

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

SPECIAL CLOSED JOINT SESSION MEETING of the VILLAGE BOARD OF TRUSTEES
with the CDA BOARD OF DIRECTORS

Monday, December 1, 2008

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

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

Trustee absent: Lewis, Turner

CDA Commissioners present: Trustee Petersen, Cindy Wilson, Bob Chanson, Gail Hibbard, Skip Bliss (arrived at 5:42 pm)

CDA Commissioners absent: Trustee Turner, Jeff Fisk

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Terry Tavera, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Announcement for Board of Trustees and CDA to Consider Going Into Closed Session

Trustee O'Connell/Trustee Petersen 2nd made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically the beach fence contract with Century Fence, and the roll call vote followed:

Petersen – Yes

Kenny – Yes

O'Connell – Yes

Spadoni – Yes

President Pollitt – Yes

The MOTION carried on a 5-0 vote, with Trustees Turner and Lewis absent.

CDA Commissioner Hibbard/CDA Commissioner Wilson 2nd made a MOTION for the CDA to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically the beach fence contract with Century Fence, and the roll call vote followed:

Commissioner Wilson – Yes

Commissioner Chanson – Yes

Commissioner Hibbard – Yes

Commissioner Petersen – Yes

The MOTION carried on a 4-0 vote with Bliss not yet at the meeting and Turner and Fisk absent.

Adjournment of Closed Session

Trustee Spadoni/Trustee Petersen 2nd made a MOTION to adjourn the closed session of the Village Board and to reconvene in open session at 6:04 pm, and the MOTION carried without negative vote.

Commissioner Bliss/Commissioner Hibbard 2nd made a MOTION to adjourn the closed session of the CDA and to reconvene in open session at 6:04 pm, and the MOTION carried without negative vote.

Century Fence Pay Request

Thorpe stated that if so inclined as discussed in the closed session, an appropriate motion for both bodies to consider would be to recommend and approve payment of Pay Request No. 2A for the Beach Fence Contract as submitted, subject to the Village engineering firm, Ruekert-Mielke, Inc., officially withdrawing Pay Request No. 2 and subject to Century Fence working with Village staff to negotiate the balance due for the sections of the fence that run from the north to the south, and that the balance due not be paid for the remaining sections of the fence until those sections are brought into compliance with the contract.

Commissioner Bliss/Commissioner Wilson 2nd made a MOTION for the CDA to recommend Village Board approval of Pay Request No. 2A as submitted by Century Fence for the Beach Fence Contract, subject to the Village engineering firm, Ruekert-Mielke, Inc., officially withdrawing Pay Request No. 2; Century Fence working with Village staff to negotiate the balance due for the sections of the fence that run from the north to the south; and that the balance due on the contract not be paid for the remaining sections of the fence until those sections are brought into compliance with the contract. The MOTION carried without negative vote.

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve Pay Request No. 2A as submitted by Century Fence for the Beach Fence Contract, subject to the Village engineering firm, Ruekert-Mielke, Inc., officially withdrawing Pay Request No. 2; Century Fence working with Village staff to negotiate the balance due for the sections of the fence that run from the north to the south; and that the balance due on the contract not be paid for the remaining sections of the fence until those sections are brought into compliance with the contract. The MOTION carried without negative vote.

Adjournment

Commissioner Petersen/Commissioner Hibbard 2nd made a MOTION to adjourn the CDA meeting at 6:07 pm, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to adjourn the Village Board meeting at 6:07 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These closed session minutes are subject to further editing. Once approved by the Village Board and CDA, the official minutes will be kept on file at the Village Hall.

APPROVED: CDA – 12/3/08
VB – 1/5/09