills First Addition Association as requested. The MOTION carried without negative vote.

Protection Committee – Trustee Pollitt

Police Chief Duties to Include Patrolling – Proposal for Written Outline or Document – Tabled 11/7/2011, 12/5/2011, 1/9/2012 & 2/6/2012

Trustee Pollitt made a motion to have the item removed from the agenda, but the motion did not

receive a second. Spadoni stated that he requested the agenda item that has been tabled at the monthly meetings since it was put on the November 7, 2011 meeting agenda. Spadoni stated that in the spirit of coming up with ideas to save the Village of Fontana budget funds, which has been stated for years that the Village Board has to cut expenses, he proposed having Chief Olson be the only officer on duty during weekday daytime hours. Spadoni stated that rather than having an officer and Chief Olson work weekday daytime hours, Olson could handle the patrolling duties and the daytime officer shift could be allocated to another time of day. Spadoni stated that his proposal was supposed to go hand-in-hand with the decision on the lieutenant position replacement that came up when former Fontana Police Lt. Brad Buchholz resigned to become the chief of police in the Village of Sharon. Spadoni stated that in the recent months since the decision was approved to hire a police sergeant instead of replacing the lieutenant position, he has been waiting to make the proposal until a decision was made on giving Chief Olson a raise this year. Following discussion, Spadoni and Kenny agreed to amend their motion to table the item to a motion to table the item until the October 1, 2012 monthly meeting.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the item until the October 1, 2012 monthly meeting, and the MOTION carried on a 4-1 vote, with Trustee Pollitt opposed and Trustees Gage and McGreevy absent.

Approval of CSO Officer Ruth Hooper

Pollitt stated that the proposed Community Service Office for this season, Ruth Hooper, is the twin sister of last year's CSO Officer Hannah Hooper, and approval was recommended.

Trustee Pollitt/Trustee Kenny 2nd made a MOTION to hire Ruth Hooper as the 2012 Community Service Officer, as recommended, and the MOTION carried without negative vote.

Longboard Event Recommendation for Denial

Pollitt stated that the committee members reviewed and recommended denial of a proposal for a longboard event to be held in the Village of Fontana. The proposed route included a portion of Highway 67, and was proposed to also run through other municipalities.

Trustee Pollitt/Trustee Kenny 2nd made a MOTION to deny the proposal for a longboard event to be held in the Village of Fontana, as recommended, and the MOTION carried without negative vote.

Plan Commission – President Petersen

Building, Site and Operational Plan Filed for Coffee Mill, 441 Mill Street, Suite 101

The Plan Commission approved a motion to recommend Village Board approval of the Building, Site and Operational Plan filed by Bryan and Maryanne Bruss for the Coffee Mill, 441 Mill Street, Suite 101, as filed, with the seven conditions that are the same as for the previous tenant, Pie High Pizza, which is moving into Suite 102.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Building Site and Operational Plan as filed by Bryan and Maryanne Bruss for the Coffee Mill, 441 Mill Street, Suite 101, with the following seven conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
2. All required building, zoning and/or electrical permits shall be applied for and issued prior to the installation of any approved signage.
3. No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
4. Outdoor music/noise shall not be allowed after 10:00 pm.
5. Outdoor service shall not be allowed after 10:00 pm.
6. Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
7. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

Finance Committee – Trustee Kenny

LWMMI Insurance Renewal Recommendation

The Finance Committee recommended approval of the renewal bid as presented, with new property insurance coverage on the Village moorings and piers for an additional \$506, with a \$1,000 deductible level. Without the new coverage, the renewal quote is \$17 more than last year's total premium, which was \$108,850. This year's renewal quote totals \$108,867 for the same coverage as last year, plus the additional \$506 for the new property coverage on the moorings and piers.

Trustee Kenny/Trustee Pollitt 2nd made a MOTION to approve the League of Wisconsin Municipalities Mutual Insurance Program renewal bid, with the additional \$506 for the new property coverage on the moorings and piers and a \$1,000 deductible level, as recommended. The MOTION carried without negative vote.

Sewer Rate Increase Ordinance Recommendation – Tabled 3/5/12

Hayden stated that the proposed ordinance was tabled last month until the Public Works Committee had a chance to review the proposed 2012 Utility Budget. Public Works Director Craig Workman and Public Works Committee Chairman Trustee Gage were both absent.

Trustee Pollitt/Trustee Spadoni 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Proposed Ordinance for Water Softener Regulations

Petersen stated that Fontana-Walworth Water Pollution Control Commission Board of Directors is concerned about the amount of salt entering the wastewater treatment facility and the escalating expenses it is incurring to have the salt diluted from the water. Petersen stated that the board has requested that the municipalities adopt a water softener ordinance and regulations to help combat the problem. Spadoni stated that such an ordinance will be very difficult to enforce. Petersen stated that the board understands it will be difficult; however, between the new ordinance and the investigation of some high users, they are hoping to alleviate the high salt level problems.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the item and to direct staff to put the proposed language for a water softener ordinance and regulations into ordinance form for consideration at the next monthly meeting. The MOTION carried without negative vote.

GLEA Board – President Petersen

Boat Patrol 2012 Season Officers Approval

Petersen stated that the new and returning officers for the Geneva Lake Law Enforcement Agency boat patrol crew were approved by the GLEA Board of Directors.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve 2012 Geneva Lake Law Enforcement Agency boat patrol officers Kerry Gibson, Joshua Kuehl, Tylor Loomans, Andrew Melloch, Alex O'Toole, Ryan Schneider, Jesse Smith, Jason Swaney, Andrew Valeri, Lloyd Cole, Katherine Daniels, Daniel Gerlitz, Thomas Hausner, Nicole Heckel, Timothy Mackesey, Craig Rasmussen, Robert Rowland, Cody Schwartz and Michael Trapp, subject to review and approval by the Police and Fire Commission. The MOTION carried without negative vote.

Public Works – Trustee Gage

Stearns Road and Dewey Avenue Reconstruction Contract Bids

Hayden stated that bids were submitted by Payne & Dolan, Inc., \$373,519 and by B.R. Amon and Sons, Inc., \$364,435. Hayden stated that although the bids exceed the estimated budget, Workman has indicated that the projects can be completed under budget if a value engineered contract is negotiated. Workman stated in a distributed emailed message: "Although the base bid prices came in higher than the budget, there are several line items that I believe can be 'value engineered.' I have put together the enclosed spreadsheet breaking down the bid and comparing it to the budget numbers. Based on this spreadsheet, I believe we can complete the contract within, or very close to the budget constraints. I recommend the Village Board award the contract to B.R. Amon and Sons, contingent on working out an agreement with the Town of Walworth to cover the costs depicted on the enclosed spreadsheet. Also enclosed is a recommendation from Ruckert-Mielke to award the bid to

the low bidder, B.R. Amon and Sons. Please note that the project will be awarded at the base price, with a change order to follow reducing the contract amount. A Notice to Proceed will not be issued until the change order is agreed upon.”

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the \$364,435 bid submitted by B.R. Amon and Sons, Inc., for the Stearns Road and Dewey Avenue Reconstruction Contract, with the conditions that a value engineered based contract and change order are negotiated and approved, and that a cost recovery agreement is negotiated with the Town of Walworth for the portion of the Dewey Avenue reconstruction project that crosses township land. The MOTION carried without negative vote.

2012 Utility Budget

Hayden stated that the proposed budget was tabled last month until the Public Works Committee had a chance to review it and make a recommendation. Workman and Public Works Committee Chairman Gage were both absent.

Trustee Spadoni/Trustee Pollitt 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Lakefront & Harbor – Trustee McGreevy

Fourth of July Revenue Generating Ideas

Spadoni stated that the ideas should be discussed when all the Village Board members are present.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to adjourn the meeting at 6:40 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: 5/7/12