

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Tuesday, July 6, 2010**

President Arvid Petersen called the monthly meeting of the Village Board to order at 6:35 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Pat Kenny, Peg Pollitt, Cindy Wilson, Micki O'Connell, George Spadoni, President Arvid Petersen

**Trustee absent:** Tom McGreevy

**Also present:** Steve Beers, Rallee Chupich, Administrator/Treasurer Kelly Hayden, Rob Ireland, Jon Kemmett, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Rick Pappas, Village Attorney Dale Thorpe, Dan Truttschel, Carol Whowell

**Visitors Heard**

None

**Announcements**

1. CDA Monthly Meeting – **Wednesday, July 7, 2010, 6:00 pm**
2. Big Foot Recreation Movie Nights at the Fontana Beach – **Saturdays, July 10 & 24, 2010, Dusk**
3. Plan Commission Staff Meeting – **Wednesday, July 14, 2010, 1:00 pm**
4. Village Assessor Office Hours at Village Hall – **Friday, July 16, 2010, 10:00 am to 2:00 pm**
5. Library Board Meeting – **Wednesday, July 21, 2010, 10:00 am**
6. Park Commission Meeting – **Wednesday, July 21, 2010, 6:00 pm**
7. Open Book – **Thursday, July 22, 2010, 3:00-5:00 pm & Saturday, July 24, 2010, 10:00 am-Noon**
8. Plan Commission Monthly Meeting – **Monday, July 26, 2010, 5:30 pm**
9. Lakefront and Harbor Committee Meeting – **Wednesday, July 28, 2010, 4:30 pm**
10. Finance Committee Meeting – **Thursday, July 29, 2010, 6:00 pm**

**Approval of Minutes**

Trustee O'Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held June 7, 2010 as presented, and the MOTION carried without negative vote.

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

The treasurer's report for May 2010 and the current Vendor Report and Payroll Overtime Report were distributed and/or emailed.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the May 2010 treasurer's report and to place it on file for the audit. The MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Trustee Spadoni/Trustee Pollitt 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.

At the end of the meeting, a \$4,891 invoice submitted by Aftermath Paving, Lake Geneva, was presented. The invoice for a paving project at the old main lift station parking lot came in after the payables were entered for the meeting.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$4,891 invoice from Aftermath Paving, and the MOTION carried without negative vote.

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

## Hayden

### **Boiler Replacement New Quote**

Hayden stated that the Village received five quotes from four different companies to replace the boiler at the Village Hall/Public Library building with a more efficient system. Hayden stated that although the replacement cost will be more than the initially approved \$22,000, the new system will end up saving the village money in the long run. Hayden stated that the item is not in the current budget, but it is crucial. Hayden stated that the funds will have to be allocated from other accounts in the budget if approved. Hayden stated later in the year when the village has a better picture of the total revenue, a budget adjustment will have to be approved to allocate the funds. The low bid of \$32,750 was submitted by Komfort Heating and Cooling. In response to a question from Wilson, Hayden stated that the warranty for the new boiler will be about 20 years. Hayden stated that she will confirm the term of the warranty.

Trustee Spadoni/Trustee Wilson 2<sup>nd</sup> made a MOTION to approve the bid of \$32,750 submitted by Komfort Heating and Cooling, and the MOTION carried without negative vote.

### **Fontana Fourth Fest Report**

Hayden stated that the inaugural event featured good attendance and nice weather, despite heavy rain in the area on July 4, 2010. Hayden stated that the event went well considering it was the first year. For the entire holiday weekend, Hayden stated that the Village took in more revenue for parking and at the beach than last year, and overall the total revenue is \$11,000 ahead of last year's totals. A complete profit and loss statement will be presented at the next monthly meeting. O'Connell stated that she talked to the participating vendors in the arts and crafts show, and some were concerned about the amount of foot traffic. Wilson stated that she also talked to the vendors and she has a list of suggestions if another arts and crafts fair is staged. Wilson stated that if another arts and crafts fair is going to be held, it should be planned for a different weekend other than the Fourth of July. Pollitt asked if the Fourth Fest was just a trial or if it is going to be an annual event. Petersen stated that the Village Board has wanted an annual event in Reid Park on the Fourth of July for several years. Hayden stated that if a second annual event is proposed, it will have to go through the same approval process before the Park Commission and Village Board that all the special park events go through on an annual basis.

### **Mosquito Spraying Request**

The Village received a letter from Dave and Gabby Jensen requesting the Village Board to reconsider its decision to not spray for mosquitoes this summer. President Petersen stated that the issue is the \$20,000 needed to fund the purchase of chemicals and to fund the overtime salary expense for the Department of Public Works employees who have to work after the regular work day to spray the mosquito abatement chemicals. In 2009, the salaries paid for mosquito spraying was about \$3,500. In order to be effective, the chemicals have to be sprayed by a certified employee in the evening, when the DPW union contract calls for the overtime pay rate. O'Connell asked if the Village could put the money back in the budget to purchase some of the abatement chemicals. Kenny stated that the Village has chemicals left from last year and there is enough supply to spray the village three or four times. Petersen stated that the overtime payroll is the problem. Pollitt asked and it was confirmed that the chemicals have to be sprayed at night. O'Connell asked if a DPW employee could come in at 10:00 am and work later in order to avoid the overtime issue. Hayden stated that the work day is an issue that is dictated by the union contract and the regular hours are fixed. Hayden stated that the village staff has received two or three telephone calls and other residents have voiced concern about the spraying issue. Pollitt asked if the remaining chemicals have an expiration date. Hayden stated that Director of Public Works Craig Workman checked the chemicals and there is a five-year time period before they expire. Spadoni stated that if the Village does not have the funds available in the budget, the spraying can't be done. Spadoni stated that if there were a way to authorize flexible work hours, the remaining chemicals could be sprayed this summer if the mosquitoes get bad.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to refer the mosquito spraying overtime pay rate issue to the Public Works Committee to determine if there is a way to exchange normal working hours without having to pay overtime wages for the application of the remaining mosquito abatement chemicals and to report back to the Village Board. The MOTION carried without negative vote.

### **Village of Walworth Intergovernmental Agreement for Building & Zoning Services**

Hayden stated that the Village of Walworth has been reviewing the proposed intergovernmental agreement extension for the last seven months. Hayden stated that the draft agreement distributed features changes proposed by the Village of Walworth for new fees incorporated for planning and zoning services. In the initial IGA, the Village of Fontana was not compensated for reviewing conditional use permits, site and operational plans, special use permits, CSMs and lot line adjustments and zoning board of appeals petitions, or for attending Plan Commission and/or Village Board meetings. The Village of Walworth proposed to reduce the review fees initially proposed by the Village of Fontana in the draft agreement from \$150 to \$75 per review, the zoning board of appeals fee from \$200 down to \$150 per petition, and attendance at Plan Commission and/or Village Board meeting to \$50 per meeting in excess of six meetings per calendar year. Hayden stated that mutual holds harmless language also has to be inserted into the new IGA. In response to a question, McCarthy stated that the Village of Fontana did not receive any compensation in the expired IGA for the planning and zoning services.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Intergovernmental Agreement to provide Building and Zoning Services to the Village of Walworth for the term from January 1, 2010 through December 31, 2015 as presented, with the condition mutual holds harmless language is inserted into the agreement. The MOTION carried without negative vote.

### **Letter Submitted by Lou Loenneke Regarding Ownership of Lakefront Properties**

Lou Loenneke submitted a letter dated June 17, 2010 to CDA Chairman Bill Turner that requests the village to “research the lakefront ownership” and review information provided by Village Attorney Dale Thorpe before “doing all our lakefront improvements.” When Thorpe recently provided copies of his records after Loenneke had brought up the lakefront ownership issue at a March 31, 2010 planning meeting for the Lakefront Building Proposal, Thorpe included a message stating, “please make it clear to these folks that my file materials were accumulated over a long period of time as information was randomly brought to my attention and I thought to save it. I have never been asked to research the issue of lakefront ownership in the Village, and I have not done so.” Loenneke states in his letter, “I suggest that as many of us as possible review this information at Village Hall. Can we please pursue this before doing all our lakefront improvements?” Turner was not able to attend the meeting, but submitted the following statement: “As you know, the CDA is contemplating projects on the lakefront, including rebuilding Lake Street. As Chairman of the CDA, I would like to request that the Village Board provide us with a definitive and recorded plat of Lake Street. I would also suggest that the Village Attorney ask the property owners on Lake Street to provide evidence of riparian ownership of the lakefront. Questions about these matters continue to arise and they should be put to rest. I have spoken to Tom Whowell and he also would like to clarify matters once and for all.” Thorpe stated at the meeting that to undertake a complete legal review of the official records, the review will have to go back to 1838, and then it would become a matter of interpreting those records. Thorpe stated that following the review and interpretation, if a conclusion was made that the Village has rights to the lakefront business properties, a lawsuit would have to be filed against the current owners. Thorpe stated that when a lawsuit was filed by the Village in the 1970s regarding lakefront ownership of the municipal beach area, the suit went on for seven years. Thorpe stated that if the Village Board wants to pursue a complete legal review and possibly enter into a lawsuit, he would recommend a budget of \$100,000 over the next 10 years. Thorpe stated that he has not even conducted a basic research of the recorded titles and deeds for the properties, which are currently owned by James and Carol Whowell and Tom Whowell. Thorpe stated that in 2005 when the Village Board looked into old surveys and other information at the request of Bruce Jensen, the chain of title issue was discussed and also the fact that there was at least 60 years of ownership transfer prior to the date of the survey. Spadoni asked why the Village Board was again discussing the issue when it had been resolved several times. Petersen stated that it would be good to clear the air of the issue once and for all, and prior to the referendum on the Lakefront Building Proposal. Spadoni stated that it is not fair to target only the Whowell properties and he asked if all the lakefront subdivisions are going to be requested to prove that they own their properties. Thorpe stated that if the Village wants to do more than just review the titles and deeds for the properties, it would be a very expensive investigation and significant undertaking, and it will not result in an easy answer. Hayden stated that the properties in question have been sold numerous times over the years with the lakefront riparian rights included and she asked Thorpe if the land ownership rights are reviewed when sales are closed.

Thorpe stated that every time property is sold the deeds and titles are reviewed. Thorpe stated that's why a complete legal review is such an adverse process as it questions the property rights of people who have purchased and have assumed legal ownership of property. Wilson stated that her concern is that voters may perceive there is an issue with the lakefront ownership and it may impact the village referendum on the proposed Lakefront Development Project. Wilson stated that people would like to see the issue resolved. O'Connell stated that the Village does not have any extra funds to spend at this time, and suggested that the Village may have to sell some of its properties to pay for legal research on the lakefront ownership records. Petersen stated that the funding issue could be taken up at budget planning time. Further discussion ensued on the cost and the necessity of a legal research on the ownership of the Lake Street business properties.

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

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

#### **Operator's License Applications Filed by Sherri A. Murken (Novak's), Denise M. Lilja (Fontana Corner Market), Stephanie M. Thomson, Nichole P. Paladino and Greigham J. Hopkins (Abbey Resort) and Christopher A. Smith (Chuck's)**

Background checks were completed on all the applicants and no concerns were noted.

Trustee Spadoni/Trustee Wilson 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Sherri A. Murken, an employee at Novak's, Denise M. Lilja, an employee at Fontana Corner Market, Stephanie M. Thomson, Nichole P. Paladino and Greigham J. Hopkins, employees at the Abbey Resort, and Christopher A. Smith, an employee at Chuck's. The MOTION carried without negative vote.

#### **Recommendation for Denial of Operator's License Applications Filed by Christopher Parker and Marcy Eifert – Tabled 6/7/10**

Thorpe stated that he reviewed Chief Olson's background check reports on the applications for new Operator's Licenses, and since the licenses are not renewals, the Village Board could deny them if so inclined. Thorpe stated that if the Board votes to deny the applications because of the concerns noted in Olson's report, the applicants may appeal the decision to the Protection Committee.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to deny the applications filed by Christopher Parker and Marcy Eifert and to direct the village clerk to mail the applicants the appropriate letters informing them of their appeal rights. The MOTION carried without negative vote.

#### **Schedule Revocation Hearing for Operator's License Approved for Lyle Kula**

Hayden stated that she spoke to Lyle Kula and he has decided to surrender the Operator's License that was approved for renewal at the June 7, 2010 meeting.

#### **Ordinance Approving Proposal to Increase Fines for Obstruction of Justice Violations – Tabled 6/7/10**

The Village Board members supported the amendment language at last month's meeting; however, the draft ordinance was not prepared for review. Thorpe stated that he reviewed the draft ordinance amending Section 42-52 that was presented at the meeting and it needs one more revision to address resisting arrest charges. Thorpe stated that the ordinance also needs to comply with the current state statute.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item and to direct the Village attorney to revise the draft ordinance to address the concerns stated at the meeting. The MOTION carried without negative vote.

#### **Recommendation on Application for Peddler's Permit**

Chief Olson stated that there were numerous concerns with the application and the applicant that came up during the required background check. Olson stated that the applicant was also cited for selling ice cream without a permit on July 4, 2010. As well as not having the required license, the permit application filed states that they would not be selling in the Village on July 4, 2010.

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

### **Recommendation on Ordinance Amending Chapter 6-13, Operator's Licenses**

Chief Olson recommended some minor changes to Chapter 6-13 in the draft ordinance that was presented. Thorpe stated that there are some amendments needed to the draft in order to address the initial concerns and to make it compliant with the state statutes.

President Petersen/Trustee O'Connell 2<sup>nd</sup> made a MOTION to table the item and to direct the Village attorney to revise the draft ordinance to address the concerns stated at the meeting. The MOTION carried without negative vote.

### **Recommendation to Authorize Fund Raising Plan to Upgrade Rescue Squad Boat Pump and Replace Dive/Rescue Command Truck**

Pollitt stated that the Protection Committee members requested that the Rescue Squad provide an update to the Village Board on its fund-raising plans. Rescue Squad Chief Jon Kemmett stated that in order to fund the \$60,000 needed to upgrade a pump on the Rescue Squad's boat and to fund the \$180,000 needed to purchase a command truck, the Rescue Squad will be seeking private donations. Kemmett stated that the Rescue Squad members will attend meetings of civic organizations and clubs and send out a mailing to solicit donations to fund the purchase of the new equipment.

### **Police and Fire Commission**

#### **Approval of 2010 GLLEA Boat Patrol Officers**

The Police and Fire Commission met June 12, 2010 and recommended approval of 2010 Geneva Lake Law Enforcement Agency boat patrol officers James J. Ament, Damon D. Burger, Brian P. Clarke, Lloyd "Steve" Cole, Katherine R. Daniels, Thomas A. Hausner, Timothy M. Mackesey, Terry Martorano, Michael G. Mugnani, Craig A. Rasmussen, Lee Redlin, Jon Robinson, Robert D. Rowland, Michael W. Stern, Barbara R. Waldinger and Julie L. Walters.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve 2010 Geneva Lake Law Enforcement Agency boat patrol officers James J. Ament, Damon D. Burger, Brian P. Clarke, Lloyd "Steve" Cole, Katherine R. Daniels, Thomas A. Hausner, Timothy M. Mackesey, Terry Martorano, Michael G. Mugnani, Craig A. Rasmussen, Lee Redlin, Jon Robinson, Robert D. Rowland, Michael W. Stern, Barbara R. Waldinger and Julie L. Walters as recommended, and the MOTION carried without negative vote.

### **Ordinance Amending Section 2-435**

A draft ordinance amendment to Section 2-435 to reflect the Police and Fire Commission's recommendation to approve implementation of the "Advantage Hiring Process" was presented for review. Olson stated that the draft ordinance should be reviewed by the Village attorney.

Trustee Pollitt/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item and to direct the Village attorney to review the draft ordinance amendment, and the MOTION carried without negative vote.

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

#### **Road Excavations Ordinance Proposal – Tabled 6/7/10**

A draft of the ordinance creating a Municipal Code section that governs public right-of-way and road excavations, including a requirement for a \$15,000 cash deposit or bond was presented. The ordinance was first discussed at the August 2009 Village Board meeting. Thorpe stated that he sent out comments in a June 10, 2010 letter that have not been addressed in the draft ordinance. Thorpe stated that there is a competing section in the Municipal Code that needs to be removed from the code prior to adoption of the ordinance.

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

### **Timber Ridge Lift Station Abandonment Contract Construction Bid Approval**

The Public Works Committee recommended approval of the low bid submitted by Reesman's Excavating & Grading, Inc., totaling \$82,079. Bids also were submitted by Odling Construction, \$88,196; Wanasek Corporation, \$94,945; and Mann Brothers, Inc., \$102,045. The low bid is less than the approved budget.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$82,079 bid submitted by Reesman's Excavating & Grading, Inc., for the Timber Ridge Lift Station Abandonment

Construction Contract as recommended, and the MOTION carried without negative vote.

### **Change Order No. 2 and Final Pay Request No. 5 for Sauganash Drive Construction Contract**

A change order calling for a total decrease of \$36,939 and the final pay request No. 5 totaling \$11,891 submitted by Mann Brothers, Inc. for the Sauganash Drive Road Construction Contract were reviewed by the village engineer and approval was recommended.

Trustee Kenny/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the change order calling for a total decrease of \$36,939 and the final pay request No. 5 totaling \$11,891 submitted by Mann Brothers, Inc. for the Sauganash Drive Road Construction Contract as recommended, and the MOTION carried without negative vote.

### **Season Employment Salaries**

Hayden stated that a pay raise for seasonal employee Kyle Radtke was requested to increase his hourly pay rate from \$9 to \$9.50. Hayden stated that the Village Board directed during last year's budget a pay freeze across the board for all village employees. In response to a question, Hayden stated that the approved range for part-time employees in the Public Works Department is \$8 to \$15.82 per hour.

Trustee Pollitt/Trustee O'Connell 2<sup>nd</sup> made a MOTION to deny the request, and the MOTION carried without negative vote.

### **North Lakeshore Drive Lift Station Valve Replacement**

President Petersen stated that the Village received a cost estimate of \$19,100 to complete a critical valve replacement project on the Northshore Lift Station. Petersen stated that the funds are in the budget and the project is very important, it's in a very critical location, and if the valve goes out, there will be problems. Pollitt asked why there was only one bid solicited from L.W. Allen, Inc., Madison, for the project. Petersen stated that the work is very delicate and requires precision excavating work, and the Village can't take any chances with the contractor hired to complete the project. Petersen stated that L.W. Allen is the recommended expert. Hayden stated that the funds will be part of the capital account bond items.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$19,100 proposal submitted by L.W. Allen, Inc., for the North Lakeshore Drive Lift Station Valve Replacement Project, and the MOTION carried without negative vote.

### **Abbey Spring Water Main Update**

Hayden stated that the route for a new water main on the Abbey Springs property is depicted on the distributed proposal. The project is being proposed to address the frequent breaks in the line. Hayden stated that the committee looked at three options and the proposal distributed was deemed the best and most economical option.

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

#### **Building, Site and Operational Plan Amendment Filed by Georgie B's Restaurant, 441 Mill Street for Outdoor Service Proposal**

Spadoni stated that Plan Commission recommended approval of the BSOP amendment with conditions, which were reviewed and worked out with the applicant.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan amendment filed for Georgie B's Restaurant, 441 Mill Street, with the following 10 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 construction (i.e. fencing) shall conform to the Village of Fontana Municipal Code.
- 3) No outdoor music/noise shall be allowed.
- 4) No additional lighting shall be allowed.
- 5) The approved fencing shall be for a total of 39-feet, parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
- 6) Fencing along the west portion of the proposed outdoor dining area shall not be allowed.

- 7) Service and use of the outdoor dining area shall be during normal business hours only.
- 8) No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
- 9) Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
- 10) 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.

**Raze Order Recommendation for Harris Property, 245 Third Avenue (SOP 00039)**

Spadoni stated that the Plan Commission recommended approval of the raze order. Thorpe stated that the Village Board should authorize a Raze or Repair Order to comply with the state statutes. Trustee Spadoni/Trustee O’Connell 2<sup>nd</sup> made a MOTION to authorize the issuance of a Raze or Repair Order for the Harris property at 245 Third Avenue, Tax Parcel No. SOP 00039, for the residential structure and the vacant lot. The MOTION carried without negative vote.

**Recommendation on Proposed Amendments to Chapter 42-6 of Municipal Code**

Spadoni stated that the Plan Commission approved a motion to recommend Village Board approval of an amendment to Municipal Code Section 42-6, Overnight camping prohibited, that would allow property owners to use up to three tents in their yards for overnight camping, but to deny a proposed amendment to allow the use of a camper, motor home, travel trailer, camping trailer or other vehicle or component towed by a vehicle for overnight sleeping for property owner’s family members or guests. Spadoni made a motion to approve the proposed amendment numbered 42-6(e)(1), which was seconded by Wilson. O’Connell asked why the recommendation was for up to three tents. Spadoni stated that some families may have three children or an overnight campout may consist of other friends or family members. O’Connell stated that the lots in the Indian Hills subdivision are rather small and three tents would be too many. President Petersen stated that the Municipal Code section was created to address problems in the past, and it should not be amended. O’Connell stated that if some families have children that are college students, they could turn some lots into a campground. Wilson stated that the proposed amendment could be reduced to allow for just one tent. Pollitt stated that she is opposed to both proposed amendments. Pollitt stated that any tent erected in the Glenwood Springs subdivision would be right outside someone’s window. Pollitt stated that no ticket has ever been issued when a child has camped out overnight, and there is no need for the tent amendment. Spadoni stated that there have been incidents in the past even if a citation has not been issued. Wilson stated that she understood how some neighborhoods in the Village would not be suitable for allowing a tent to be erected and stated it is a tough situation. Petersen stated that there were problems in the past that prompted the adoption of the ordinance in the first place and it shouldn’t be amended.

Trustee Spadoni/Trustee Wilson 2<sup>nd</sup> made a MOTION to approve the proposed amendment 42-6 (e)(1) as recommended by the Plan Commission, and the Roll Call vote followed:

Trustee Pollitt – No

Trustee Wilson – Aye

Trustee O’Connell – No

Trustee Spadoni – Aye

President Petersen – No

Trustee Kenny – No

The MOTION failed on a 2-4 vote.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to deny the proposed amendment 42-6 (e)(2), and the MOTION carried without negative vote.

**CDA – President Petersen**

**Change Order No. 3 and Final Pay Request No. 5 for Fontana-Walworth Pedestrian Path Contract**

The Village engineer reviewed Change Order No. 3, calling for an increase of \$1,117 in the total contract, and Pay Request No. 5 totaling \$28,505 submitted by Mann Brothers, Inc. for the Fontana-Walworth Pedestrian Path Contract and approval was recommended.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Change Order No. 3, calling for an increase of \$1,117 in the total contract, and Pay Request No. 5 totaling \$28,505 submitted by Mann Brothers, Inc. for the Fontana-Walworth Pedestrian Path Contract, as recommended and contingent on approval by the CDA Board. The MOTION carried without negative vote.

#### **Duck Pond Phase I Landscaping Contract Final Change Order and Pay Request**

The change order and pay request were not ready for action.

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

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

##### **Ordinance Amendment to Allow Overnight Camping Events at Duck Pond – Tabled 6/7/10**

Although the proposal was not supported last month, a motion and was made and approved to table the item, but no direction was provided.

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

##### **Park Permit Applications Filed by Lower Gardens Association, Park House, Annual Association Meetings, July 10, 2010 & June 25, 2011, 8:30 AM to 12:30 PM; McNamara Family Reunion, Duck Pond Pavilion with Beer/Wine Permit, Friday, July 23, 2010, 3:00 to 9:00 PM**

The Park Commission recommended approval of the applications as submitted.

Trustee Spadoni/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the Park Permit applications filed by the Lower Gardens Association, Park House, annual association meetings on July 10, 2010 and June 25, 2011, from 8:30 am to 12:30 pm; and for the McNamara family reunion, Duck Pond Pavilion with Beer/Wine Permit, Friday, July 23, 2010, 3:00 to 9:00 pm. The MOTION carried without negative vote

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

##### **Country Club Estates Association Contract Renewal Recommendation & Beach and Bridge Maintenance Items – Tabled 5/3/10**

The proposed lease agreement was amended to reflect the recommendation of the Lakefront and Harbor Committee.

Trustee O’Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Lease Agreement with the County Club Estates Association as recommended, and the MOTION carried without negative vote.

#### **Recommendation on Portable Gas Containers Ordinance**

The Lakefront and Harbor Committee recommended approval of the ordinance that prohibits portable gas containers on Village owned piers or lakefront property.

Trustee O’Connell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Ordinance 07-06-10-01 as recommended, and the MOTION carried without negative vote.

#### **Recommendation to Direct Village Attorney to Review Proposed Fueling Regulations and Determine if Village has Authority to Regulate All Piers, Including Private & Commercial Piers Located Within the Village Boundaries**

O’Connell stated that the committee is seeking authorization to have the village attorney provide a legal opinion on whether the municipality has the authority to regulate fueling guidelines on privately and commercially owned piers located within the Village. Thorpe stated that the brief inquiry would take him about two hours of research time. O’Connell stated that the committee discussed a proposed petroleum control plan titled “Wisconsin Clean Marina Petroleum Control.” The subcommittee members stated that the “Wisconsin Clean Marina Petroleum Control” plan guidelines were discussed with Ted Peters of the Geneva Lake Environmental Agency and Peters would like the Village of Fontana to take the lead in getting a lake-wide ordinance adopted that encompasses the “Wisconsin Clean Marina Petroleum Control” plan. O’Connell stated that as part of the discussion and for the past several months the committee members have been waiting for legal direction on



whether or not the Village can regulate private and commercial piers as well as the municipally owned piers, and now they would also like direction on the proposed “Wisconsin Clean Marina Petroleum Control” plan. Hayden stated that the Village of Fontana should not have to fund the legal expenses to review and recommend a lake-wide ordinance. Hayden stated that is one of the missions of the GLEA, which receives an annual \$18,000 to \$19,000 appropriation from the Village of Fontana. Following a lengthy discussion on why the Village would want to regulate fueling for private and commercial piers, a motion was made to table the item and send it back to the Lakefront and Harbor Committee. Following further discussion on why the item would be referred back to the committee without any action or direction, the motion to table the item was withdrawn.

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

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

##### **RFPs for 2011 Services**

Hayden stated that the committee directed staff to send out the RFPs, which will be going out later in the week.

##### **Per Diem Increase for Lodging Expenses**

The Finance Committee recommended that the per diem amount for lodging be increased from \$70 to an amount not to exceed \$99 per day.

President Petersen/Trustee O’Connell 2<sup>nd</sup> made a MOTION to approve Resolution 07-06-10-01 as presented, and the MOTION carried without negative vote.

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

##### **Approval of Pay Request for Plant Improvement Project Contract**

Hayden stated that the Pay Application No. 8 for the Wastewater Treatment Facility Plant Improvement Project totals \$228,027 and approval is recommended.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Pay Application No. 8 totaling \$228,027 for the Wastewater Treatment Facility Plant Improvement Project, as recommended, and the MOTION carried without negative vote.

#### **GLLEA Board – President Petersen**

##### **Update**

Petersen stated that there was nothing new to report.

##### **Adjournment**

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 8:00 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: 8/2/2010