

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, November 3, 2008**

President Pollitt called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Also present:** David Audino, Joe Eberle, Village Administrator Kelly Hayden-Staggs, Bill Henry, Rob Ireland, Gene Kovacs, Library Director Nancy Krei, Lou Loenneke, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Rick Pappas, Village Attorney Dale Thorpe, Thomas Timm, Tom Whowell, Director of Public Works Craig Workman

**Visitors Heard**

Tom Whowell stated that the Lakefront and Harbor Committee recommended a dramatic increase in the commercial launch rates for the 2009 season. Whowell stated that he was not able to attend the last monthly meeting of the committee and he would have liked to have stated his concerns with the proposed 62 percent increase in the commercial rate. Whowell asked the Village Board to consider tabling the item for one month so that the Village officials can further discuss the proposed increase.

**GIS Presentation by Thomas Timm, Ruckert-Mielke**

Hayden-Staggs stated that she and Workman met with Timm for a demonstration on the Geographical Information Systems software capabilities and the associated online services provided by Ruckert-Mielke. Hayden-Staggs stated that the preliminary 2009 Village and Utility budgets include funding for the initial implementation of the GIS software package. Timm presented a PowerPoint program on the GIS system and showed examples in the Village of Hartland's system. Information on the GIS systems can be accessed by the public; and more secure, editable aspects of the system can be accessed online by Village officials with established user names and passwords. The GIS system offers online access to several layers of information that can be accessed by property addresses, tax key numbers or property owner names. Timm stated that all of the information the Village wants to feature can be accessed at one website. Spadoni stated that he was concerns that all of the information demonstrated by Timm currently is available on other websites. Turner asked what the initial installation expenses will total to upload the Village data. Timm stated that not including the cost for software, the initial costs will total \$150,000 to \$200,000. Hayden-Staggs stated that if approved, the GIS system will enable the Village to make immediate amendments to the Village Zoning Map and other municipal documents. Joe Eberle stated that once the data base in uploaded into the GIS system, the software can be used to manipulate the information into various formats. Timm stated that the initial layers of information and the tools to enter and format the information will cost about \$16,000, and there is commercial licensing fee of \$3,000 to \$3,900, as well as a \$2,000 fee for annual maintenance. President Pollitt stated that staff should meet and review the financial aspects of the proposal and present a draft agreement to the Board for consideration.

**Announcements**

1. General Election – **Tuesday, November 4, 2008, Polls Open 7:00 am to 8:00 pm**
2. Fontana Public Library “Clearing Spaces” Workshop – **Tuesday, November 11, 2008 at 6:00 pm**
3. Storytime at the Fontana Public Library – **Thursdays, November 13 and 20, 2008 at 10:30 am**
4. Fontana Public Library Gift Tag Workshop – **Saturday, November 15, 2008 at 10:00 am**
5. 2009 Budget Public Hearing – **Monday, November 17, 2008 at 5:00 pm**
6. Monthly Tornado Siren Test – **Wednesday, November 19, 2008 at noon**
7. Library Board Meeting – **Wednesday, November 19, 2008 at 10:00 am**

8. Park Commission Meeting – **Wednesday, November 19, 2008 at 6:00 pm**
9. Fontana Public Library Evening Book Club – **Thursday, November 20, 2008 at 5:15 pm**
10. Volunteer Planting Day at the Duck Pond Recreation Area Prairie Restoration Site – **Saturday, November 22, 2008 at 11:00 am**
11. Plan Commission Monthly Meeting – **Monday, November 24, 2008 at 5:30 pm**
12. Village Hall and Public Library Closed for Thanksgiving Holiday – **November 27 to 29, 2008**
13. Monthly Meeting of the Village Board – **Monday, December 1, 2008 at 6:00 pm**

### **Approval of Minutes**

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held October 6, 16 and 20, 2008, as presented, and the MOTION carried without negative vote.

### **Village Treasurer's Report**

The monthly treasurer's report was not ready because the Village is changing its computer system to a new accounting software program.

### **Approval of Village and Utility Payables**

Spadoni/Kenny 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as submitted, and the MOTION carried without negative vote.

### **General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Holiday Party**

Hayden-Staggs stated that bids were received from Gordy's, the Abbey Resort and Abbey Springs to host the annual Village of Fontana holiday party. The Village Board has been switching locations at each local restaurant for the annual party and it has been four years since Gordy's hosted the party. Following discussion, the Board members were in consensus that the party should be scheduled at Gordy's on Monday, December 8, 2008, from 6:00 to 9:00 pm.

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to accept the bid submitted by Gordy's to host the annual Village of Fontana holiday party on Monday, December 8, 2008 from 6:00 to 9:00 pm, and the MOTION carried without negative vote.

### **Holiday Bonus**

Hayden-Staggs stated that in the past several years the Village Board has approved \$50 bonuses in the form of gift certificates from Daniels Sentry Foods, Walworth. Following discussion, the Board members were in consensus that all the part-time and full-time employees should be given \$50 gift cards from Walworth State Bank that can be used at any store.

Spadoni/Lewis 2<sup>nd</sup> made a MOTION to approve the issuance of \$50 gift cards from Walworth State Bank to all Village of Fontana part-time and full-time employees for holiday bonuses, and the MOTION carried without negative vote.

### **Water Safety Patrol Contract**

President Pollitt stated that the Geneva Lake Water Safety Patrol submitted a proposed contract that calls for an increase from \$35,068 to \$36,975 for lifeguard services for the 2009 summer season.

President Pollitt stated that the Protection Committee recently adopted a motion that requests the Geneva Lake Water Safety Patrol to contact the Fontana Police Department if there is an incident or a rescue call at the Fontana Beach.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the Lifeguard Services Contract for the 2009 Summer Season as submitted by the Geneva Lake Water Safety Patrol, with the total contact cost set at \$36,975 and the Protection Committee request noted, and the MOTION carried without negative vote.

### **Lake Geneva CVB Agreement**

Hayden-Staggs stated that she received an email message from George Hennerley, executive vice president of the Geneva Lake Area Chamber of Commerce and Lake Geneva Convention and Visitors Bureau in response to the Village of Fontana's concern that the initially approved agreement was lengthened and amended by the CVB. Hayden-Staggs stated that Hennerley indicated in the

email that a one-year proposal set at 16 percent of the Village of Fontana's room tax revenue proceeds would be approved by the CVB. Hayden-Staggs stated that a one-year agreement will be drafted and presented to the Abbey Resort for review.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the proposed one-year enrollment agreement between the Village of Fontana and the Lake Geneva Convention and Visitors Bureau with the fee set at 16 percent of the Village of Fontana's annual room tax revenue proceeds, and the MOTION carried without negative vote.

### **Board of Review Compensation**

President Pollitt stated that the Board of Review was a very lengthy process this year with four days of hearings conducted. President Pollitt stated that the volunteer members of the Board of Review did not receive any compensation for committing a considerable amount of time to the Village. President Pollitt stated he can afford donating time and he does receive compensation for serving as the village president, but the other members of the Board of Review are not compensated and they had to take time off from their jobs to attend all of the hearings. Hayden-Staggs stated that in the past the Village budget contained about \$100 for each member of the Board of Review; however, that item is no longer in the annual budget. Following discussion, the Village Board members were in consensus that the Board of Review members should receive a payment of \$100 for their services this year.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve a \$100 stipend to the Board of Review members, and the MOTION carried without negative vote.

### **Phosphorous Ordinance Proposal**

Hayden-Staggs stated that the draft ordinance language she distributed is taken from the Williams Bay ordinance. The ordinance delineates the regulations and exemptions for the use and application of lawn fertilizer and sales of fertilizer containing phosphorus.

Petersen/Turner 2<sup>nd</sup> made a MOTION to direct staff to use the Williams Bay model ordinance to draft an ordinance for consideration at next month's meeting, and the MOTION carried without negative vote.

### **Little Foot Park Playground Pirate Ship Purchase**

Hayden-Staggs stated that the Park Commission would like the Village Board to consider the purchase of the new pirate ship playground equipment now since the cost will continue to rise as the funding is secured. Hayden-Staggs stated that the proposal is for the Village to purchase the equipment and the Park Commission will raise revenue to offset the expense through fund-raising events such as the Pig in the Park and the memorial brick program. In response to questions from the Village Board members, Workman stated that the new ship and the handicapped accessible surface will cost about \$80,000, and Hayden-Staggs stated that the \$35,000 allocated by the CDA has been used to fund the first phase of the playground renovation plan. President Pollitt stated that he supported the \$80,000 expenditure if it will be refunded by donated and raised funds. Hayden-Staggs stated that the purchase would not impact the budget, but it would affect the capital balance. Turner asked if the Village should purchase such a big ship and he requested more data before voting on the proposal. Turner stated that the price will not increase during the next month if the item were tabled for further consideration.

Spadoni/Kenny 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried on a 6-1 vote, with Trustee Petersen voting no.

### **Protection Committee – President Pollitt**

#### **Operator's License Application Filed by Amelia J. Pizano-utes (Fontana Corner Market)**

The background check was not yet completed by the Fontana Police Department, but the rest of the application process was completed.

Petersen/Spadoni 2<sup>nd</sup> made a MOTION to approve the issuance of a operator's license to Amelia J. Pizano-utes, an employee at Fontana Corner Market, contingent on the successful completion of the required background check. The MOTION carried without negative vote.

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

**Announcement of November 24, 2008 Public Hearing to Consider Conditional Use Permit Application Filed for Edward Lyon Property at 986 South Lakeshore Drive**

Spadoni stated that the Plan Commission has scheduled a public hearing for its November 24, 2008 monthly meeting to consider a Conditional Use Permit application filed for the Edward Lyon Property at 986 South Lakeshore Drive. The proposed conditional use permit is required for the construction of a second primary residence on the lot located in the RS-1 Zoning District.

**Zoning Code Amendment to Section 17-7(6)(f) Regarding Land Division Regulations**

The Plan Commission recommended approval of the minor text amendment to Section 17-7(6)(f) to add private streets to the section to read, "Every lot shall front or abut on a public or private street." O'Connell/Turner 2<sup>nd</sup> made a MOTION to approve Ordinance 11-03-08-01, amending Section 17-7(6)(f), as recommended, and the MOTION carried without negative vote.

**BSOP Filed by Bruce Wilkinson for Lots 24 & 49, Country Club Estates Subdivision**

Spadoni stated that the Plan Commission voted to recommend Village Board approval of the Building, Site and Operational Plan filed by Bruce Wilkinson for Lots 24 and 49 in the Country Club Estates subdivision subject to the conditions that a "hold harmless" agreement, to the extent permitted by law, is drafted and approved; that Grading & Drainage BSOP approval for Lot 49 is contingent on receipt of a signed "hold harmless" agreement; that Grading & Drainage BSOP approval for Lot 24 is contingent on Lot 49 BSOP approval; that Building Permit approval for Lot 49 is contingent on a signed Hold Harmless agreement and BSOP approval for Lots 24 and 49; that Tree Removal Permit approval for Lot 24 is contingent on receiving Lot 24 BSOP approval and Lot 49 Building Permit approval; that Tree Removal Permit approval for Lot 49 is contingent on receiving Lot 49 BSOP approval and Lot 49 Building Permit approval; that minor conflicting information with regard to tree removal is clarified prior to the issuance of a Tree Removal Permit for Lot 49; and that Exhibit B is clarified with regard to the proposed removal of 30 or 40 percent of the existing protected trees. If only 30 percent of the existing protected trees are removed, no CUP is required; however, if trees No. 2 and No. 8 will be removed, 40 percent of the existing protected trees are proposed for removal, and this would require CUP approval. The Plan Commission recommended conditions for approval state that the applicant must clearly state the plans for these two trees as it affects calculations and approval procedure. The October 27, 2008 staff report states that the BSOP is required for Lot 24 because the proposed construction of a new home on Lot 49 involves the removal of trees and grading on Lot 24. The activity on Lot 49 is dependent on proposed activity on Lot 24.

Spadoni/Turner 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan filed by Bruce Wilkinson for Lots 24 and 49 in Country Club Estates subdivision, Unit 2, contingent on the conditions delineated in the October 27, 2008 Village of Fontana staff report, which include the submission and approval of a "hold harmless" agreement; that Grading & Drainage BSOP approval for Lot 49 is contingent on receipt of a signed "hold harmless" agreement; that Grading & Drainage BSOP approval for Lot 24 is contingent on Lot 49 BSOP approval; that Building Permit approval for Lot 49 is contingent on a signed Hold Harmless agreement and BSOP approval for Lots 24 and 49; that the Tree Removal Permit approval for Lot 24 is contingent on receiving Lot 24 BSOP approval and Lot 49 Building Permit approval; that the Tree Removal Permit approval for Lot 49 is contingent on receiving Lot 49 BSOP approval and Lot 49 Building Permit approval; that minor conflicting information with regard to tree removal is clarified prior to the issuance of a Tree Removal Permit for Lot 49; and that Exhibit B is clarified with regard to the proposed removal of 30 or 40 percent of the existing protected trees. A Roll Call vote was taken:

Lewis – Yes

Turner – Yes

O'Connell – No

Spadoni – Yes

President Pollitt – Yes

Petersen – No

Kenny – Yes

The MOTION carried on a 5-2 vote.

**Certified Survey Map Filed by Myron and Geraldine Audino**

Thorpe stated that the applicants and their engineer, Gene Kovacs of RSV Engineering, worked with staff to address concerns regarding the proposal to create two lots on the property located on the

ridge above the Cliffs of Fontana subdivision in the former gravel pit. Thorpe stated that the Plan Commission voted to recommend approval of the CSM as submitted with a number of conditions. The Plan Commission voted unanimously at its monthly meeting to approve a motion to recommend Village Board approval of the proposed CSM and subdivision variances to Sections 17-7(3) and 17-7(6)(f) with the conditions that covenants are drafted and submitted to the village for review; that the CSM be modified with regard to the driveway access/easement to include an extended area where Dade Road ends, but does not meet up to the depicted easement area; that the incorrectly labeled Wild Duck Road is corrected to read Dade Road; that note number 6 under General Notes on the proposed CSM with regard to site and native vegetation preservation and maintenance is further expanded and clarified in a separate recordable document; that the verbiage and suggestions related to the conservation areas and the pedestrian path made by Village Attorney Thorpe in a correspondence dated October 21, 2008 be incorporated; that all covenants and other recordable documents are submitted to the village for review; and that the CSM will not be released until all recordable documents have been accurately recorded and received by the village. Thorpe stated that covenants still have to be drafted, reviewed and approved to memorialize the pedestrian path and its future maintenance requirements. Thorpe stated that the applicants should attempt to have the rest of the documents submitted by the November 19, 2008 Plan Commission staff meeting so that all of the remaining concerns can be resolved in time for action at the next meeting. Petersen/Spadoni 2<sup>nd</sup> made a MOTION to table the item until the remaining concerns are resolved by the staff, and the MOTION carried without negative vote.

#### **Condominium Plat Amendment Filed for Cliffs of Fontana Planned Development**

Hayden-Staggs stated that condominium plat amendments will be filed by Par Development for the Cliffs of Fontana development as building permits are issued to delineate the building footprints. The Plan Commission approved a motion to recommend Village Board approval of the condominium plat amendment as submitted subject to the conditions of the village staff report and with the condition that Par Development enter into an agreement with the owners of the Audino property whereby Par will take responsibility for maintaining the pedestrian/bicycle path that will cross the properties from Highway 67 to the Duck Pond Recreation Area. Spadoni/Turner 2<sup>nd</sup> made a MOTION to approve the condominium plat amendment filed by Par Development for the Cliffs of Fontana Planned Development as submitted subject to the conditions of the village staff report and with the condition that Par Development enter into an agreement with the owners of the Audino property whereby Par will take responsibility for maintaining the pedestrian/bicycle path that will cross the properties from Highway 67 to the Duck Pond Recreation Area. The MOTION carried without negative vote.

#### **Jann Annexation Petition and Preannexation Agreement**

Hayden-Staggs stated that the Wisconsin Department of Revenue has not signed off on the Petition for Direct Annexation filed by Norma Finley Jann and Irwing G. Jann, W4818 South Lakeshore Drive, who are seeking annexation of their property from Linn Township into the Village in order to have their residential driveway connected to South Lakeshore Drive. The property is located to the west of the Lake Geneva Yacht Club property, which was recently annexed into the Village, so the annexation is an “infill annexation.” Spadoni/Kenny 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **BSOP Amendment for Georgie B's Restaurant**

Spadoni stated that Chad and Pam Carper have requested approval of an amendment to the Building, Site and Operational Plan approved for Georgie B's Restaurant, located in the FairWyn Commercial Building at 441 Mill Street. Spadoni stated that the Carpers want to expand their restaurant into the entire two-unit building. The restaurant currently occupies the eastern unit. The Plan Commission approved a motion to recommend Village Board approval of the proposal with the condition that the applicants work with staff to comply with the Zoning Code standards. Hayden-Staggs stated that nothing had been submitted to the Village since the Plan Commission meeting, and required information is needed before the Village Board can act on the proposal. Spadoni asked the Village staff to contact the applicants and work with them make sure the required documents are submitted. O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to table the item until the next monthly meeting, and the

MOTION carried without negative vote.

### **CDA – Trustee Turner**

#### **2009 Work Plan and Budget Update**

McHugh stated that the agenda item was to update the Village Board members on the three projects in the planning stages for 2009 initiation. McHugh stated that the proposed Work Plan will be reviewed by the Finance Committee and the CDA Board before it is brought back to the Village Board for consideration.

#### **TID Project Maintenance**

Turner stated that the CDA Board has directed McHugh to make sure the projects recently completed in the Tax Incremental District are maintained. McHugh stated that he and the Park Commission organized a punch list of maintenance items for Workman and the Department of Public Works crew. Turner stated that the Village Board members should contact McHugh if they note any problem areas.

#### **Beach Fence, Update and Pay Request**

Turner stated that he wanted the Village Board to consider approving a motion to notify the bonding company on the Beach Fence Contract that Century Fence is in default of its contract with the Village because the Century Fence has not given the Village what was called for in the approved contract. During discussion on Turner's proposed motion, it was determined that at the last monthly meeting, the Village Board approved a motion to table any action on the outstanding pay request until the matter was reviewed by the CDA Board. The item was placed on the agenda of the Village Board/Finance Committee budget work shop meeting on October 20, 2008, and the Village Board approved another motion to table any action on the outstanding pay request until the matter was reviewed by the CDA Board. The CDA Board's next meeting is scheduled for Wednesday, November 5, 2008. Turner stated that the Village Board should still consider a motion to authorize Village staff to contact the bonding company and continue to work on resolving the matter. During discussion, the Village Board members were in consensus that a motion could be approved subject to review and approval by the CDA Board.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to direct Village staff to notify the bonding company on the Beach Fence Contract that Century Fence is in default of the approved contract, contingent on CDA Board approval, and the MOTION carried without negative vote.

#### **Walworth Fontana Pedestrian Path Update**

McHugh stated that there is nothing new to report and that he will be attending the next meeting of the Walworth Village Board on Monday, November 10, 2008 to discuss their financial commitment.

#### **Mill House Pay Request, Dunn Lumber**

Hayden-Staggs stated that Par Development has wrapped up the Mill House Pavilion project and if the Village of Fontana pays the \$38,522 bill from Dunn Lumber directly, there will be a savings of \$2,119 because the Village is tax exempt. Hayden-Staggs stated that the funds will be repaid to the Village from Par's total commitment of \$129,550.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the issuance of a check for \$38,522 to Dunn Lumber for payment of the lumber bill for the Mill House Pavilion project, and the MOTION carried without negative vote.

#### **Porter Court Plaza Update and Pay Request**

Turner stated that Mann Brothers, Inc. submitted pay request No. 7 totaling \$10,278 for the Porter Court Plaza contract.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve Pay Request No. 7 totaling \$10,278 as submitted by Mann Brothers, Inc., for the Porter Court Plaza project, contingent on CDA Board approval, and the MOTION carried without negative vote.

#### **Kinzie Avenue Update and Pay Request**

Turner stated that Odling Construction submitted pay request No. 2 totaling \$109,768 for the Kinzie Avenue Reconstruction contract. President Pollitt stated that the Village Hall parking lot is a mess

and he was concerned that there would be adequate parking spaces available for the November 4, 2008 election.

Turner/Spadoni 2<sup>nd</sup> made a MOTION to approve Pay Request No. 2 totaling \$109,768 as submitted by Odling Construction for the Kinzie Avenue Reconstruction contract, contingent on CDA Board approval, and the MOTION carried without negative vote.

### **Third Avenue Project Update and Pay Request**

Turner stated that Mann Brothers, Inc. submitted pay request No. 2 totaling \$219,308 for the Third Avenue Project contract.

Turner/Spadoni 2<sup>nd</sup> made a MOTION to approve Pay Request No. 2 totaling \$219,308 as submitted by Mann Brothers, Inc. for the Third Avenue Project, contingent on CDA Board approval, and the MOTION carried without negative vote.

### **Utility Burial Project Update**

Turner stated that more information on the project, which is well underway, will be presented at the December 1, 2008 meeting of the Village Board.

### **Public Works – Trustee Petersen**

#### **VOW and VOF Agreement for Shared Water Services**

Petersen stated that the proposed amendment to the agreement removes the financial charge for the cost of receiving emergency water service and changes it to an exchange of water for water. Hayden-Staggs stated that she received confirmation from the Public Service Commission that the villages can exchange water for water and eliminate the provision for the municipalities to pay the current rate for the receipt of emergency water.

Spadoni/Petersen 2<sup>nd</sup> made a MOTION to approve the proposed amendment to the Village of Fontana/Village of Walworth Emergency Reciprocal Water Service Agreement to remove the financial charge for the cost of receiving emergency water service and change it to an exchange of water for water. The MOTION carried without negative vote.

#### **Approve Salt/Sand Enclosure – 2009 Purchase**

Workman stated that he received a bid of \$4,500 to purchase a clear span enclosure for the sand and salt pile at the DPW garage. Workman stated that if the enclosure is ordered right now, it could be delivered by January.

Petersen/O’Connell 2<sup>nd</sup> made a MOTION to approve the \$4,500 purchase of a clear span enclosure for the sand and salt pile at the Department of Public Works garage site, and the MOTION carried without negative vote.

#### **Stormwater Subcommittee Update**

Workman stated that the subcommittee met and discussed the recently completed needs assessment survey. The next step in the planning process is to develop a list of goals the Village hopes to achieve with the creation of a stormwater district. Workman stated that the subcommittee members are selecting five “hot spots” or worst areas to address, and they will be presented at the next meeting on November 14, 2008.

#### **Arrowhead and Castle Terrace Drive Contract Update and Pay Request**

Petersen stated that Globe Contractors, Inc. submitted the sixth and final pay request totaling \$5,000 for the Arrowhead Drive and Castle Terrace Avenue Reconstruction contract. Workman stated that the final cost of the contract will come in about \$40,000 less than initially anticipated.

Spadoni/Kenny 2<sup>nd</sup> made a MOTION to approve the sixth and final pay request totaling \$5,000 as submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Avenue Reconstruction contract, and the MOTION carried without negative vote.

#### **Harvard Avenue Contract Update and Pay Request**

Petersen stated that Wanasek Corporation submitted pay request No. 2 totaling \$129,236 for the Harvard Avenue Water Main contract.

Petersen/Spadoni 2<sup>nd</sup> made a MOTION to approve Pay Request No. 2 totaling \$129,236 as submitted by Wanasek Corporation for the Harvard Avenue Water Main contract, and the MOTION carried without negative vote.

### **Timber Trail/Indian Hills Road Contract Update and Pay Request**

Petersen stated that Reesman's Excavating and Grading, Inc. submitted pay request No. 2 totaling \$202,631 for the Timber Trail Drive and Indian Hills Road reconstruction contract.

Petersen/Kenny 2<sup>nd</sup> made a MOTION to approve Pay Request No. 2 totaling \$202,631 as submitted by Reesman's Excavating and Grading, Inc. for the Timber Trail Drive and Indian Hills Road reconstruction contract, and the MOTION carried without negative vote.

### **Park Commission – Trustee Lewis**

#### **Bill Henry Forest Restoration Proposal for VOF Parcel**

The Park Commission approved a motion to recommend Village Board approval of Bill Henry's proposal to fund the eradication of the buckthorn, honeysuckle and other invasive species in the first 50 feet of the Village owned parcel of land located off Indian Hills Road adjacent to the Pheasant Ridge subdivision. Henry stated that he is proposing the project in order to clear the undesirable trees from the area and promote the growth of the more desirable trees. Henry stated that he and the neighboring property owners will pay for the cost of the project in order to provide a test area so the Village can see the positive affects of the project. President Pollitt stated that the proposal sounds like a good project since there will be no cost to the Village and approval was recommended by the Park Commission. When staff brought up the Tree Ordinance and the fact that some of the undesirable trees are over the 8-inch minimum diameter for trees that have to be replaced if cut down, the Village Board members were in consensus that the ordinance should be amended to remove the replacement requirement for all undesirable, invasive species of trees. Petersen stated that invasive trees should be allowed to be removed period, with no need for a permit or to replace the larger trees that exceed the 8-inch maximum diameter. Henry stated that he would like to complete the project this fall and not have to wait until the Tree Ordinance is amended.

Turner/Spadoni 2<sup>nd</sup> made a MOTION to approve the proposal as submitted and to direct staff to immediately begin the amendment process to eliminate the tree replacement requirement for the undesirable trees species from the Tree Ordinance, and the MOTION carried without negative vote.

### **F/W WPCC – Trustee Petersen**

#### **Engineering Contract with Strand Associates for Plant Improvement Proposal**

Petersen stated that the Fontana/Walworth Water Pollution Control Commission Board of Directors approved a \$198,000 agreement with Strand Associates, Inc. for design services and construction related services for a new final clarifier, new return and waste activated sludge pumps, a new booster pump, associated piping and ancillary equipment, a new storage building, an expanded laboratory, and modifications to the existing influent pumping station, oxidation ditches, decant tank and biosolids storage tanks. Hayden-Staggs stated that the Village of Fontana's portion of the contract will be included in the Utility Budget.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve the Agreement for Design Services and Construction Related Services for the Fontana/Walworth Water Pollution Control Commission's wastewater treatment facilities as presented, and the MOTION carried without negative vote.

### **Finance – President Pollitt**

#### **2009 Budget Summary**

The proposed 2009 Village Budget summary was published and the public hearing is scheduled for Monday, November 17, 2008 beginning at 5:00 pm.

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

#### **Commercial Launch Fee for 2009**

O'Connell stated that the Lakefront and Harbor Committee unanimously approved a motion at its last meeting to recommend an increase in the rate for the commercial launch fee to \$1,250 for the first 100 launches and then \$12.50 per launch after the first 100. O'Connell stated that the committee recommended setting the commercial launch rate at the same level that residents have been paying for launching boats that are between 20- and 26-feet-long. Spadoni stated that the recommended increase is 60.25 percent



higher than last year's rate. O'Connell stated that the committee didn't look at the percentage of the proposed increase for the commercial rate, the motion was intended to catch the commercial rate up to what residents have had to pay for the last three years. Spadoni stated that the proposed increase is a lot of money to ask commercial operations to come up with in one year. President Pollitt stated that the Village should consider just getting rid of the commercial rate and using the same rates for residential or commercial launches. O'Connell stated that the initially approved commercial rate was set lower than the residential or private launch rate in 2002 because the commercial launches do not require a parking stall in the boat trailer parking lot and the employees who launch the boats accomplish the task in much less time than typical private launches require. Hayden-Staggs stated that the commercial launches do not require the parking of a trailer, so the lower rate was established. O'Connell stated that the committee members discussed the parking aspect and the members were in consensus that if the commercial launchers want to, they can use a parking stall in the trailer parking lot. Spadoni stated that the Village Board did not receive with the rest of the meeting materials the proposed fee schedule. Hayden-Staggs stated that the Lakefront and Harbor Committee meeting was just held the previous Wednesday and she did not have an opportunity to draft the proposed resolution reflecting the committee's recommendation. President Pollitt stated that there is no real rush to act on the recommendation since it is the off-season and he suggested tabling the matter for one month while the proposed 2009 rate sheet and resolution are drafted.

Petersen/Spadoni 2<sup>nd</sup> made a MOTION to table the item and to direct Village staff to draft the proposed 2009 boat launch rate sheet and resolution for consideration at the next monthly meeting. The MOTION carried on a 6-1 vote, with Trustee O'Connell voting no.

### **GLLEA – President Pollitt**

#### **Update**

President Pollitt stated that the last patrol boat was taken out of the water in mid-October, the budget has been finalized, and the GLLEA Board of Directors will not meet in November 2008.

### **Joint Services Ad Hoc Committee – Administrator Hayden-Staggs**

#### **Report on Walworth's Timeline**

Hayden-Staggs stated that the Village of Walworth Board of Trustees approved a motion to consolidate the fire departments and rescue squads by October 2009 and in full effect by January 2010.

#### **Fire and Rescue Consolidation, Discussion Only**

O'Connell stated that the Village of Walworth has decided to hold some sort of initial referendum on the proposal to have paid, on-premises personnel on duty at a consolidated fire department and rescue squad. Petersen stated that the Village of Walworth is tight on revenue and is looking for budget answers. Spadoni stated that the Village of Walworth officials are fully behind the proposal for a consolidated, paid on-premises fire department and rescue squad; the officials just want to take the proposal to referendum to get the citizens behind the proposal.

#### **Paid on Premise, Discussion Only**

Hayden-Staggs stated that she would like to review a copy of the Village of Walworth's proposed budget to make sure funding for the consolidated, paid on-premises fire department and rescue squad; and the Village of Walworth needs to clarify its intent for a referendum.

### **Blue Ribbon Committee on Lakefront Building – Trustee Lewis**

#### **Lakefront Survey Results**

Lewis stated that most of the survey's the committee received indicate the residents would prefer green space at the site of the Village's marina building on the lakefront. Lewis stated that the Village Board members should read the results of the surveys. Spadoni stated that out of 3,000 surveys that were mailed out, only about 500 were returned. Spadoni stated that the break down in each category indicates that the people who responded are not the same people who will be voting in the required referendum. Spadoni stated that a lot of decisions still need to be made before a referendum question is considered. McHugh stated the Blue Ribbon Committee members will further explore the survey results at its next meeting scheduled for Thursday, November 13, 2008 beginning at 5:00 am in the conference room at the Village Hall.

**Announcement of New Chairman/Vice Chairman**

The new chairman of the committee is Rick Pappas and the vice chairman is Cindy Wilson.

**Pending Items for Future Agendas**

1. Fontana Fen Property Line Delineation

**Adjournment**

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to adjourn at 7:37 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: 12/1/08