

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Tuesday, October 13, 2015

Village President Pat Kenny called the rescheduled 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: Tom Whowell, Rick Pappas, George Spadoni, Arvid Petersen, President Pat Kenny, Tom McGreevy

Trustee Absent: Dave Prudden

Also Present: Clerk Theresa Linneman, Administrator Dennis Martin, Attorney Dale Thorpe, Treasurer Scott Vilona

Closed Session

Trustee McGreevy/President Kenny 2nd made a MOTION at 5:30 pm to adjourn into Closed Session Pursuant to Wis. Stats. Chapter 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” specifically Snow Plowing Easements, Brick Church Road Invoice, and Proposed Paratech Contract Amendment; and pursuant to 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically PT Officers Pay Rate Increase.

Trustee Pappas – Aye

Trustee Spadoni – Aye

Trustee Petersen – Aye

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell - Aye

The MOTION carried on a 6-0 vote with Trustee Prudden absent.

Adjournment Closed Session

Trustee Petersen/Trustee McGreevy 2nd made a motion at 6:02 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Also Present: Don Holst, Building Inspector/Zoning Administrator Ron Nyman, Assistant Zoning Administrator Bridget McCarthy, Police Chief Steve Olson, Ed Snyder, Attorney Alyssa Wilson

Visitors Heard

Building Inspector/Zoning Administrator Ron Nyman introduced Assistant Zoning Administrator Bridget McCarthy who was attending her first Board meeting since being rehired to work in the Village of Fontana Building and Zoning Department in August, 2015.

Announcements

None

Approval of Village Board Minutes

The minutes for the September 1, 2015 meeting were distributed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meeting held September 1, 2015, as presented, and the MOTION carried without negative vote.

Village Treasurer’s Report, Vendor Report, & Payroll Overtime Report

The September, 2015 Treasurer’s, Vendor and Payroll Overtime reports were distributed.

Trustee Spadoni/Trustee McGreevy 2nd made a motion to approve the Vendor Report and Payroll Overtime Report as distributed 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 Petersen 2nd made a MOTION to approve the Village and Utility payable list as distributed, and the MOTION carried without negative vote.

General Business – President Kenny

Operator License Applications filed by Justin D. Scholer & Michael J. Burns (Lake Geneva Yacht Club)

There were no concerns with the background checks and the applicants are recommended for approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator's License applications filed by Justin D. Scholer & Michael J. Burns, and the MOTION carried without negative vote.

Geneva Lake Law Enforcement Agency 2016 Budget

There is no increase in this year's proposed budget which was included in the meeting packets.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the Geneva Lake Law Enforcement Agency 2016 Budget as presented, and the MOTION carried without negative vote.

Set Halloween Trick-or-Treat Hours for October 31, 2015, 4:00 – 7:00 pm

Since the Halloween trick-or-treat hours are set for October 31 from 4:00 pm to 7:00 pm every year, Thorpe stated in response to a question posed by Martin, that the board is allowed to make a blanket approval for the date and time instead of approving it each year.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to set the Trick-or-Treat hours annually on October 31 from 4:00 pm to 7:00 pm, and the MOTION carried without negative vote.

Geneva Lake Use Committee Bylaws Amendment Proposal

The proposed changes will make the committee more businesslike and require the chairperson be a village official appointed from one of the five municipalities. The amended bylaws are on the agenda for the Geneva Lake Use Committee meeting scheduled for October 14, 2015 at 9:00 am. Pappas stated Lake Geneva's attorney reviewed the changes and requested the item be placed on next month's Village Board agenda after approval from the Geneva Lake Use Committee.

Payroll Resolution Amendment for PT Officers Pay Rate Increase

The Resolution amendment was discussed in Closed Session prior to the regularly scheduled meeting. Martin stated the pay for returning Part Time Police Officers was increased to a range of \$18 to \$22.78 per hour back in June. He stated the Resolution should have been on the June Village Board agenda, but it was left off due to an oversight which was not intentional. Pappas had several concerns with the proposal including that it is a 30 percent increase in pay which brings it up to the starting wage of a full-time officer, and was not handled properly as it should have went through the Human Resources Committee or the Finance Committee. Spadoni stated he is in favor of the proposal because it allows the Police Chief to run his department and pay his employees as he deems necessary. He said they are not approving the increased salary, but instead the range. Pappas indicated the three part-time officers had been paid at a rate of \$22.78 per hour for each pay period dating back to June, with the exception of the last pay-period after the error was pointed out and the pay increase was suspended. He said none of the officers are in the middle of the range and increases should only be given to employees when included in the budget.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve Resolution 101315-01 amending the 2016 Payroll Resolution as presented and retroactive to June 2016, and the MOTION carried on a 5-1 vote with Trustee Pappas opposed and Trustee Prudden absent.

Snow Plowing Easements with Subdivision Associations

Thorpe presented a comprehensive update in closed session and explained the Village is waiting for a cost estimate from the village engineering firm to draft an Assessor's Plat to assist the Upper Gardens property owners with getting their roads officially deeded over to the property owners, not the heirs to the original developer. Thorpe recommended the board extend the snow plow agreements signed in 2014 to continue services until new easement agreements are finalized and

approved.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to amend the existing 2014 Snow Plow Agreements to continue snow plow services between the Village of Fontana and the home owner's associations as necessary until the new easement agreements are drafted and approved, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

FW/WPCC 2016 O&M Budget

A copy of the Official Publication of the budget was included in the meeting packets.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the 2016 FW/WPCC O&M Budget, as recommended, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Petition to Amend ETZ Zoning District and CUP Application Filed by Fontana Holding Company

At the September 28, 2015 Plan Commission meeting, a public hearing was held on the petition to amend ETZ zoning district and a CUP application filed by Fontana Holding Company. The proposed zoning district change is to reclassify a portion of the parcel from A-3 ETZ to A-2 ETZ, A-4 ETZ, and A-5 ETZ. Approval of the CUP application would permit Fontana Holding Company to construct up to 10 boat storage buildings over the next several years. Both the Plan Commission and ETZ Committee recommended Village Board approval of the zoning amendment and CUP. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 101315-01 an ordinance amending the Village of Fontana ETZ Zoning District and map from A-3 ETZ to A-2 ETZ, A-4 ETZ, and A-5 ETZ, and the MOTION carried without negative vote. Trustee Whowell abstained.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 101315-02 for a Conditional Use Permit application filed by the Fontana Holding Company, Inc., to build 10 boat storage buildings, and the MOTION carried without negative vote. Trustee Whowell abstained.

Proposed Amendment to Zoning Ordinance Section 18-192 Regarding Exempt Signs

An amended exempt sign ordinance was presented at the last plan commission meeting where staff was directed to make minor changes and present it at the village board meeting for initial review. The updated ordinance would allow signs that advertise local nonprofit and charitable events and require they be approved by the zoning administrator, or by the Village Board as recommended by the zoning administrator. Spadoni requested the village board table the item because 18-192(2) as it is written, permits only signs less than one square foot in area. He said he does not want all signage requests coming to the village board for approval either. Martin indicated the item was put on the agenda for feedback on whether a sign should be allowed on both the baseball diamond backstop fence and the beach fence, or if only one should be allowed. The consensus was two signs should be allowed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the proposed zoning ordinance to section 18-192 for further review from the Plan Commission, and the MOTION carried without negative vote.

Public Works Committee – Trustee McGreevy

Shabbona Drive Contract Final Payment Request and Contract Closeout

Ron Adams and DPW Director Brett McCollum completed a final walk-through with Village Engineer Terry Tavera for the project and it is recommended for approval.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Shabbona Drive Reconstruction Storm Sewer and Water Main Relay Project and Contract Closeout for the final amount of \$52,880.37, and the MOTION carried without negative vote.

Approve Change Order for South Lakeshore Drive Sanitary Force Main Relay

A change order was submitted by RJ Underground to add an insertion valve into the existing sanitary force main as requested by DPW staff. Due to delays in ordering and installing the insertion valve and the availability of special piping for Alliant Energy conduits, the contract will be extended by two weeks and the contract price increased by \$17,800. The change order was reviewed by staff and

recommended for approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Change Order No. 1, authorizing an increase of \$17,800, as submitted by RJ Underground, Inc. for the South Lakeshore Drive Sanitary Force Main at Potawatomi Creek contract, and the MOTION carried without negative vote.

South Lakeshore Drive Sanitary Force Main Relay – Payment Recommendation No. 1

McGreevy presented a pay request submitted by RJ Underground for the South Lakeshore Drive Sanitary Force Main Relay at Potawatomi Creek in the amount of \$211,714.25. The pay request was reviewed by village staff and village engineers and recommended for approval.

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to approve Pay Request No. 1 submitted by RJ Underground for the South Lakeshore Drive Sanitary Force Main Relay at Potawatomi Creek in the amount of \$211,714.25, and the MOTION carried without negative vote.

Brick Church Road Invoice From Walworth Township

The Brick Church Road overlay project was completed by Scott Construction, Inc., as contracted by the Town of Walworth. Fontana's portion of the road was billed to the village at the cost of \$28,037. The item was discussed in closed session and the invoice was recommended for payment to the Town of Walworth with the conditions that approval was adhered to under terms proposed in a staff meeting with Walworth Town Board Chairman Joe Abell. The proposed conditions acknowledge that McCollum will go with Abell and the Town of Walworth Highway Dept. employee on an initial inspection of Brick Church Road to identify three known areas of concern regarding the asphalt cold mix overlay, and determine if there are any other areas in need of initial repairs; that the Village portions of the road will be included under the one-year warranty, which will be effective the date Scott Construction makes the initial repairs to the identified areas of concerns and any additional spots if they are found; and that the Town of Walworth will present all future road maintenance cost-sharing proposals directly to the Village of Fontana administrator prior to the commencement of the construction project planning to ensure the participation of the Village of Fontana Public Works Committee. A letter will be included with the \$28,037 check issued to the Town of Walworth with the conditions listed as follows:

1. The Village of Fontana portions of Brick Church Road delineated in the Town of Walworth Contract with Scott Construction, Inc., which are included in the contract's one-year warranty, will be inspected by the Village of Fontana DPW Manager with Town of Walworth officials and the contractor, who will address any initial areas of concern prior to the commencement of the one-year warranty timeframe for those areas identified during this initial inspection.
2. The Town of Walworth will coordinate joint inspections of the Brick Church Road construction areas with the Village of Fontana DPW Manager on a monthly basis during the contract warranty period.
3. The Town of Walworth will present all future road maintenance cost-sharing proposals directly to the Village of Fontana administrator prior to the commencement of the construction project planning to ensure the participation of the Village of Fontana Public Works Committee.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to authorize the issuance of a \$28,037 check to the Town of Walworth to reimburse the Town Board for the Village's portion of the Brick Church Road construction expenses, with the three conditions as recommended, and the MOTION carried without negative vote.

Lakefront Committee – Trustee Pappas

Pier Permit Replacement Application filed by Dr. Robert Youngquist (Pier Docktors), 573 N. Lakeshore Drive

A pier permit application was filed to authorize the construction of a new pier at 573 N. Lakeshore Drive. Pappas advised it was recommended for approval by the Lakefront and Harbor Committee under the conditions the application is approved by the DNR, an as-built survey is submitted, and it is verified that the new pier is a minimum of 12.5-feet from the lot line as required.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to approve the pier permit replacement

application as filed by Pier Docktors for the property owned by Dr. Robert Youngquist at 573 N. Lakeshore Drive, contingent on final DNR approval of the application, and with the condition that an as-built survey is filed with the Village. The MOTION carried without negative vote.

Proposed Resolution Amendment to Increase Village Launch Fees

The Wisconsin DNR increased its daily admission fees for the state parks by \$1 for next year, allowing the village to also raise the launch fee rates. Per DNR regulations, fees for non-residents may not exceed 150 percent of the fees charged a resident for boats that exceed 20 feet in length. Pappas presented an amended fee schedule resolution that came from the Lakefront and Harbor Committee, but said after doing more research, he discovered the village could actually charge more than a \$1 increase for larger boats using a formula designed by the DNR. The village has historically charged the maximum allowable fee and Pappas proposed tabling the item and sending it back to the Lakefront and Harbor for further review.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to table the proposed Resolution amendment to increase Village launch fees and refer the fee schedule back to the Lakefront and Harbor Committee for further review, and the MOTION carried without negative vote.

Proposed Amendment for Chapter 54 Permit Applications

The Lakefront and Harbor Committee recommended modifying section 54-86(b) of the municipal code to require a certified survey only when deemed necessary by the committee, and instead require scaled site plan. An updated ordinance was prepared by McCarthy and distributed at the meeting to take place of the proposed ordinance included with the meeting packet. Pappas said the Lakefront and Harbor Committee requests the village board waive the requirement of a certified survey more often than not when issuing a pier permit because it is usually not necessary. An as-built survey will still be required upon completion of the project. Attorney Thorpe confirmed the committee can still recommend the requirement of a survey if deemed necessary.

Trustee Pappas/Trustee Whowell 2nd made a MOTION to adopt revised Ordinance 101315-02 as presented, to remove the certified survey requirement unless otherwise directed by the Lakefront and Harbor Committee, and replace it with a site plan to scale, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Adopt a Fire Hydrant Program Proposal

The program was recommended for approval by the Protection Committee to encourage citizens, especially children, to become involved with their community by adopting a fire hydrant and taking on the responsibility of keeping it clear of brush, snow and making sure the grass around it is mowed. Having fire hydrants free of debris creates easier access for fire fighters in emergency situations. Fire and Rescue Chief Wolfgang Nitsch stated he forwarded the packets to Trustee Prudden earlier in the day for review. Spadoni asked several questions and in response was informed the fire hydrants cannot be painted. No action was taken.

Disposition of Obsolete Fire Department Air Packs

5 Alarm Fire and Safety Equipment, LLC, has proposed buying the department's old air packs for \$150 each in the form of in-store credit. Martin said the board's approval is necessary before any property or capital item can be bought or sold.

Spadoni/Petersen 2nd made a MOTION to approve of the proposal to sell the air-packs to 5 Alarm Fire and Safety Equipment, LLC, for \$150 worth of credit for each, and the MOTION carried without negative vote.

Emergency Services Response Plan During the Bridge Replacement to Include Paratech Contract Amendment for Additional Coverage

The Fontana Fire and Rescue Department is currently staffed from 6:00 am to 6:00 pm with two Paratech employees. Local volunteer members are on call from the hours of 6:00 pm to 6:00 am. With the bridge closure from October 19, 2015 to May 2016, the Protection Committee has proposed staffing the fire house 24-hours a day during the bridge construction to negate the extra travel time it would require for responders to travel from the south side of the Village, to the fire house, and back to the south shore. The item was discussed earlier in Closed Session and the board

members agreed full-time staffing of the fire house is appropriate for the duration of the bridge construction project. Thorpe stated as long as there are certain conditions laid out, he can review the contract prior to approval. The board members also agreed they could meet in a special session if necessary and if Thorpe has any concerns about the proposed contract.

Trustee McGreevy/Trustee Petersen 2nd made a MOTION to approve staffing the Fire House for an additional 12-hours per day from 6:00 pm to 6:00 am until May 16, 2016, or for the duration the bridge is impassable, subject to Village Attorney's review, and the MOTION carried without negative vote.

Finance Committee – President Kenny

Authorize Down Payment for New Police Vehicle in 2016 Preliminary Budget

The Finance Committee recommended approval to put \$1,800 down and order the 2016 Ford Utility Police Interceptor from Kunes Country Ford, Delavan for 2016 delivery; however, Chief Olson stated that a down-payment is not required, just authorization to place the order. By ordering this year, the village will receive \$999 in rebates from Ford.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the immediate ordering of the new police vehicle from Kunes Country Ford, as proposed, and to place the item in the 2016 budget, and the MOTION carried without negative vote.

Adjournment

McGreevy/Spadoni 2nd made a MOTION at 6:26 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, 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: 10/27/15