

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, April 6, 2009**

President Petersen called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: O'Connell, Spadoni, President Petersen, Lewis

**Trustees absent:** Turner, Kenny

**Also present:** Tom Boyke, Jim Danielson, Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe,

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

President Petersen/O'Connell 2<sup>nd</sup> made a MOTION for the Village Board to go into closed session 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 Lake Geneva Yacht Club claim, the Wilkinson claims, and the Century Fence Beach Fence Contract, and the roll call vote followed:

Spadoni – Yes

President Petersen – Yes

Lewis – Yes

O'Connell – Yes

The MOTION carried on a 4-0 vote, with Trustees Turner and Kenny absent.

Workman and Boyke were present for the discussion on the Century Fence Beach Fence Contract and Danielson was present for the discussion on the claim filed by the Lake Geneva Yacht Club.

**Adjournment of Closed Session**

President Petersen/O'Connell 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board at 6:00 pm and to reconvene in open session after a five-minute recess, and the MOTION carried without negative vote.

President Petersen announced that the Village Board was in open session at 6:05 pm.

**Also Present**

Carl Bergesen, Robert Chanson, Michael Hoey, Rob Ireland, Rescue Squad Chief Jon Kemmett, Library Director Nancy Krei, Lou Loenneke, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Jerry Oglesby, Police Chief Steve Olson, Village Attorney Dale Thorpe, Police Officer Catherine Tietz, Tom Whowell, Cindy Wilson, Public Works Director Craig Workman

**Visitors Heard**

Chief Olson introduced the recently hired part-time Police Officer Catherine Tietz and Martin administered her Official Oath. Officer Tietz thanked the Village Board members for the job opportunity. Tom Whowell stated that he wanted to express his gratitude to the Village of Fontana Rescue Squad and the emergency services personnel who responded to his 911 call on St. Patrick's Day when he suffered a heart attack. Whowell stated that the emergency service volunteers have a significant responsibility that they take very seriously and he would like to thank them for their service and the quality care that he received. Whowell stated that he also wanted to address a "partners in the community" concern regarding traffic control after services at St. Benedict Catholic Church on Sunday mornings. Whowell stated that the parishioners have great difficulty getting out of

the lot and onto Highway 67 following the 8:00 am and 9:30 am church services. Whowell stated instead of having a police officer parked further down on Highway 67 using the radar to detect speeding motorists on Sunday mornings following the services, that officer could lend a hand and provide traffic control services for 10 or 15 minutes at the church parking lot following the services. Spadoni stated that the Protection Committee will look into the matter. Geneva Lake Conservancy Executive Director Joseph McHugh presented a letter dated April 6, 2009 and addressed to Village Trustee Micki O'Connell regarding a proposed lakefront preservation ordinance that would "preserve and protect the beautiful jewel that is Geneva Lake." McHugh stated that he proposed the "draft" language solely to initiate discussion on the proposed ordinance. A proposed amendment to the lakefront zoning ordinance drafted by Village Attorney Dale Thorpe is scheduled to be presented at the next Plan Commission meeting.

#### **Announcements**

1. 2009 Spring Election – **Tuesday, April 7, 2009, Polls Open 7:00 am to 8:00 pm**
2. Toddler Time at the Fontana Public Library – **Thursdays, April 9, 16, 23 & 30, 2009, 10:30 am**
3. Village Hall/Library Closed for Easter Weekend – **Friday to Sunday, April 10-12, 2009**
4. Village Easter Egg Hunt at the Duck Pond Recreation Area – **Saturday, April 11, 2009, 10:00 am**
5. Library Board Meeting – **Wednesday, April 15, 2009, 10:00 am**
6. Park Commission Meeting – **Wednesday, April 15, 2009, 6:00 pm**
7. Volunteer Divers Cleaning Up Lakefront – **Saturday, April 18, 2009**
8. Protection Committee Meeting – **Monday, April 20, 2009, 5:00 pm**
9. Newly Elected Officials Terms Commence – **Tuesday, April 21, 2009**
10. Finance Committee Meeting – **Thursday, April 23, 2009, 5:00 pm**
11. Public Works Committee Meeting – **Saturday, April 25, 2009, 8:00 am**
12. Plan Commission Monthly Meeting – **Monday, April 27, 2009, 5:30 pm**
13. Lakefront and Harbor Committee Meeting – **Wednesday, April 29, 2009, 4:30 pm**

#### **Approval of Minutes**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held March 2, 2009 as presented, and the MOTION carried without negative vote.

#### **Village Treasurer's Report**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to accept the Treasurer's Report for March 2009 and to place it on file for the audit, and the MOTION carried without negative vote.

#### **Approval of Village and Utility Payables**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as presented, and the MOTION carried without negative vote.

#### **Lake Use Committee**

##### **Meeting Update**

Lou Loenneke stated that the committee recently met for the first time since last October. Loenneke stated that the committee discussed the desire to have stricter enforcement of the "no wake" zones on the lake, and in particular in the Abbey harbor. Loenneke stated that the committee also discussed the tragic accident last year when a woman was run over by a motorboat and killed in Geneva Lake.

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

##### **Wind Energy Ordinance Approval**

Spadoni stated that the Plan Commission approved a motion to recommend Village Board approval of the proposed Wind Energy Ordinance as presented. The proposed ordinance was amended to increase the required setback distances and to add all parcels to the section regulating noise no matter if they are residentially or commercially zoned.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 040609-02 as presented, and the MOTION carried without negative vote.

**Raze or Repair Order for Universal Mortgage Property at 848 Geneva Lane**

The Plan Commission approved a motion to recommend Village Board approval of the Order for Repair of the principal and accessory structures located at 848 Geneva Lane as presented.

Spadoni/Lewis 2<sup>nd</sup> made a MOTION to approve the issuance of the Order for Repair of the principal and accessory structures located at 848 Geneva Lane as presented, and the MOTION carried without negative vote.

**Certified Survey Map Filed by Dave Stopple, Estate of Tena Stopple, Town of Linn & Town of Walworth – ETJ Review**

Spadoni stated that the Plan Commission approved a motion to recommend Village Board approval of the Certified Survey Map filed by Dave Stopple for the Estate of Tena Stopple, Town of Linn and Town of Walworth, with the condition that all filing fees and cost recovery fees owed to the Village of Fontana shall be paid in full.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve the Extraterritorial Plat Jurisdiction review of the Certified Survey Map filed by Dave Stopple for the Estate of Tena Stopple, Town of Linn and Town of Walworth, with the condition that all filing fees and cost recovery fees owed to the Village of Fontana shall be paid in full. The MOTION carried without negative vote.

**Joint ETZ Committee and Plan Commission Recommendations on Petition for Amendment of the ETZ Zoning Ordinance & CSM Filed by Jean Black Barton Trust, Linn Township**

Spadoni stated that the Plan Commission and Joint ETZ Committee approved motions to recommend Village Board approval of the Petition for Amendment of the ETZ Zoning Ordinance and the Certified Survey Map filed by the Jean Black Barton Trust with the conditions that all review comments from the Wisconsin Department of Administration and the Village engineering firm, Ruckert-Mielke, are satisfied; that all filing fees and cost recovery fees owed to the Village of Fontana are paid in full within 15 days; that the applicant shall be responsible for recording the Certified Survey Map with Walworth County within one year from the approval date; that the applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey Map within 30 days of recording such document; and that the Linn Town Board shall determine the location of the driveway.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 040609-01 as presented, approving the Petition for Amendment of the ETZ Zoning Ordinance and the Certified Survey Map filed by the Jean Black Barton Trust with the conditions that all review comments from the Wisconsin Department of Administration and the Village engineering firm, Ruckert-Mielke, are satisfied; that all filing fees and cost recovery fees owed to the Village of Fontana are paid in full within 15 days; that the applicant shall be responsible for recording the Certified Survey Map with Walworth County within one year from the approval date; that the applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey Map within 30 days of recording such document; and that the Linn Town Board shall determine the location of the driveway. 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, 2/2/09 & 3/2/09**

Spadoni stated that the documents required as conditions for approval of the CSM still have not been filed or reviewed by the Village.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to take the item off the agenda until the required documents have been filed and reviewed in a timely fashion, and the MOTION carried without negative vote.

**General Business/Administrator’s Report – President Petersen/Administrator Hayden-Staggs**

**Schedule Annual Organizational Meeting Date**

Following discussion, the date that worked the best for the annual Organizational Meeting is Tuesday, April 28, 2009 beginning at 5:00 pm.

**Building Inspection Fees Ordinance Amendment**

Hayden-Staggs stated that the proposed amendment is being presented by staff to address some

changes to Chapter 14 of the Municipal Code and to tweak the fee schedule. Nyman stated that there were some gaps in the fee schedule that needed to be addressed. Spadoni stated that he would like to see a copy of the proposed ordinance amendment with the changes tracked.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to table the proposed amendments to Chapter 14 of the Municipal Code and to direct staff to prepare a redline copy of the proposed amendments. The MOTION carried without negative vote.

#### **Reschedule LWMMI Public Liability DVD Presentation – June 1, 2009**

The presentation had to be rescheduled to accommodate the schedule of LWMMI Executive Director Dennis Tweedale.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to schedule the presentation of the League of Wisconsin Municipalities Mutual Insurance Program Public Liability DVD for Monday, June 1, 2009 at 5:30 pm, and the MOTION carried without negative vote.

#### **Abbey CVB Agreement Modification & First Quarter Payment to CVB**

Hayden-Staggs stated that the approved agreement was modified by the Abbey Resort to state that the resort would only be responsible for paying 16 percent of its room tax collected for enrollment in the Lake Geneva Convention and Visitors Bureau. Hayden-Staggs stated that the initial agreement approved by the Village Board was for the Abbey Resort to pay the entire 16 percent figure for all the room tax the village receives, not just the portion received from the Abbey Resort. Hayden-Staggs stated that the chart also had the wrong rate scale. Hayden-Staggs stated that the Village received an invoice for the first quarterly payment for enrollment in the Lake Geneva CVB that totals \$7.062; however, the agreement still has not been executed so the invoice has not been paid. The Village Board members were in consensus following discussion that the invoice should not be paid until the CVB agreement is approved with the Abbey Resort.

Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to table the proposed CVB agreement modification, and the MOTION carried without negative vote.

#### **Approval of Financing Not to Exceed \$650 for VOF Street Map Project**

McCarthy stated that it will cost an estimated \$650 to design and layout the graphics for the new Village of Fontana street map.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve payment of an amount not to exceed \$650 to the Printing Partners for designing and laying out the graphics for the new Village of Fontana street map project, and the MOTION carried without negative vote.

#### **208 Dewey Avenue House Moving Proposal Submitted by Eleazar Aguilar**

Robert and Gwen Cole submitted a letter that withdraws their request to move the Village owned house at 208 Dewey Avenue. Eleazar Aguilar, 924 W. Centralia Street, Elkhorn, submitted a letter dated March 2, 2009 that states he is interested in moving the house at 208 Dewey Avenue to a lot he owns in Elkhorn and he would be responsible for all expenses to raise and transport the house, he would obtain any insurance required to move the house, he would assume all liability for the project, he would obtain all the necessary permits to complete the relocation, and he would be responsible for the demolition of the foundation and the required backfill. Hayden-Staggs stated that if approved, the relocation of the house would save the Village \$5,000 to \$7,000 to raze the house.

Spadoni/Lewis 2<sup>nd</sup> made a MOTION to deny the request and the MOTION carried on a 3-1 vote, with Trustee O'Connell voting no.

#### **Erosion Control Ordinance Issue**

Hayden-Staggs stated that unless a project requires a building permit, there are no current provisions in the Municipal Code to charge contractors for leaving dirt and debris on the Village streets. The proposed amendment creates the same penalty clause that is part of the building permit process if a contractor does not clean up any street, alley, sidewalk or public right-of-way of dirt and debris.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 040609-03 amending Section 66 of the Municipal Code to include the new Section 66-7 as presented, and the MOTION carried without negative vote.

#### **2009 Payroll Resolution Amendment – Kevin Kohley**

The payroll resolution had to be amended to include the salary range for new part-time Department of Public Works employee Kevin Kohley and to include the salary for the new part-time processing clerk Karen Dieter

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Resolution 040609-02 as presented, and the MOTION carried without negative vote.

#### **Modified Deed Restriction for Jann Property**

Thorpe stated that a new deed restriction is needed to modify the current deed restriction on the property to allow for a driveway from the property onto South Lakeshore Drive.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve a modified deed restriction for the Jann property to allow for a driveway from the property onto South Lakeshore Drive, and the MOTION carried without negative vote.

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

##### **Operator's License Application Filed by Julia Wilear, Abbey Resort**

The application was referred by the Village Board to the Protection Committee for a recommendation and subsequently withdrawn by the applicant.

##### **State Technology Grant Application Submission**

Chief Olson stated that there is grant money available in the stimulus package that could be applied for to update the department's laptop computers and replace the VHS video cameras.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the submission of a state technology grant application for laptop computers and VHS video cameras, and the MOTION carried without negative vote.

##### **Proposed Truancy Ordinance**

Chief Olson stated that truancy has never been a problem before for the Fontana Police Department; however, the school has requested an ordinance be adopted to address some current situations.

Olson stated that he drafted the proposed ordinance using models from other municipalities.

Following discussion, the Village Board members were in consensus that the ordinance should be adopted as presented, with the condition that it is reviewed by the Village attorney.

Spadoni/Lewis 2<sup>nd</sup> made a MOTION to approve Ordinance 040609-04 as presented, with the condition the ordinance is reviewed by the Village attorney, and the MOTION carried without negative vote.

##### **COPS Grant and Fire Station Grant**

Chief Olson stated that he wanted to inform the Village Board about the opportunity to apply for federal COPS grant funding to hire new police officers. Olson stated that the grant offers to fund 100 percent of a new officer's salary and benefits for three years, and then the Village would have to retain the officer for at least one additional year. Chief Olson stated that the grant application deadline will pass before the next meeting of the Protection Committee. Hayden-Staggs stated that the Village just spent \$10,000 on a staffing needs report, which indicated that current staffing level is adequate. The Village Board was in consensus that the COPS grant should not be applied for at this time. Rescue Squad Chief Jon Kemmett stated that Congressman Paul Ryan has indicated that billions of dollars in grant funds will be available for fire station building projects. Kemmett stated that he does not have an application and he does not know the application deadline. The Board members were in consensus that more information on the grant as well as a needs study for the fire station are required before the Village applies for a grant.

#### **Public Works – President Petersen**

##### **Russ Adams Update**

Workman updated the Village Board members on the progress of Department of Public Works employee Russell Adams, who was injured in an accident while driving a snow plow truck on Saturday morning, February 21, 2009.

##### **Leaf and Brush Resolution Amendment Proposal**

Workman stated that the Public Works Committee recommended the changes after discussing the

problems being created by contractors dumping branches, grass clippings and other material at the Village compost site. Workman stated that the committee members recommended not allowing residents inside the compost area and the establishment of another collection site at the Duck Pond for residents to drop off their yard waste; and no longer accepting the dumping of branches, grass clippings and other materials by contractors. Thorpe stated that he proposed resolution includes a penalty clause, which should be incorporated into an ordinance.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve Resolution 040609-03 as recommended, with the proposed section 6 creating a penalty clause eliminated, and to direct the Village attorney to draft an ordinance creating a penalty for the violation of the leaf and brush resolution to be considered at the next monthly meeting of the Village Board. The MOTION carried on a 3-1 vote, with Trustee O'Connell voting no.

#### **Tub Grinding Authorization**

Workman stated that although there were no funds included in this year's budget, there is again a need to rent a tub grinder to create mulch from the piled up yard waste collected during the last year by Department of Public Works. Workman stated that Gifford Tree Service has offered to supply a tub grinder for \$2,500 a day. Workman stated that he would like to rent the tub grinder for three days – two days to grind the material collected this year and a third day to regrind the material from last year. Workman stated that the compost will be sold, with \$3,000 worth of compost being purchased by Gifford and \$2,000 worth of budgeted mulch for the Village's landscaped areas. Workman stated that if the proposal is approved, the total amount of funds that will have to be found in the budget is \$2,500.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to authorize the rental of the tub grinder for three days from Gifford Tree Service as proposed, and the MOTION carried without negative vote.

#### **Public Works Crew Member Position Update**

Workman stated that Kevin Kohley has been working on the DPW crew for the last few weeks.

#### **Timber Ridge Lift Station Abandonment Update**

Workman stated that the lift station will be abandoned by the end of 2009.

#### **2009 Street Reconstruction Projects Update**

Workman stated that initial engineering for the Shabbona and Sauganash street reconstruction projects has commenced.

#### **Construction Updates**

Workman stated that there has been some street light installation on Third Avenue and Kinzie Avenue.

#### **Equipment Sharing Agreement Proposal with Village of Walworth**

Thorpe presented a first draft of an intergovernmental agreement with the Village of Walworth that allows for the sharing of the street sweeper. Thorpe stated that there is still more work required on the agreement before it is ready for consideration.

#### **CDA – Trustee Turner**

##### **Approve Administrative Fee Reimbursement**

Hayden-Staggs stated that the CDA Board voted at its March 4, 2009 meeting to approve a \$30,000 administrative fee to be paid to the Village of Fontana's General Fund for annual services. The CDA was reimbursing the Village \$15,000 for services last year, but the duties of former CDA Executive Director Joseph McHugh have been transferred to other Village employees, so the fee was increased. Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the \$30,000 administrative fee to be paid by the CDA to the Village of Fontana's General Fund for annual services as recommended by the CDA Board, and the MOTION carried without negative vote.

#### **2009 Project Plan and Budget**

The CDA Board voted March 4, 2009 to approve the 2009 budget as presented, which included the following changes: \$180,000 budgeted for the Shabbona Path project to fund the engineering and

cost estimate steps of the planning process; \$5,000 budgeted for the marina building on the lakefront, to fund a structural engineering report on the existing building; the line item for the next phases of the Duck Pond Recreation Area and Wild Duck Road redevelopment plans removed; \$10,000 budgeted for the Environmental Master Plan; and \$1,500 added to the Porter Court Plaza budget for four park benches.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the 2009 Project Plan and Budget for the TIF District as recommended by the CDA Board, and the MOTION carried without negative vote.

#### **Former Duck Pond Landfill Study Results and Landfill Capping Decision**

Workman stated that the report from AECOM Environment on the conclusions and recommendations of the groundwater investigation at the former Duck Pond landfill site was distributed in the meeting packets. The CDA Board directed AECOM to send the report findings and data and a letter explaining the proposed remediation plan to the Wisconsin DNR. The Board also directed Workman to present at next month's meeting the implications of attempting to qualify for a VPLE plan.

#### **Porter Court Plaza Benches Recommendation**

The CDA approved a motion at its March 4, 2009 meeting to approve the Park Commission recommended to install four 8-foot park benches in the same black steel style being installed in the Third Avenue Project, in locations facing the fountain in the Porter Court Plaza. The benches will be installed by the Department of Public Works. The CDA budgeted \$6,000 to purchase the four benches.

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to approve the purchase of four park benches for the Porter Court Plaza as recommended, and the MOTION carried without negative vote.

#### **Beach House Showers Replacement Proposal**

The CDA Board approved a motion at its March 4, 2009 meeting to approve the allocation of funds in the 2009 budget to pay half of the estimated \$3,000 cost for the installation of push-button activation controls for the outdoor showers at the beach house, following the allocation of \$1 from of each of the beach admission fees paid this summer to offset the total expense.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the allocation of an amount not to exceed \$3,500 to pay for half of the cost to install new push-button activation controls for the outdoor showers at the beach house, and the MOTION carried without negative vote.

#### **Approve PDI/Graef Engineering Contract for Shabbona Path Project and Request for Direction on Further Action**

The CDA Board approved a motion at its March 4, 2009 meeting to recommend Village Board approval of a \$7,800 engineering contract with PDI/Graef to complete the next phase of the planning process for the Shabbona path project, and to request that the Village Board determine if it wishes to proceed any further with the development of a permanent path. Workman distributed the path design options, conceptual design images and stair elevations prepared by PDI/Graef.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the \$7,800 engineering contract with PDI/Graef as recommended, and the MOTION carried without negative vote.

#### **Recommendation on RFPs Submitted for Marina Building Structural Engineering Contract**

The CDA Board approved a motion at its March 4, 2009 meeting to recommend Village Board approval of the Blue Ribbon Committee's recommendation to approve the \$2,500 proposal submitted by PDI/Graef to perform a structural engineering evaluation of the existing lakefront marina building being leased by Kevin Kirkland. Spadoni stated that he has a hard time supporting the recommendation when a low bid of \$980 was submitted and there were several other qualified firms that submitted bids totaling \$1,000. Lewis asked committee member Cindy Wilson to present the recommendation. Wilson explained the recommendation and stated that the RFP approval has been tossed back and forth from the committee. Wilson stated that the engineering RFP was a simple recommendation and the Village Board should "do with it what you want." Bob Chanson stated that the CDA Board voted to support the Blue Ribbon Committee recommendation and the issue is not just a matter of money. Chanson stated that the committee members did the leg work on the issue and if the Village Board is just going to approve the lowest bid, they should not waste the

time of volunteer committee members who put a lot of personal time into attending meetings and making educated recommendations.

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the \$2,500 proposal submitted by PDI/Graef for the structural engineering report for the lakefront marina building, as recommended by the Blue Ribbon Committee and CDA Board, and the MOTION carried without negative vote.

#### **Third Avenue Pay Request No. 7**

Workman stated that the \$39,676 Pay Request No. 7 submitted by Mann Brothers for the Third Avenue Project contract was reviewed by the Village engineer and approval was recommended.

President Petersen/Spadoni 2<sup>nd</sup> made a MOTION to approve the \$39,676 Pay Request No. 7 submitted by Mann Brothers for the Third Avenue Project contract as recommended, contingent upon CDA Board approval, and the MOTION carried without negative vote.

#### **Beach Fence Contract – Punch List Approval**

Thorpe stated that the issue was discussed in the closed session and the time was appropriate for the Village Board to consider a motion to approve the punch list of three items that still need to be completed by Century Fence according to the specification of the Beach Fence Replacement contract that were delineated in a January 29, 2009 correspondence to Century Fence.

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to approve the punch list of items that still need to be completed by Century Fence according to the specification of the Beach Fence Replacement contract as delineated in the January 29, 2009 correspondence to Century Fence. The MOTION carried without negative vote.

#### **Fontana/Walworth Pedestrian Path Update**

Workman distributed the engineered design of the pedestrian path that is being funded by the Village of Fontana and a DNR matching funds grant.

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

##### **Mark Walsh Pier Permit Application**

O'Connell stated that the Lakefront and Harbor Committee approved a motion to recommend Village Board approval of the pier permit application filed by Mark Walsh subject to the DNR specifications being met, with the conditions that only three moorings are permitted and that an as built survey be provided upon completion.

O'Connell/President Petersen 2<sup>nd</sup> made a MOTION to approve the pier permit application filed by Mark Walsh subject to the DNR specifications being met, with the conditions that only three moorings are permitted and that an as built survey be provided upon completion. The MOTION carried without negative vote.

#### **2009 Launch Rates Reconsidered Recommendation**

O'Connell stated that the Lakefront and Harbor Committee approved a motion to recommend that the launch rates initially set for the 2009 season be changed to \$7.50 for resident and non-resident non-motorized or non-trailer boats; \$8.00 for resident and \$12.00 for non-resident motorized boats that are 25-feet-long or less; \$10.00 for resident and \$15.00 for non-resident motorized boats that are between 26-feet and 29-feet-long; that season passes are 10 times the individual rate; and that the commercial rate be set at \$400 for 50 launches, or \$8.00 per launch. O'Connell stated that the recommended new rates do not meet the criteria set by the DNR, and there have been launch passes sold for this season for the initially established rates. Hayden-Staggs stated that the budget also has been set with the revenue figures estimated on the initially set launch rates. O'Connell stated that she would recommend the launch rates be left as initially set, with the exception of the commercial rate. O'Connell stated that in the spirit of setting a fair and equitable rate for commercial and residential boat launches, she would recommend a compromise between last year's commercial rate of \$7.80 per launch and this year's initially recommended rate of \$12.50. O'Connell stated that she recommends a rate of \$10 per commercial launch, and that the commercial launches be sold at a rate of 50 for \$500. Bob Chanson stated that it was the goal of the committee to create equity between the rate that residents have to pay for boat launches and the rate for commercial launches. The committee members also were concerned that none of the commercial launch businesses used the honor box system to record a single after-hour launch last season. The Village Board directed the committee to



revisit the issue of the 24-hour time frame for launches, and if it would be appropriate to establish an “in and out” policy.

O’Connell/Spadoni 2<sup>nd</sup> made a MOTION to amend the 2009 commercial launch rate to \$500 for the first 50 launches, and then \$10 per launch after the first 50. The MOTION failed to earn approval on a 2-2 vote, with O’Connell and President Petersen voting yes, and Spadoni and Lewis voting no. Spadoni then made a motion to set the 2009 commercial launch rate at \$8.75 for one in and one out service, and the motion died for lack of a second.

O’Connell/Spadoni 2<sup>nd</sup> made a MOTION to approve Resolution 040609-01 setting the 2009 commercial launch rate at \$450 for the first 50 launches, and then \$9 per launch for each in or out launch after the first 50 launches. The MOTION carried without negative vote.

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

##### **Cost Recovery Collection Policy – Ordinance Amendment Public Hearing**

Hayden-Staggs stated that the Finance Committee recommended the amendments to the Municipal Code to allow for uncollected cost recovery invoices to be recovered by the Village through litigation as “special charges.” Hayden-Staggs stated that a public hearing before the Plan Commission is required because the amendments include some to Chapter 18.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to refer the proposed Cost Recovery Collection Policy amendments to the Plan Commission for a recommendation, and the MOTION carried without negative vote.

##### **2009 Utility Budget**

Hayden-Staggs stated that the proposed 2009 Utility Budget includes a 3 percent increase in the sewer rate. Hayden-Staggs stated that the recommended budget is balanced.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve the 2009 Utility Budget as recommended by the Finance Committee, with a 3 percent increase in the sewer rate, and the MOTION carried without negative vote.

##### **Financial Control Policy Ordinance Amendment for Combination of Administrator/Treasurer**

The Finance Committee recommended approval of two amendments to Section 2-62 and an amendment to Section 2-459(a) to address financial controls for the new combined position of administrator/treasurer.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 040609-05 as recommended, and the MOTION carried without negative vote.

##### **Village Liability, Property & Automobile Insurance Renewal Recommendation**

The Finance Committee approved a motion to recommend Village Board approval of the insurance policy renewal quote as presented by the League of Wisconsin Municipalities Mutual Insurance Program, with an estimated total premium of \$101,646.12 to reflect a 2 percent increase in the property values of the Village buildings.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve the insurance policy renewal quote as presented by the League of Wisconsin Municipalities Mutual Insurance Program, with an estimated total premium of \$101,646.12 to reflect a 2 percent increase in the property values of the Village buildings. The MOTION carried without negative vote.

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

##### **Approve Arbor Day Proclamation**

The proclamation is one of the requirements of being certified a Tree City USA.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve the annual Arbor Day Proclamation with Friday, April 24, 2009 designated as Arbor Day in the Village of Fontana, and the MOTION carried without negative vote.

##### **Blackstone Landscaping Contract Approval**

The contract is in the current budget.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to approve the landscape maintenance contract with Blackstone Landscape, Inc., as presented, and the MOTION carried without negative vote.

**Joint Services Ad Hoc Committee – Administrator Hayden-Staggs**

**Legal Fee Approval for Drafting Preliminary Agreement for Consolidated Fire and Rescue Services**

Hayden-Staggs stated that a meeting of the Ad Hoc Committee has not been held in the last several months and she does not know the status of obtaining cost estimates for the legal fee to review the preliminary agreement for consolidation of fire and rescue services.

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

**Adjournment**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:46 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: 5/4/09