

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
with SPECIAL JOINT SESSION
of the VILLAGE BOARD OF TRUSTEES & FINANCE COMMITTEE

Monday, August 3, 2009

A Closed Session of the Village Board was posted but not conducted because the Village attorney determined that the notice did not cite the proper section of Chapter 19.85(1) of the Wisconsin Statutes.

President Petersen called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Chairman Patrick Kenny called the special meeting of the Finance Committee to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Kenny, Lewis, Turner, O'Connell, Spadoni, President Petersen, McGreevy

Finance Committee members present: Chairman Kenny, Rick McCue, Drew Gilchrist, Arlene Patek, Michael Sheyker

Finance Committee members absent: Jim Feeney, Lou Loenneke

Also present: Amber Benson, Carolyn Blizard, David Blizard, Greg Blizard, Village Administrator/Treasurer Kelly Hayden, Jon Kemmett, Library Director Nancy Krei, Rob Ireland, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Wolfgang Nitsch, Jennifer Pollitt, Peg Pollitt, Patrick Romenesko, Village Attorney Dale Thorpe, Steele Whowell, Public Works Director Craig Workman

Visitors Heard

Walworth County Economic Development Alliance Services – Michael Van Den Bosch

Van Den Bosch attended the July 29, 2009 CDA meeting.

Presentations to David Blizard and Margaret Bair

Margaret Bair was out of town and unable to attend the meeting. Jennifer Pollitt, daughter of former Village President Ron Pollitt, presented a certificate of recognition to Fontana Fire and Rescue Department member David Blizard for his service as a U.S. Marine. Jennifer Pollitt stated that it was her father's intention to formally recognize Blizard for his four years of service, which included three tours of duty in Iraq and Afghanistan; however, Ron Pollitt passed away before the presentation could be scheduled.

Audit Presentation – Auditor Patrick Romenesko

Finance Committee Recommendation on 2008 Audit

Village Auditor Patrick Romenesko presented the 2008 audit report and management letter. Romenesko stated that the Village has a well run accounting function and the Village is in good financial condition. Romenesko states in the management letter that although a bank failure is unlikely, the Village may want to consider contacting its banks to negotiate a deposit collateralization agreement to secure its uninsured deposits at year end. The Village's combined checking and savings account deposits at its banks totaled \$5,619,641 on December 31, 2008, and the amount of FDIC insurance available on those deposits was only \$582,753. Romenesko stated that the Village deposits are very high at year end due to the collection of property taxes, and significant deposit balances also are uninsured throughout the year. Romenesko also recommended that the village take measures to at least maintain its current undesignated fund balance, but preferably increase it to provide funds for working capital and contingency purposes. Romenesko also presented his annual disclosure regarding financial statement preparation, which he stated is not a concern, but he is required to

report. The Finance Committee did not have any concerns with regard to the report.

Village Board Action on 2008 Audit

The Village Board members were in consensus that the Finance Committee should look into Romenesko's recommendation to negotiate with its banks a deposit collateralization agreement to secure its uninsured deposits.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to accept the audit report and to refer the recommendation to negotiate with the Village banks a deposit collateralization agreement to secure uninsured deposits, and the MOTION carried without negative vote.

Adjourn Finance Committee

Finance Committee member McCue/Finance Committee member Sheyker 2nd made a MOTION to adjourn the committee meeting at 6:23 pm, and the MOTION carried without negative vote.

Announcements

1. Make & Take Craft Events at the Fontana Public Library – **Wednesdays, August 5 & 12, 2009, 10:00 am**
2. GLLEA Board Meeting – **Wednesday, August 5, 2009, 10:00 am**
3. Assessor Village Hall Office Hours – **Friday, August 14, 2009, 10:00 am to 2:00 pm**
4. Village Board/Plan Commission Master Plan Update Meeting – **Monday, August 10, 2009, 7:00 pm**
5. 2009 Board of Review – **Monday, August 17, 2009, 2:00 pm**
6. Library Board Meeting – **Wednesday, August 19, 2009, 10:00 am**
7. Park Commission Meeting – **Wednesday, August 19, 2009, 6:00 pm**
8. Plan Commission Monthly Meeting – **Monday, August 31, 2009, 5:30 pm**
9. CDA Monthly Meeting – **Wednesday, September 2, 2009, 6:00 pm**
10. Pig in the Park Event and Master Plan Open House in Reid Park – **Saturday, September 5, 2009**
11. Village Board/Plan Commission Master Plan Update Meeting – **Tuesday, September 8, 2009, 5:00 pm**
12. Village Board Monthly Meeting – **Tuesday, September 8, 2009, 6:00 pm**

Approval of Minutes

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the minutes for the open and closed session meetings held July 6, 2009 as presented, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the minutes for the meeting held July 27, 2009 as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to accept the Treasurer's Report for June 2009 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Village and Utility Payables as presented, and the MOTION carried without negative vote.

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

Fourth of July P/L Report

Hayden stated that there are still invoices that have not come in, so the report will be presented at next month's meeting.

Centralized Pay Station Parking Meter System – Update

Hayden stated that the CDA Board voted at its July 29, 2009 meeting to fund the leasing of a centralized parking meter pay system unit to be erected on Third Avenue for the rest of the season. Workman is currently working with Total Parking Solutions, Inc., on the specifications and the unit

should be installed by August 15, 2009. The unit is the same model that is used at the train station in Harvard, IL.

Resolution Supporting Census 2010 – Appoint Ad Hoc Committee Members

The U.S Census Bureau requested that the Village adopt the “Complete Count” resolution that states support for Census 2010 and that the Village will form a committee to help ensure a good response. Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve Resolution 080309-01 supporting Census 2010 as presented, and the MOTION carried without negative vote.

Martin stated that as part of the Complete Count initiative, the local municipalities are being requested to form an ad hoc committee to help disseminate information. Martin requested that the Village Board approve the appoint Hayden, McCarthy and himself to the committee.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the appointment of Kelly Hayden, Bridget McCarthy and Dennis Martin to the Ad Hoc Complete Count Census 2010 Committee, and the MOTION carried without negative vote.

VoF/VoS Potential IGA for Building Inspection Services

Hayden stated that the Building and Zoning Department received a request for a proposal to provide services to the Village of Sharon. Hayden stated that there is not a lot of activity in Sharon, and preliminary planning indicates the Village of Fontana could provide the services on a trial basis. Hayden stated that McCarthy could take over the permitting duties from Building Inspector Ron Nyman for the smaller items, such as accessory structures, fences, etc. Hayden stated that Nyman would then be freed up to provide inspection and office hour services to the Village of Sharon two afternoons a week. Turner asked what the revenue projection is for the Village of Fontana. Hayden stated that a preliminary agreement that calls for the Village of Fontana to receive 80 percent of the permit revenue, as well as reimbursement for expenses has been discussed with Sharon officials. Turner stated that he thinks the proposal is a good idea to share governmental services with a neighboring municipality. McGreevy stated that if approved, the Village of Fontana should make sure to cover itself for the mileage expense since the two communities are about 11 miles apart. Hayden stated that if approved, the Building and Zoning Department will have to stick to the schedule and will not be able to provide last minute inspection services. President Petersen stated that the Village should approve an IGA for a one-year trial basis.

Trustee Turner/Trustee O’Connell 2nd made a MOTION to authorize Village staff to draft a proposed intergovernmental agreement with the Village of Sharon for the Village of Fontana to provide Building Inspection services for a one-year trial basis, and the MOTION carried without negative vote.

Amendment to Municipal Code-H20 Turn Off/On and Proximity to Service for Connection

Hayden stated that the proposed amendment has to be reviewed by the Village attorney, so it is not ready for action.

Plan Commission – Trustee Spadoni

Floodplain Ordinance Amendments to Section 18-102

Spadoni stated that the Plan Commission recommended approval of the proposed amendments. Minor amendments to the floodplain ordinance are required as part of the county-wide Digital Flood Insurance Rate Map (DFIRM) project. Martin and Nyman worked with Gary Heinrichs at the Wisconsin DNR to determine what portions of the Village ordinance have to be amended to ratify the new DFIRM. The Village adopted the model DNR ordinance on August 6, 2007 in order to ratify an amendment to the Village’s Flood Hazard Boundary Map at the request of the Abbey Ridge property owners, so there are only six areas that require minor amendments at this time.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Ordinance 080309-01 as presented and recommended, and the MOTION carried without negative vote.

Par Development PIP Amendment for Temporary Signage at Cliffs of Fontana

Spadoni stated that the Plan Commission recommended Village Board approval of the temporary signage as proposed for weekend days until the end of 2009, with the conditions that the approval is for the temporary signage proposal only and that the annual certification of the individual condominium units has to be completed for 2008 within 30 days of approval.

Trustee Spadoni/Trustee Turner 2nd made a MOTION to approve the temporary signage as proposed for weekend days until the end of 2009, with the conditions that the approval is for the temporary signage proposal only and that the annual certification of the individual condominium units has to be completed for 2008 within 30 days of approval. The MOTION carried without negative vote.

Certified Survey Map Filed by Steele and Alison Whowell

Spadoni stated that the Plan Commission recommend Village Board approval of the proposed Certified Survey Map as filed, with the condition that all Village staff, school district and utility company concerns noted during their required reviews are addressed. Staff recommended approval with seven additional conditions.

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the Certified Survey Map as recommended, with the condition that all Village staff, school district and utility company concerns noted during their required reviews are addressed and with the following seven staff recommended conditions: 1. This development shall continue to respect the terms of the Annexation Agreement, which limits the maximum total single family dwellings to seven. There shall be no further subdividing of existing lots. 2. The name STEARNS ROAD shall be corrected on the final CSM (from Stearn's Road). 3. The applicant shall conform to Section 236.34 (recording of certified survey map; use in changing boundaries; use in conveyancing) Wisconsin State Statutes. 4. The applicant shall be responsible for any and all recording fees. 5. The applicant shall be responsible for recording the appropriate instrument with the Walworth County Register of Deeds within 12 months from the Village of Fontana's approval date. 6. The applicant shall provide the Village of Fontana with one recorded copy of the deed or instrument and the plat of survey exhibit within 30 days of recording such document, which will constitute final Village approval of the certified survey map. 7. The applicant shall be made aware that construction on this lot shall not commence (building & zoning permits shall not be issued) until the certified survey map has been properly recorded and a copy has been provided to the Village of Fontana. The MOTION carried without negative vote.

Protection Committee – President Petersen

Operator's License Applications Filed by Spencer M. Kronz (Gordy's), and Megan E. Banaszynski and Mary C. Patterson (Abbey Springs)

There were no concerns noted in the required background checks.

President Petersen/Trustee Spadoni 2nd made a MOTION to approve the Operator's License applications filed by Spencer M. Kronz, an employee at Gordy's, and Megan E. Banaszynski and Mary C. Patterson, employees at Abbey Springs, and the MOTION carried without negative vote.

Speed Trailer Update

Police Chief Steve Olson reportedly contacted the local police departments, and the Village of Walworth Police Department indicated that it is willing to work out an agreement to share its speed trailer with the Village of Fontana Police Department. Workman asked if the agreement could incorporate the sharing of public works department equipment. President Petersen stated that it is a good idea to share as much equipment as possible between the two municipalities, and he directed Chief Olson and Workman to work on an agreement with Village Attorney Dale Thorpe.

Public Works – Trustee McGreevy

Pay Request No. 7 for Timber Trail Drive and Indian Hills Road Reconstruction Contract

Workman stated that the Village engineer reviewed the \$45,570 pay request submitted by Reesman's Excavating & Grading, Inc. for the Timber Trail Drive and Indian Hills Road reconstruction contract and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve payment of the \$45,570 pay request submitted by Reesman's Excavating & Grading, Inc. for the Timber Trail Drive and Indian Hills Road reconstruction contract as recommended, and the MOTION carried without negative vote.

Water Ordinance Amendment

The agenda item was inadvertently listed twice. Hayden stated that the proposed amendment has to be reviewed by the Village attorney, so it is not ready for action.

Road Excavation Ordinance

Workman presented a draft of an ordinance that if adopted would require developers to submit a \$10,000 road bond for construction projects. The Village currently collects a \$1,000 deposit for a road bond. Following discussion, the Village Board members decided to refer the proposed ordinance to Thorpe for review and a recommendation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to refer the proposed ordinance to the Village attorney for review and a recommendation, and the MOTION carried without negative vote.

Sauganash Project Award

Workman stated that the bids came in well below the engineer's estimate, with Mann Brothers, Inc., submitting the low base bid at \$507,368. Workman stated that the bids included four alternates for potential additional work for Stearns Road. The Public Works Committee recommended approval of the bid submitted by Mann Brothers, with alternatives No. 3 and 4 to reconstruct Stearns Road and install storm sewer to North Lakeshore Drive. The bid submitted by Mann Brothers for Alternative No. 3 is \$49,149, and the bid submitted for Alternative No. 4 is \$42,211.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the base bid and alternative numbers 3 and 4, totaling \$598,728, as recommended, and the MOTION carried without negative vote.

Ruekert-Mielke Northshore Lift Proposal

Workman stated that Ruekert-Mielke submitted a proposal to provide engineering design services for the North Lakeshore Drive lift station rehabilitation project for a cost not to exceed \$13,500.

Workman stated that the project is in the current budget.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the engineering design services contract with Ruekert-Mielke for the North Lakeshore Drive lift station rehabilitation project for a cost not to exceed \$13,500, and the MOTION carried without negative vote.

CDA – Trustee Turner

Fontana Boulevard Lighting and Landscaping Plan Approval

Turner stated that the Park Commission and CDA Board recommended approval of the plan and putting the construction contract out for bids.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to authorize Ruekert-Mielke to solicit bids for the Fontana Boulevard Lighting and Landscaping Plan as recommended by the CDA and Park Commission, and to seek alternative bids to have brick pavers installed between the new sidewalk and the road to replace the existing terrace. The MOTION carried without negative vote.

Fontana/Walworth Bike Path Project Update

Workman stated that the contract has been approved by the two villages and a preconstruction meeting is scheduled for Friday, August 7, 2009.

Pottawatomie Creek and Van Slyke Creek Restoration Planning Contract with Ruekert-Mielke

Turner stated that the CDA Board approved a motion to recommend approval of the contract not to exceed \$20,000 with Ruekert-Mielke and Marty E. Rye for the first phase of the Pottawatomie Creek and Van Slyke Creek Restoration Project. The funds will be taken from the CDA Environmental Master Plan account.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve a contract not to exceed \$20,000 with Ruekert-Mielke and Marty E. Rye for the first phase of the Pottawatomie Creek and Van Slyke Creek Restoration Project as recommended, and the MOTION carried without negative vote.

Beach Fence Contract Pay Request No. 4 Submitted by Century Fence Company

Turner stated that Century Fence finally completed the installation of the new beach fence to contract specifications. All the sections that were not racked properly have been replaced to contract specifications. Turner stated that the CDA Board recommended approval of the \$43,149 pay order submitted by Century Fence Company for the beach fence replacement contract. There is still \$4,503 being held as a retainer because there is some touch-up painting work that has to be completed.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the \$43,149 pay order submitted by Century Fence Company for the beach fence replacement contract as recommended, and the MOTION carried without negative vote.

Lakefront Planning Contract Amendment with PDI/Graef

Turner stated that the CDA Board recommended approval of a contract amendment not to exceed \$5,960 for PDI/Graef Associate Carolyn Esswein to work with the CDA subcommittee to design the proposed new lakefront building and select an architect.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the contract amendment for a cost not to exceed \$5,960 with PDI/Graef for Associate Carolyn Esswein to work with the CDA subcommittee to design the proposed new lakefront building and select an architect, and the MOTION carried without negative vote.

Third Avenue Project Contract Pay Request No. 11 Submitted by Mann Brothers

Turner stated that the CDA Board voted to recommend approval of the \$22,571 pay order submitted by Mann Brothers, Inc. for the Third Avenue Project contract.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the \$22,571 Pay Request No. 11 submitted by Mann Brothers, Inc. for the Third Avenue Project contract as recommended, and the MOTION carried without negative vote.

Blue Ribbon Committee on Lakefront Building – Trustee Lewis

Approve Recommendation to Disband

Turner stated that the CDA recommended approval of the committee's recommendation to disband. Committee members Lou Loenneke and Derek D'Auria have been appointed to the CDA subcommittee that has been charged with designing the proposed new lakefront building and selecting a project architect.

Trustee O'Connell/Trustee Kenny 2nd made a MOTION to approve the recommendation to disband the Blue Ribbon Lakefront Building Committee, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O'Connell

Multi Colored Boxes on Ramp

O'Connell stated that the Lakefront and Harbor Committee approved a motion that recommends the Village ramp lease be amended next year to add language that dictates ramp boxes must be white in color and that they cannot extend over the boundaries of the individual ramps. President Petersen stated that he does not want to allow people to install storage boxes next to their slips on the Village piers. Turner stated that if storage boxes are allowed on the pier for individual slips, they should be supplied by the Village at an additional cost to the slip lease holders. O'Connell stated that the proposed language amendment will be included on the leases form for Village Board consideration following the end of the season.

Finance Committee – Trustee Kenny

Focus Energy Lighting Proposal for DPW & Safety Building

Kenny stated that the Finance Committee approved a motion to recommend Village Board approval of the \$7,942 purchase of 27 high-efficiency lighting fixtures and occupancy sensors from Alliant Energy for the Department of Public Works site and Fontana Safety Building, and to direct staff to allocate the \$4,400 balance after the rebate from line items in the current budget.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the \$7,942 purchase of 27 high-efficiency lighting fixtures and occupancy sensors from Alliant Energy for the Department of Public Works site and Fontana Safety Building, and to direct staff to allocate the \$4,400 balance after the rebate from line items in the current budget. The MOTION carried without negative vote.

Potential IGA with Town of Walworth-Fire and Rescue Services for Quadrant of Township

The Protection Committee recommended approval of the proposed intergovernmental agreement, but referred the matter to the Finance Committee for review. The Finance Committee directed Village staff to add an exhibit to the proposed agreement to delineate the Village's total labor costs and make sure the proposed fee covers all the Village's expenses, and to have the proposed

agreement reviewed by the Village of Fontana insurance provider and attorney before it is referred back to the Finance Committee for a recommendation. Turner stated that the proposal sounds like a great idea.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to refer the matter back to the Finance Committee, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Update

President Petersen stated that operations are running smoothly at the plant.

Payment of Sewer Capacity to Kikkoman

Hayden stated that the Village Board had to authorize the payment of the \$554,592 invoice received from the Fontana/Walworth Water Pollution Control Commission for the capacity purchase from Kikkoman Foods.

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the \$554,592 invoice from the Fontana/Walworth Water Pollution Control Commission for the capacity purchase from Kikkoman Foods, and the MOTION carried without negative vote.

Joint Services Ad Hoc Committee – President Petersen

Update from July 28, 2009 Meeting

Fire Chief Wolfgang Nitsch stated that the committee decided at its last meeting that a survey will be sent out to the fire and rescue personnel in both municipalities to solicit opinions and personal feelings on the proposed joint venture and consolidation efforts.

Park Commission – Trustee Lewis

Update

Lewis stated that the only other Park Commission related news not previously discussed in the meeting is a directive the Park Commission gave to the Public Works Department to mow a path from one of the existing paths in the Fontana Fen to the pavilion on the St. Benedict Catholic Church property.

Adjourn Village Board

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to adjourn the Village Board meeting at 7:16 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: 9/8/09 – VB
9/24/09 – Finance Committee