

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, October 5, 2009

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.

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

Also present: Village Administrator/Treasurer Kelly Hayden, Alex Koldeway, Rob Ireland, Village Clerk Dennis Martin, Joseph McHugh, Building Inspector Ron Nyman, Patty Schroeder, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. Finance Committee 2010 Budget Meeting – **Wednesday, October 7, 2009, 4:00 pm**
2. Park Commission Outdoor Education Event at the Mill House Pavilion – **Friday, October 9, 2009, 1:00 pm**
3. Village Board/Finance Committee 2010 Budget Workshop – **Thursday, October 15, 2009, 5:00 pm**
4. Park Commission Volunteer Bulb Planting Event at Porter Court Plaza – **Saturday, October 17, 2009, 10:00 am**
5. Protection Committee Meeting – **Monday, October 19, 2009, 5:00 pm**
6. Village Board/Finance Committee Final Budget Workshop – **Monday, October 19, 2009, 5:00 pm**
7. Library Board Meeting – **Tuesday, October 20, 2009, 10:00 am**
8. Park Commission Meeting – **Wednesday, October 21, 2009, 6:00 pm**
9. Public Works Committee Meeting – **Saturday, October 24, 2009, 8:00 am**
10. Plan Commission Monthly Meeting – **Monday, October 26, 2009, 5:30 pm**
11. CDA Monthly Meeting – **Tuesday, October 27, 2009, 6:00 pm**
12. Village Board Monthly Meeting – **Monday, November 2, 2009, 6:00 pm**
13. Comprehensive Master Plan Public Hearing – **Monday, November 9, 2009, 5:00 pm**

Approval of Minutes

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the minutes for the meetings held September 8, 22 and 28, 2009 as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

The treasurer's reports for July and August 2009 were presented.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to accept the Treasurer's Reports for July and August 2009 and to place them 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 distributed and as presented at the meeting, and the MOTION carried without negative vote.

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

Halloween Trick-or-Treat Hours

Hayden stated that the Village usually holds trick-or-treat hours on the holiday from 3:00 to 7:00 pm.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to set the trick-or-treat hours for Halloween on Saturday, October 31, 2009 from 3:00 to 7:00 pm, and the MOTION carried without negative vote.

VoF/VoS IGA for Building Inspection Services

Hayden stated that the draft agreement was reviewed by Thorpe and there were a few changes made. Hayden stated that the amended preliminary agreement was sent to the Village of Sharon and there has been no other feedback provided. Hayden stated that if so inclined, the Village Board could consider approving the proposed intergovernmental agreement subject to the adoption of an acceptable permit and inspection fee schedule. O'Connell stated that she is opposed to the proposal because she is concerned that the Building and Zoning Department staff members will not have time to provide services to the Village of Sharon without jeopardizing the quality of services provided in the Village of Fontana. Hayden stated that the one-year trial IGA is being proposed in case the proposal does not work out.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the one-year intergovernmental agreement to provide building and zoning services to the Village of Sharon, with the condition an acceptable permit and inspection fee schedule is established, and the MOTION carried on a 6-1 vote, with Trustee O'Connell opposed.

VoF/VoW IGA to Share Police and DPW Equipment – Tabled 9/8/09

Workman stated that he provided a copy of the draft IGA to Village of Walworth Attorney David Rasmussen about two months ago, but he has not heard back from him. The proposed IGA was drafted to allow the Village to share equipment, such as the street sweeper and the police department speed trailer. Staff will contact Rasmussen to determine if the IGA has been presented to the Village of Walworth officials.

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

2010 Triathlon Request – Saturday, September 11, 2010

Patty Schroeder stated that she and Frank Dobbs would like approval to stage the 21st annual Lake Geneva Triathlon in Reid Park on Saturday, September 11, 2010. Turner stated that the triathlon is great event that should be continued. O'Connell stated that she has received a couple of complaints with regard to the organization of the event and she suggested that Schroeder and Dobbs meet with Village staff to work on alleviating the concerns prior to next year's event. Hayden stated that there were complaints with regard to the organization of the park and the event workers arriving late and not being prepared. Kenny stated that there were vendors in the park and they did not obtain permits and then did not cooperate with the Village staff. President Petersen stated that the Village should put together a small committee of staff members and trustees to meet with Schroeder and Dobbs to address the issues that have come up.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the September 11, 2010 date for the 21st annual Lake Geneva Triathlon with the condition that the event organizers meet with the Village to work out the event details and address the issues that have arisen. The MOTION carried without negative vote.

Letter Supporting Walworth County Grant Application

Walworth County Administrator Dave Bretl requested that the local municipalities submit letters of support for a Fiscal Year 2010 Community-Wide \$400,000 Assessment Grant from the United States Environmental Protection Agency. An example letter of support was submitted by the county.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the issuance of a letter of support to Walworth County for a Fiscal Year 2010 Community-Wide \$400,000 Assessment Grant from the United States Environmental Protection Agency, and the MOTION carried without negative vote.

New Agreement Approving Walworth County Intergovernmental Cooperation Council

President Petersen stated that the initial IGA for the Village of Fontana to participate in the Walworth County Intergovernmental Cooperation Council terminated on June 30, 2009. The new agreement authorizes the council to continue meeting indefinitely. Language was also added to the

new agreement that authorizes individual municipalities to withdraw their membership at any time. Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the agreement approving the continuation of the Walworth County Intergovernmental Cooperation Council as submitted, and the MOTION carried without negative vote.

November Monthly Meeting Date – Scheduled for 11/2/09

When the Village Board and Plan Commission scheduled the public hearing to present the updated Comprehensive Master Plan for Monday, November 9, 2009 the Village Board members initially indicated that they would like to reschedule the monthly Board of Trustees meeting for the same night. In order to reschedule a Village Board meeting, an approved motion of the Village Board is required. Following discussion, the Village Board members were in consensus that the monthly meeting should be held on the initially scheduled date of November 2, 2009 and it should not be scheduled for the same night as the public hearing for the Comprehensive Master Plan update.

2009 Audit Engagement Letter Approval

Hayden stated that Patrick W. Romenesko submitted the annual engagement letter for the 2009 audit. Turner asked how much the audit contract will cost the Village and if the amount has increased. Hayden stated that the fee is per the terms of the three-year contract that expires this year. Hayden stated that the total cost is about a couple thousand dollars more than last year, but she was not sure. Hayden stated that she will provide the audit cost figures to the trustees. Turner stated that he would like to review the audit costs for the past five years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the 2009 audit engagement letter with Patrick W. Romenesko, S.C., as submitted, and the MOTION carried without negative vote.

Vandewalle Contract Renewal

Vandewalle and Associates submitted an agreement for planning services in 2010. The proposed agreement calls for no substantive changes from the 2009 agreement, with the exception of a reduced billing rate. Mike Slavney will be billing the Village \$135 per hour, which represents a 25 percent reduction from the current standard rate of \$180 for typical clients.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the 2010 planning services contract with Vandewalle and Associates as submitted, and the MOTION carried without negative vote.

CWD Deer Hunting Status

Following discussion, the Village Board members were in consensus that the Village should not participate in the Wisconsin DNR CWD deer hunt this year.

Plan Commission – Trustee Spadoni

Proposed Amendment to Section 18-251 Regarding Signage

Spadoni stated that the Plan Commission recommended approval of the proposed amendment following the September 28, 2009 public hearing.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 100509-01 as recommended, and the MOTION carried without negative vote.

BSOP Amendment Filed by Charles Palma for State Farm Insurance Sign at 547 Valley View Drive

Spadoni stated that the Plan Commission recommended approval of the minor amendment to the Building, Site and Operational Plan that was filed to authorize the erection of a new sign, with three conditions.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Building, Site and Operational Plan Amendment filed by Charles Palma for the erection of a State Farm Insurance Sign at 547 Valley View Drive, with the conditions that the illuminated signage shall be extinguished no later than 10:00 pm daily; that approval of the BSOP amendment shall not alleviate the applicant from securing all required building permits; and that all outstanding cost recovery fees shall be paid prior to issuance of any building and zoning permits. The MOTION carried without negative vote.

F/W WPCC – President Petersen

2010 O&M Budget Approval

President Petersen stated that the FW/WPCC Board approved the 2010 O&M Budget after a September 8, 2009 public hearing. Petersen stated that the proposed budget calls for a 5 percent increase to fund the additional operating expenses being generated by the plant improvement project. Petersen stated that with the additional equipment being added to the plant, it will cost more to operate the facility. Hayden asked Petersen why the budget calls for a 17.71 percent increase from last year for the employee benefits – retirement line item. Petersen stated that he will have the figure reviewed and provide more information at next month's meeting.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the 2010 O&M Budget for the Fontana-Walworth Water Pollution Control Commission as recommended, subject to review of the employee benefits – retirement line item, and the MOTION carried without negative vote.

Protection Committee – President Petersen

Operator's License Applications Filed by Denise M. Lilja (Fontana Corner Market), Christopher A. Smith (Chuck's) and Jennifer A. Johnson (Abbey Resort)

No concerns were noted in the required background checks for the three applicants.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Operator's License applications filed by Denise M. Lilja, an employee at Fontana Corner Market, Christopher A. Smith, an employee at Chuck's, and Jennifer A. Johnson, an employee at the Abbey Resort. The MOTION carried without negative vote.

Approval of New Fire Department Officers – PFC Scheduling Meeting

President Petersen stated that the Fire Department held its annual election of officers. The Police and Fire Commission will schedule a meeting to make a recommendation for Village Board approval.

Public Works – Trustee McGreevy

Proposed Amendments to Municipal Code Section 78-1(a) for Compulsory Connection to Sewer and Water, and Sections 78-68 and 78-69 for Discontinuance of Water Service by Consumer – Tabled 9/8/09

The proposed ordinance amendments clarify the existing regulation that buildings used for human habitation must be connected to the Village sewer and water systems when it becomes available, and the existing requirement that the owner of a property or an agent of the owner must be present for requested water activation and discontinuance services.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 100509-02, an ordinance amending compulsory connection to sewer and water, as presented, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Ordinance 100509-03, an ordinance amending requirements for turning on water and discontinuance of water service by consumer, as presented, and the MOTION carried without negative vote.

Road Excavation Ordinance – Tabled 9/8/09

Workman stated that he still has to review the ordinance with the Village attorney.

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

Lower Abbey Springs Generator Installation

Workman stated that the Village received three bids for installing a new generator for the Lower Abbey Springs lift station. The low bid of \$16,399 was submitted by Generac, and there is \$20,000 in the Utility Budget for the project. Kohler submitted a total bid of \$21,348, and Cummins submitted a total bid of \$22,150.

Trustee Spadoni/Trustee Turner 2nd made a MOTION to approve the low bid totaling \$16,399 submitted by Generac for the purchase and installation of a new generator for the Lower Abbey Springs lift station as recommended, and the MOTION carried without negative vote.

Private Roadway Plowing Discussion

Workman stated that the Public Works Committee discussed the Village's current policy of plowing

private roads in gated subdivisions in light of the recent budget crunch. Workman stated that the committee initially recommended that the Village discontinue the service; however, at the last committee meeting a motion was approved to continue to evaluate salt consumption on all Village roads and to continue to look at ways to save money on snow removal operations and use of plow assets. Turner asked why the committee is considering the issue, and stated that the Abbey Springs subdivision is the only gated community that would be affected. Turner stated that the property owners in the Abbey Springs subdivision pay a lot of taxes, and the main roads have to be plowed for emergency fire and rescue services. McGreevy stated that the committee considered discontinuance of the service as a cost savings initiative because the roads are gated off and residents of the Village can't drive on them. McGreevy stated that a lot of municipal funds are spent to plow the roads in the Abbey Springs subdivision. Turner stated that plowing the three-mile stretch of main roads in the Abbey Springs subdivision seems reasonable to him, especially considering the safety issues. Following discussion, Spadoni stated that the Village Board should just affirm the motion approved by the Public Works Committee at its September 26, 2009 meeting.

Trustee Spadoni/Trustee Turner 2nd made a MOTION to direct the Public Works Committee to continue to evaluate salt consumption on all Village roads and to continue to look at ways to save money on snow removal operations and use of the plow assets and to report back to the Village Board with the cost information. The MOTION carried on a 6-1 vote, with Trustee O'Connell opposed.

Timber Ridge Lift Station Abandonment Update

Workman stated that Bruce Adreani has indicated he will sign the easement required for the Timber Ridge Lift Station abandonment project and separate the issue from the land exchange proposal. Adreani has not yet filed a cost recovery agreement required to gather initial information for the land exchange proposal. Workman will contact Adreani with regard to the easement.

Sauganash Project Update

Workman stated that the storm sewer work on the lower end of the project area has been completed, and work has commenced on the water utility and road construction. The project is scheduled to be completed by mid-November.

General Construction Updates

Workman stated that the other construction updates will be addressed in the CDA items.

CDA – Trustee Turner

Request for Plan Commission to Review Lakefront Zoning Regulations Regarding Sales Displays & Lakefront Congestion

Turner stated that the CDA Board members would like the Plan Commission to review the current zoning regulations regarding sales displays and lakefront congestion. Spadoni stated that the Plan Commission will take up the issue.

Abbey Property Driveway Project Proposal Not to Exceed \$1,500 – Tabled 9/8/09

Turner stated that the CDA Board is still considering solutions because the cost estimate for the driveway project came in at \$4,500 and the CDA Board has only authorized spending an amount not to exceed \$1,500. Workman was directed to contact the Abbey property owners to determine if they want to fund the \$3,000 balance for the project.

Trustee Turner/President Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Meeting Date Change to Wednesdays Prior to Village Board's Monthly Meetings

Turner stated that the CDA Board is planning to hold its monthly meetings prior to the monthly meetings of the Village Board.

Beach Fence Contract Change Order No. 1, Final Pay Request No. 6 & Certificate of Substantial Completion Filed by Century Fence Company

Turner stated that the CDA approved a motion at its September 30, 2009 meeting to recommend Village Board approval of the contract change order calling for a \$6,434 decrease, of the \$1,000 final

pay request number six, and of the Certificate of Substantial Completion filed by Century Fence Company. O'Connell stated that the company touched up some areas on the fence, but the two spots on fence posts at the fence gate have just been taped over and not painted. O'Connell stated that black duct tape has been taped over the areas, and they still needs to be addressed. Workman stated that Century Fence will be back to touch-up a few more spots and to address the posts. Thorpe stated that the items are covered under the contract warranty.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the contract change order calling for a \$6,434 decrease, the \$1,000 final pay request number six, and the Certificate of Substantial Completion filed by Century Fence Company. The MOTION carried without negative vote.

Fontana/Walworth Joint Pedestrian Path Project Pay Requests No. 1 & 2 and Project Update

Turner stated that the CDA approved a motion at its September 30, 2009 meeting to recommend Village Board approval of the pay requests as recommended by the Village engineer.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the \$15,556 pay request number 1 and the \$49,875 pay request number 2 submitted by Mann Brothers, Inc. for the Fontana/Walworth Joint Pedestrian Path Project contract, and the MOTION carried without negative vote.

Lakefront Property Redevelopment Proposal Architect Contract Recommendation

Turner stated that the CDA subcommittee held interviews with three of the nine firms that submitted RFPs for the lakefront building proposal architect contract. Turner stated that the committee recommended Hammel, Green and Abrahamson, Inc., a national firm with a 16-person office in Milwaukee. Turner stated that if the proposal is approved in the required referendum and the project is carried through construction, the total architecture contract cost will be \$80,000.

Turner stated that the CDA approved a motion at its September 30, 2009 meeting to recommend approval of the proposal submitted by HGA, Inc., Milwaukee, for preliminary design services at a cost not to exceed \$28,000, unless the proposal is not approved in the referendum and the cost will be lowered to \$23,000.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the architect contract with Hammel, Green and Abrahamson, Inc., Milwaukee, through the preliminary design development stage, for a cost not to exceed \$28,000, unless the required public referendum is not approved, then the cost will be lowered to \$23,000. The MOTION carried without negative vote.

Contract for PDI/Graef for Lakefront Building Proposal

Turner stated that the CDA recommended approval of a contract extension not to exceed \$6,000 for PDI/Graef to work with the subcommittee to finalize the proposal for the lakefront building, beach parking lot renovation and Lake Street reconstruction project.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the \$6,000 contract extension with PDI/Graef for the lakefront building, beach parking lot and Lake Street reconstruction proposal planning process, and the MOTION carried without negative vote.

WCEDA Services Agreement for Duck Pond Development Site

Turner stated that the CDA recommended approval of a services agreement with the Walworth County Economic Development Alliance to market the 7-acre development site at the Duck Pond Recreation Area. Turner stated that the village would like to attract a professional company that could provide 25 to 30 jobs for local residents. Turner stated that the proposal will cost the Village \$1,754 to apply for a grant, and the grant would fund the entire scope of the \$24,254 project. Turner stated that if the grant is not secured, the CDA will not move forward with the project.

Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the \$1,754 contract with the Walworth County Economic Development Alliance to apply for the grant and start the marketing process for the 7-acre development site at the Duck Pond Recreation Area. The MOTION carried without negative vote.

Fontana Boulevard Lighting and Landscape Project Update

Workman stated that construction has commenced on the project and the concrete for the sidewalks is ready to be poured this week. Workman stated that the project is on schedule for the road to be

open in three to four weeks.

General Construction Updates

Workman stated that the Village of Fontana/Village of Walworth pedestrian path project is underway; however, the discovery of a spring directly under the path has produced an estimated additional cost of \$8,000 to \$10,000. Workman stated that the matching grant from the Wisconsin DNR has a cap and the Village of Walworth has committed limited funding. The CDA directed Workman to go back to the Village of Walworth Town Board and request more funding.

Lakefront and Harbor – Trustee O’Connell Update

O’Connell stated that the committee is making progress on its DMA review project.

Finance Committee – Trustee Kenny

Potential IGA with Walworth Township for Fire Protection Services for a Quadrant of Township – Tabled 9/8/09

Hayden stated that the Finance Committee has reviewed the proposed agreement and the only concern left to address is the added cost for the worker’s compensation insurance premium. The additional population that will be provided first response fire and rescue services is added to the worker’s compensation premium calculation. Thorpe stated that a formula can be added to the IGA to calculate the amount the premium will be increased to cover the Walworth Township services. Trustee Turner/Trustee Spadoni 2nd made a MOTION to approve the proposed Intergovernmental Agreement with the Town of Walworth for the Village of Fontana to provide first response fire and rescue services to a quadrant of the township as recommended, with the condition an additional clause drafted by the Village attorney and administrator to cover the additional worker’s compensation insurance premium expense is incorporated into the agreement. The MOTION carried without negative vote.

Budget 2009 & 2010 Update

Hayden stated that revenue projections are still bleak for the 2009 budget, and they are being factored into the preliminary 2010 budget.

Park Commission – Trustee Lewis

Recommendation to Raze Reid Park Gazebo

Because of safety concerns, the Park Commission approved a motion at its September 16, 2009 meeting to recommend that the Reid Park Gazebo be razed and estimates be obtained for the construction a new gazebo. Workman stated that the 18-year-old cedar structure is in bad shape and the building elements are starting to separate. Workman stated that the structure is not sound and it is a safety risk. Workman stated that local contractor Andy Pearce has been looking at the structure and has determined that the structure was constructed so poorly that it cannot be renovated. Turner stated that the CDA architect planning the lakefront building proposal has been informed of the structural problems of the gazebo and there has been some discussion to move the gazebo site slightly into the area between the lakefront building and the current site. Spadoni stated that if approved, the construction of the new lakefront building will provide an opportunity to combine the new facility with a new gazebo to create a nice setting for weddings and receptions, band performances and other community activities. Spadoni stated that if the gazebo is razed, the Village should wait to see if it should be slightly relocated and a new one should not be constructed right away. Following discussion on whether or not to raze the current gazebo, McGreevy suggested that Building Inspector Ron Nyman inspect the structure to determine if it should be razed. Spadoni stated that the Village could put up caution tape around the site and delay knocking it down. Hayden stated that now that the Village is aware of the unsafe condition of the structure, it is a liability issue that must be addressed. McGreevy stated that it has been determined that the gazebo is not safe and it should be razed. Trustee McGreevy/Trustee Turner 2nd made a MOTION to direct Building Inspector Ron Nyman to inspect the gazebo and if he determines it is not safe, the structure should be razed. The MOTION carried without negative vote.

Trustee Turner/Trustee Kenny 2nd made a MOTION to make it a part of the official record that the Village Board is going to replace the gazebo in Reid Park if it is razed, and the MOTION carried without negative vote.

Adjournment

Trustee Turner/Trustee O'Connell 2nd made a MOTION to adjourn the Village Board meeting at 7:01 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: 11/2/09