

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

**Monday, May 3, 2010**

President Arvid 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: Cindy Wilson, Micki O'Connell, George Spadoni, President Arvid Petersen, Tom McGreevy, Peg Pollitt, Pat Kenny (arrived at 5:52 pm)

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

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

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to go into closed session to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the properties located at 531 Mill Street and 543 Valley View Drive, and 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 F.R.O.G. membership issue, and the Roll Call vote followed:

Trustee O'Connell – Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee McGreevy – Aye

Trustee Pollitt – Aye

Trustee Wilson - Aye

The MOTION carried on a 6-0 vote with Trustee Kenny not yet at the meeting.

**Adjournment of Closed Session**

Trustee O'Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to adjourn the Closed Session at 6:22 pm, and the MOTION carried without negative vote.

President Petersen called for a 10-minute recess.

**Also present:** Skip Bliss, Lee Eakright, Jim and Megan Feeney, Charles Harrett, Doug Harrod, Rob Ireland, Kevin Kirkland, Library Director Nancy Krei, Alex Koldeway, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Rick Pappas, Jen Special, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements**

1. Annual Park Commission Park Walks – **Tuesdays, May 4, 11 & 18, 2010, 5:30 pm**
2. CDA Board Monthly Meeting – **Wednesday, May 5, 2010, 6:00 pm**
3. Annual Marathon – **Saturday, May 8, 2010**
4. Protection Committee Meeting – **Monday, May 17, 2010, 5:00 pm**
5. Library Board Meeting – **Wednesday, May 19, 2010, 10:00 am**
6. Plan Commission Staff Meeting – **Wednesday, May 19, 2010, 1:00 pm**
7. Park Commission Meeting – **Wednesday, May 19, 2010, 6:00 pm**
8. Evening Book Club at the Fontana Library – **Thursday, May 20, 2010, 5:30 pm**
9. Sunchaser Challenge Around Geneva Lake – **Saturday, May 22, 2010**
10. Lakefront and Harbor Committee Meeting – **Wednesday, May 26, 2010, 4:30 pm**

11. Fontana Garden Club Annual Garden Fair at the Park House – **Saturday and Sunday, May 29 & 30, 2010**
12. Village Hall & Fontana Public Library Closed for Memorial Day – **Monday, May 31, 2010**
13. Plan Commission Monthly Meeting – **Tuesday, June 1, 2010**
14. Village Board Monthly Meeting – **Monday, June 7, 2010, 6:00 pm**

#### **Approval of Minutes**

Trustee O'Connell/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held April 5 and 26, 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 April 2010 and the current Cash Flow Statements, Vendor Report and Payroll Overtime Report were distributed. Pollitt asked if the CDA accounts can be added to the monthly treasurer's report.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the April 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 Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as distributed and presented at the meeting, and the MOTION carried without negative vote.

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

##### **Appointments – CDA and Board of Appeals Alternate**

President Petersen nominated Rick Pappas for one of the two open alternate positions on the Board of Appeals.

Trustee Kenny/Trustee O'Connell 2<sup>nd</sup> made a MOTION to confirm the appointment of Rick Pappas as an alternate on the Board of Appeals, and the MOTION carried without negative vote.

President Petersen nominated Bill Turner to fill the citizen position being vacated by Trustee Wilson on the CDA Board, Trustee Wilson to fill the trustee positions formerly held by Turner, and Jeff Fisk to another four-year term. The CDA Board terms commence in December, and the reappointment of Fisk was inadvertently missed.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to confirm the appointment of Bill Turner to take the citizen position being vacated by Cindy Wilson, the appointment of Cindy Wilson to the trustee position vacated by Bill Turner, and the reappointment to a four-year term of citizen representative Jeff Fisk. The MOTION carried without negative vote.

##### **Proposal to Hire Arborist for Highway 67 Trees**

Workman stated that some of the trees planted on Highway 67 as part of the CDA reconstruction project are extremely stressed, and it may be as a result of road salt that is spread by the county plows in the winter. Workman stated that the katsura trees have already been replaced under the contract warranty; however, the second bath that was planted is starting to show sign of decay. Workman stated that he would like to have an arborist study the conditions in the problem areas and recommend if different type trees or landscaping should be considered. Workman stated that an amount not to exceed \$400 should be adequate to hire an arborist to provide consultation services on the Highway 67 trees.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to authorize an amount not to exceed \$400 to hire an arborist to provide consultation services for the Highway 67 trees, and the MOTION carried without negative vote.

##### **Report on League of Wisconsin Municipalities Mutual Insurance Conference – Schedule Meeting for Viewing Public Officials Liability DVD**

Martin gave a report on the April 22 and 23, 2010 conference he attended in Wisconsin Dells. The conference focused on tragedies that struck other communities and offered tips on how to prevent or manage similar situations. Martin stated that the conference was outstanding and provided

valuable information that will be of use to the Village of Fontana. Martin stated that the LWMMI Chief Executive Officer Dennis Tweedale offered to attend a Village Board meeting and answer questions during another presentation of the DVD on presenting public official's liability. The Village Board directed Martin to schedule a showing of the DVD prior to the next monthly meeting on Monday, June 7, 2010, beginning at 5:30 pm. Martin will invite Tweedale to attend the meeting.

#### **Employee Contract – Gail Nichols**

Hayden stated that when the other non-union employee contracts were updated with the current insurance language, Police Administrative Assistant Gail Nichols requested more time to review her contract. Spadoni stated that a reference on page 1 of the old contract to the police "sergeant" should be corrected to the police "lieutenant."

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the employee contract between the Village and Gail Nichols as presented, with the correction of "sergeant" to be changed to "lieutenant" on page 1 of the contract, and the MOTION carried without negative vote.

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

##### **Building, Site and Operational Plan Amendment Filed by Fontana Shores Condominium Association for Parking Lot Gate Proposal**

Spadoni stated that the Plan Commission held a public hearing on April 26, 2010 and recommended approval of the proposal with four conditions. Spadoni stated that he spoke to the applicants and they do not have any concerns with the four conditions for approval.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan amendment as filed by the Fontana Shores Condominium Association for its parking lot gate proposal, with the following four conditions:

1. Planters used to delineate property boundaries and discourage entry must be temporary and portable. They may not be permanently affixed.
2. A complete submittal for building, electric and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
3. 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.
4. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.

The MOTION carried without negative vote.

#### **Chapter 17 and 18 Rewrite**

Hayden stated that Village Planner Mike Slavney has further reduced his initial price quote for rewriting Chapters 17 and 18 of the Village of Fontana Municipal Code and has offered to bill the village in 2011. Hayden stated that according to the Village auditor, if the Village takes delivery of the final project in 2011, the expense can be allocated in the 2011 budget. Hayden stated that the initial quote of \$60,000 can be reduced to \$24,000 to \$30,000, according to Slavney. Hayden stated that she still has to discuss a similar billing arrangement for the project with Thorpe and Village Engineer Joe Eberle. Geneva Lake Conservancy Executive Director Joseph McHugh submitted a letter that thanks the Village for proposing a Zoning Code amendment that tightens the boat house construction regulations, and to offer whatever resources the conservancy can in an effort to assist the Village with its comprehensive rewrite of Chapters 17 and 18. The letter states that if the conservancy can assist with obtaining grant funding for the project, they would be happy to do so.

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

#### **Announce Public Hearing – Chapter 17 & 18 Amendments Pertaining to Boat Houses**

Spadoni announced that a public hearing has been scheduled for Tuesday, June 1, 2010 at 5:30 pm to consider the proposed amendments to the Municipal Code that would eliminate the possibility of having a new boat house approved.

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

**Park Permit Applications Filed for Carole J. Bartman, Reunion, Duck Pond Pavilion with Beer/Wine Consumption Permit, Saturday, July 24, 2010, 11:00 AM to Dusk; Joe and Jenn Special, Birthday Party, Duck Pond Pavilion, Saturday, May 29, 2010, 2:00 to 5:00 PM; and Jose Corona, Birthday Party, Duck Pond Recreation Area, Saturday, May 8, 2010, 3:00 to 6:00 PM**

Wilson stated that the applications were reviewed by the Park Commission and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Park Permit applications as recommended, and the MOTION carried without negative vote.

### **Big Foot Recreation Department Request for Inflatable Movie Screen on Beach for Movie Night Program**

Wilson stated that the Park Commission recommended approval of the Big Foot Recreation Department proposal to show movies on the municipal beach. Hayden stated that the recreation department will charge \$1 admission, and the beach staff members will sell concessions. Hayden stated that the Recreation Department also has offered the use of its popcorn maker for the events. Wilson asked if the wrappers from the beach concessions will create a litter problem. Hayden stated that the beach staff and Department of Public Works crew members have clean-up and beach grooming duties that are performed daily.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Big Foot Recreation Department proposal to host “Movie Nights” at the Fontana Municipal Beach on Saturdays, June 12 and 26, 2010; July 10 and 24, 2010; and August 7 and 21, 2010, beginning at 8:45 to 9:00 pm. The MOTION carried without negative vote.

### **Tree Permit Appeal Filed by Geneva Lake Conservancy**

Wilson stated that the Park Commission held a special meeting Wednesday, April 28, 2010 to conduct a hearing on an appeal filed by Geneva Lake Conservancy Executive Director Joseph McHugh with regard to tree on the Gary Neilson/Trudy Havens property at 403 N. Lakeshore Drive that was scheduled to be cut down as part of a residential building project. Wilson stated that a tree removal permit was not required for the removal of the oak tree estimated to be 120- to 200-years-old because Building Inspector/Zoning Administrator Ron Nyman determined the tree to be a nuisance tree under the parameters of the tree ordinance. Thorpe stated that the Park Commission approved a motion to recommend to the Village Board that direction be given to Village staff to reconsider the nuisance tree designation of the subject tree, but that the commission does find and does recommend to the Village Board that the subject tree is eligible for a tree removal permit immediately. Thorpe stated that the property owners were issued a tree removal permit for the tree under a different section of the tree ordinance and it has been cut down, but the Village Board should make the Park Commission recommendation final or suggest another action.

Trustee Spadoni/Trustee O’Connell 2<sup>nd</sup> made a MOTION to adopt the Park Commission recommendation that direction be given to Village staff to reconsider the nuisance tree designation of the subject tree, but that the subject tree is eligible for a tree removal permit immediately. The MOTION carried without negative vote.

### **Public Works – Trustee McGreevy**

#### **Timber Ridge Lift Station Abandonment Rebid Authorization**

Workman stated that the project initially was going to be handled as a change order for a construction project contract; however, it has taken about one year to negotiate the necessary easement with the Adreani family. Workman stated that the Village now has the signed easement and can move forward with the project to abandon the Timber Ridge Lift Station. In response to a question from Pollitt, Workman provided a description of the project. Workman stated that the Ruckert-Mielke proposal for professional engineering services calls for an amount not to exceed \$8,000; however, he estimates that the amount of work required will be more in the \$4,000 range. Workman stated that the project cost is in the current budget.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Ruckert-Mielke proposal to provide professional engineering services for the Timber Ridge Lift Station Abandonment Project for an amount not to exceed \$8,000, and the MOTION carried without negative vote.

### **Proposal to Revise Compost Price List**

Workman stated that the DPW crew would like to switch from creating shredded compost to creating screened compost. Workman stated that the screened compost is a better product, and the rate should be increased by \$10 per yard. Workman stated that the committee recommended setting the rates for screened compost at \$20 per yard for residents and \$25 per yard for non-residents. Hayden stated that the Village resolution establishing fees will have to be amended if the new rates are approved.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Resolution 050310-01 amending the Village fee schedule to list the new rates for screened compost at \$20 per yard for residents and \$25 per yard for non-residents, as recommended. The MOTION carried without negative vote.

### **Beach House Flooring Issues**

Workman stated that the concrete floor sealer at the beach house has been a problem since day one. Workman stated that the DPW crew has been attempted to scrap off the sealer, but it has been very difficult to remove. Workman stated that without the sealer, the floor will hold odors and create another problem. Workman stated that he received a quote for a new sealing product from Epoxy Wizard, Antioch, IL. Workman stated that the Epoxy Wizard proposal to complete the beach house floors totals \$3,875, and the product has a 15-year warranty. Workman stated that there is \$3,500 in the current budget for repairs and maintenance at the beach house. Kenny stated that local resident Larry Schroeder also provides the same service with a similar product and he suggested getting a comparison quote. Pollitt stated that the Village should get more than one bid for the service. Workman stated that he can get more quotes.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the lowest quote solicited to reseal the beach house flooring, at a cost not to exceed \$3,875, and the MOTION carried without negative vote.

### **Authorization to Sell Kubota Tractor**

Workman stated that the tractor has not worked out well for snow-blowing services because pins get sheered every time the attachment is used. Workman stated that the repairs are covered, but the tractor also does not work well for mowing grass. Workman stated that following recent warranty repairs, the tractor is in brand new condition and he thinks the Village can sell it for the \$28,000 purchase price. Workman stated that the committee recommended selling the tractor and using the proceeds to purchase a different model. In response to a question from Pollitt, Workman stated that the tractor will be auctioned on EBay.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize the sale of the Department of Public Works Kubota tractor as recommended, and the MOTION carried without negative vote.

### **Abbey Springs Water Main Proposal Submitted by Ruekert-Mielke**

Workman stated that the 10-inch water main that crosses the Abbey Springs property needs to be upgraded. Workman stated that the main has broken six or seven times this year. Workman stated that the Village approved a contract last year with Ruekert-Mielke to provide engineering services for the village-wide water system and the proposal to add the Abbey Springs planning to the contract will cost an additional \$5,000. Hayden stated that if the construction cost exceeds \$1,823,259, it will have to go to referendum for approval according to the Village's Capital Improvement direct legislation ordinance, which is Section 2-610 of the Municipal Code.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$5,000 contract amendment with Ruekert-Mielke to provide professional engineering services for the proposed Abbey Springs Water Main Replacement Project as submitted, and the MOTION carried without negative vote.

### **Protection Committee – Trustee Pollitt**

#### **Temporary Operator's License Applications Filed by Big Foot Lions Club Members Joe Abell, Richard Murphy, Anders Pearce and Kevin Racky**

The applications for the Temporary Operator's Licenses for Big Foot Lions Club members Joe Abell, Richard Murphy, Anders Pearce and Kevin Racky were filed for the July 3, 4 and 31, 2010

events.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Temporary Operator's License applications filed by Big Foot Lions Club Members Joe Abell, Richard Murphy, Anders Pearce and Kevin Racky, and the MOTION carried without negative vote.

#### **Recommendation on Ordinance to Amend Chapter 74**

Chief Olson stated that the amendments were recommended by the Protection Committee to change the appropriate language for the new pay to park pay stations.

President Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 05-03-10-01 amending Sections 74-6, 74-7, 74-8, 74-9, 74-10 and 74-12, as recommended, and the MOTION carried without negative vote.

#### **Police Officer Memorial Day Proclamation**

Martin read the annual Police Office Memorial Day Proclamation into the record. Peace Officers' Memorial Day has been designated for May 15, 2010, and the week in which May 15 falls has been designated National Police Week.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to adopt the Peace Office Memorial Day Proclamation as presented, and the MOTION carried without negative vote.

#### **CDA – President Petersen**

##### **Proposal Submitted by Ruekert-Mielke for Professional Engineering Services for Big Foot Country Club Storm Water Facility**

Workman stated that the project will run storm water from Village streets to a new detention facility on Big Foot Country Club property. O'Connell asked if the project is eligible for TIF funding. Workman stated that the project is one of the storm water management projects planned to address the Village's storm water runoff problems. Workman stated that the Big Foot Country Club has agreed to allow the Village to locate the storm water detention facility on its property, but it is a Village project. Workman stated that \$250,000 to \$300,000 project is in the current CDA budget. The Ruekert-Mielke proposal to provide professional engineering services for an estimated \$19,900 for the time and materials contract has not been acted on by the CDA Board.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the \$19,900 proposal submitted by Ruekert-Mielke for professional engineering services for the Big Foot Country Club Storm Water Facility Construction Project as submitted, contingent on CDA Board approval. The MOTION carried without negative vote. Trustee O'Connell abstained.

##### **Lakefront Building Proposal Referendum – Determine New Date**

Hayden stated that as discussed in the closed session, the FROG group decided to not authorize an amendment to the settlement agreement which would have allowed the referendum to be held in June. Hayden stated that that agreement allows the referendum to be held at the Partisan Primary Election on Tuesday, September 14, 2010, or the General Election on Tuesday, November 2, 2010. Hayden stated the draft referendum question approved last month will have to be signed off on by the FROG group.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to set the referendum for the Lakefront Building Proposal on Tuesday, September 14, 2010, and the MOTION carried without negative vote.

##### **Fontana Boulevard Lighting and Landscaping Project Pay Request No. 3**

Workman stated that the pay request No. 3 totals \$27,650 and the Village engineer recommended approval. Pollitt asked why the \$399,700 amount listed under Total Completed to Date is greater than the \$395,048 Original Contract Amount. Workman stated that he thought the contract should feature a total deduction from the initial approval, because the contract is on a time and material basis and one of the items was reduced. Workman stated that he will review the pay order and determine an answer for Pollitt.

President Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item until the pay order can be clarified, and the MOTION carried without negative vote.

At the end of the meeting, Workman stated that he reviewed the pay order had located an adjustment made in the time and materials contract to account for changes in the sidewalk path and location of the light poles adjacent to the Abbey Resort property. Workman stated that the pay order is in line

and recommended approval.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve payment of the \$27,650 Pay Request No. 3 submitted by PTS Landscaping, Inc. for the Fontana Boulevard Lighting and Landscaping Project Contract, contingent on CDA Board approval. The MOTION carried without negative vote.

### **Shabbona Path Plan & Material Expenditure Approval**

Workman stated that Sheldon Landscape submitted an estimate of \$5,548 to supply the materials for the construction of the Shabbona Path. Workman stated that the pedestrian path will run from upper Country Club Estates down to Shabbona Drive. A local Boy Scout is coordinating the construction project with the help of volunteers as an Eagle Scout Project. Workman stated that an additional \$500 will be needed to purchase food and to supply a portable toilet at the site.

President Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$5,548 purchase of materials from Sheldon Landscape as proposed for the construction of the Shabbona Path, and to approve the allocation of \$500 for the purchase of food and to rent a portable toilet for the construction day on Saturday, May 15, 2010, contingent on CDA approval. The MOTION carried without negative vote.

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

#### **Country Club Estates Association Contract Renewal Recommendation & Beach and Bridge Maintenance Items**

O’Connell stated that the Lakefront and Harbor Committee approved a motion at its monthly meeting to recommend approval of a five-year term for a renewed lease between the Village of Fontana and the Country Club Estates Association, with three five-year renewal periods, for a \$1 annual fee. The committee also recommended that the expired contract be amended to allow for wave runners to be moored on pier slips, but not on ramps. Trustee O’Connell made a motion to approve the Lakefront and Harbor Committee recommendation to renew the lease with the Country Club Estates Association for a five-year term, with three five-year renewal periods, for a \$1 annual fee, and to direct the Village attorney to review the lease and to make the necessary amendments regarding the allowance of wave runners on pier slips, but not on ramps, and the motion was seconded by Spadoni. O’Connell stated that the committee also directed the Village Board to address the concerns brought up by Country Club Estates Association President F.J. Frazier regarding the eroding sidewalk adjacent to the channel; the need to clean, pressure-wash and paint the bridge; the need to remount the railroad ties in the hill; and the need to enforce the no-wake speed limit in the channel from the Abbey Harbor. Workman stated that a barge will have to be rented to catch the debris from the bridge if it is power-washed. Workman was directed to get a quote from Austin Pier Service to provide the bridge washing services. Workman stated that the eroding sidewalk and railroad ties situations are complicated and tied into the backfill problem that the bridge has been experiencing for many years. Workman stated that he is hesitant to assign the projects to the Public Works Department crew. Workman will look into backfill situation and report back to the Board with project options and cost estimates. Pollitt stated that she would like to review the lease after it is reviewed and amended by Thorpe. O’Connell and Spadoni then withdrew their motion on the floor. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Recommendation for Boat Launch Ramp Season Extension to October 31 – Ordinance Amendment**

O’Connell stated that the Lakefront and Harbor Committee approved a motion at its last monthly meeting on a 4-3 vote to recommend that the village launch ramp remain open until the end of October for a one-year trial run. An ordinance amendment to Section 54-161 is necessary to authorize the extension of the boat launch ramp season to October 31.

Trustee O’Connell/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 05-03-10-02, amending Section 54-161(d)(4) as presented, and the MOTION carried without negative vote.

#### **Recommendation to Establish Ordinance Regulating Portable Gas Containers**

O’Connell stated that the Lakefront and Harbor Committee would like some direction on what the Village can regulate in the Municipal Code regarding portable gas containers on private and

commercial piers, and what has to be regulated by the Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources. The committee began looking into the regulations on portable gas containers after a concern was brought up at the February 24, 2010 committee meeting that last season at the pier used by Jerry's Marine, there were always three or four large, portable gas tanks stored at the end of the pier.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to authorize Village Attorney Thorpe to research portable gas containers regulations that can be enforced by the Village, and what has to be enforced by the Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources. The MOTION carried without negative vote.

#### **Pier Permit Application Filed by Dean Buntrock for Property Located at 892 S. Lakeshore Drive**

O'Connell stated that the committee approved a motion at its monthly meeting to recommend Village Board approval of the application as filed, subject to final approval by the Wisconsin Department of Natural Resources, and with the condition that all the necessary building permits are obtained and Village requirements completed.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Pier Permit application as filed, subject to final approval by the Wisconsin Department of Natural Resources, and with the condition that all the necessary building permits are obtained and Village requirements completed. The MOTION carried without negative vote.

#### **McHenry Area Youth Commission Beach Outing Proposal**

O'Connell stated that he committee approved a motion at its monthly meeting to recommend Village Board approval of a 25 percent discount on the total admission fees charged to the McHenry Area Youth Commission for its outing to the Fontana Municipal Beach on Thursday, August 5, 2010.

O'Connell stated that the committee reached a consensus following discussion that requests for admission fee discounts for non-profit groups should be considered on a case-by-case basis. Pollitt asked if the Village has ever authorized a discount for beach admission for other groups. Hayden stated that there have been requests approved in the past, including one last season for a different non-profit organization from McHenry County.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Lakefront and Harbor Committee recommend for a 25 percent discount on the total admission fees charged to the McHenry Area Youth Commission for its outing to the Fontana Municipal Beach on Thursday, August 5, 2010, from 10:00 am to 2:30 pm. The MOTION carried on a 6-1 vote, with Trustee Pollitt opposed.

#### **Lake Geneva Marine Lease Amendment to Allow for Kayak Operations**

O'Connell stated that Kevin Kirkland would like to have an amendment to the lease for the lakefront building to authorize the rental of kayaks. The Lakefront and Harbor Committee, CDA and Village Board have been planning with Kirkland for the opening of a kayak rental/rowing club program at the lakefront building; however, Section 6 of the current lease prohibits the rental of watercraft, boats or jet skis.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to authorize an amendment to the lease between the Village of Fontana and Kevin Kirkland for the lakefront building to authorize the rental of kayaks and rowing scows, subject to review of the amended lease by the Village attorney. The MOTION carried without negative vote.

#### **F/W WPCC – President Petersen**

##### **Pay Application No. 6 for Wastewater Treatment Facility Plant Improvement Project**

Hayden stated that the Pay Application No. 6 for the Wastewater Treatment Facility Plant Improvement Project totals \$124,612 and approval is recommended.

Trustee Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to approve Pay Application No. 6 totaling \$124,612 for the Wastewater Treatment Facility Plant Improvement Project, as recommended, and the MOTION carried without negative vote.

#### **11th Amendment to IGA and Sixth Amendment to Kikkoman Contract**

President Petersen stated that the Fontana/Walworth Water Pollution Control Commission Board



recommended approval of the 11<sup>th</sup> amendment to the Intergovernmental Agreement and sixth amendment to the Kikkoman Contract. The changes were made to reflect Kikkoman's May 12, 2009 sale of capacity to the Village of Fontana.

President Petersen/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the 11<sup>th</sup> amendment to the Intergovernmental Agreement and sixth amendment to the Kikkoman Contract as recommended, and the MOTION carried without negative vote.

#### **Environmental Committee – Trustee Kenny**

##### **Controlled Burn Request Submitted by Abbey Ridge**

Martin stated that a date still has not been proposed for the controlled burn request. Workman stated that it may be too late in the season for a controlled burn.

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

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

##### **Equity Transfer Designated vs. Undesignated**

Hayden stated that the Finance Committee recommended that the Village transfer \$47,000 from the designated equity account to undesignated, since the funds were already used when the software was installed in 2008 and that \$429.80 be transferred from undesignated to designated to record police donations.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the transfer \$47,000 from the designated equity account to the undesignated account for the software purchase, and the transfer of \$429.80 from undesignated to designated to record police donations. The MOTION carried without negative vote.

#### **Moody's Bond Rating Modification**

Hayden reported that Ehlers and Associated sent an email to the Village stating that Moody's migrated all their ratings to a new "Global Scale Rating" system and Fontana is now rated A1.

#### **Adjournment**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:52 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: 6/7/10