

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, December 01, 2014**

Village President Arvid 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: George Spadoni, President Petersen, Tom McGreevy, Rick Pappas, Dave Prudden

**Trustee Absent:** Pat Kenny

**Also Present:** Ron Adams, Dennis Barr, Greg Blizard, Jade Bolack, Bill Gage, Merilee Holst, Al Kaminski, Library Director Nancy Krei, Clerk Theresa Linneman, Administrator Dennis Martin, DPW Manager Brett McCollum, Fire Chief Wolfgang Nitsch, Building Inspector/Zoning Administrator Ron Nyman, Dave Patzelt, Village Attorney Dale Thorpe, Treasurer Scott Vilona, Tom Whowell (appointed and sworn-in to Trustee position during Open Session)

**Visitors Heard**

Former Village Trustee Bill Gage resigned last month and appeared at the meeting to express thanks to the Village Board and village staff. Gage stated serving on the board was a great learning experience and he enjoyed his time serving on the Village Board. President Petersen thanked Gage for his service and commitment to the community.

**Announcements**

Village Administrator Dennis Martin stated the Village Calendars had been distributed earlier and were included in the packets. Martin introduced new DPW Manager Brett McCollum who started his employment with the Village on December 1, 2014. Al Kaminski gave an overview of McCollum's background and welcomed him to the Village.

**Approval of Village Board Minutes**

The open and closed session minutes for the November 3, 2014, Village Board meetings were distributed.

Trustee Prudden/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the open and closed session minutes for the meetings held November 3, 2014, as presented, and the MOTION carried without negative vote.

**Village Treasurer's Report, Vendor Report, & Payroll Overtime Report**

The reports from October and November, 2014 were distributed.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility payables as distributed with all emails and correspondence, and to place them on file for the annual audit, and the MOTION carried without a negative vote.

**Approval of Village and Utility Payables**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Village and Utility payables as distributed and presented at the meeting, and the MOTION carried without negative vote.

**General Business – President Petersen**

**Consider Appointment to Fill Trustee Position**

The resignation last month of Bill Gage left one vacant seat on the Village Board. President Petersen announced that the board members have a choice of whether to appoint someone to serve for the remainder of Gage's term or leave the seat vacant until it goes to election in April, 2014. McGreevy recommended the appointment of former Village Trustee and President Tom Whowell, who ran for trustee in the 2014 Spring Election and finished in 4<sup>th</sup> place, to serve the balance of the term. After

the motion was approved, Whowell was sworn in as Village Trustee.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to appoint Tom Whowell to serve the balance of Bill Gage's unexpired term for Village Trustee, and the MOTION carried without negative vote.

#### **Appointments for CDA Commissioners Jay Hicks and Gail Hibbard**

The four-year terms of CDA Board Commissioners Gail Hibbard and Jay Hicks expire in December. Hibbard submitted an email earlier in the day stating that she does not want her appointment renewed; however, Hicks stated he will be willing to be reappointed at this time.

Trustee Prudden/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the four-year appointment of Jay Hicks to the CDA Board, and the MOTION carried without negative vote.

#### **Operator's License Application Filed by Thomas John Welsh, Abbey Resort**

All required documentation has been received, the fee paid, and there were no concerns with the applicant's background check.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License application filed by Thomas John Welsh, Abbey Resort, and the MOTION carried without negative vote.

#### **Holiday Bonus Approval**

Martin stated in years past full-time and some part time employees received a \$50 gift card. Staff was directed to issue gift cards in the same manner as it was done in the previous year.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the issuance of \$50 gift cards to Village employees for holiday bonuses in the same manner as previous years, and the MOTION carried without negative vote.

#### **Holiday Event Consideration**

There was no holiday party held last year, but Martin stated there are some funds left in the account to hold an event this season if desired by the Village Board. In the past, hors d'oeuvres and soft drinks have been provided. Martin recommended holding the event on Monday, December 15, 2014 at 6:00 pm and was directed by the board to coordinate the location and details.

Trustee Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve a 2014 Holiday Party, with direction given to staff to organize the location and details, and the MOTION carried without negative vote.

#### **Approval to Pay 2014 Budgeted Payables in Advance**

Martin stated the Village Board typically preauthorizes the payment of invoices that come in after the monthly meeting in December, but prior to January 1, so all payables are paid within the same fiscal year. The list of December payables will be presented at the January meeting.

Trustee Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to authorize staff to prepay any 2014 payables that come in prior to the end of the year for budgeted expense invoices, and the MOTION carried without negative vote.

#### **New Generator for Safety Building**

Martin stated the generator at the Safety Building needs to be replaced and the purchase of a new one is included in the 2015 budget. The current generator is still operational if it is needed. Martin stated they are very close to approving the final recommendation but are still awaiting a proposal from one company.

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

##### **Shodeen Construction Company Petition to Amend Zoning District and Zoning Map for Planned Development Proposal at 180 and 190 Third Avenue – Ordinance Approval**

Village Attorney Dale Thorpe gave an overview of the proposed zoning ordinance petitioned for by the Shodeen Family Property, Company, LLC, and distributed a copy of the drafted rezone ordinance and approved Plan Commission resolution. He stated Dave Patzelt from Shodeen contacted him regarding signage and Thorpe's suggestion was not to get too deep into details during the General Development Plan and recommended the detail regulation be included in the final

document, not the initial documents. At the current stage the documents should assign zoning and make a commitment to density so Patzelt can move forward with planning the costly engineering and Precise Implementation Plan. Thorpe stated that if the ordinance is adopted, then Shodeen can start tackling engineering issues, work on the condo plat and condo declaration, development agreement and then the details of the precise implementation plan. After a question posed by Prudden, Thorpe said that what is being approved is the size and density; 18 residential units, and once it is approved, it is up to Shodeen to build to that level, but they can build less if they choose. Prudden asked if they could limit the timespan and instead of building four phases in five years, he suggested building two phases in three years. Patzelt indicated the construction will be based on sales. If the units all sell out then the construction timeline would be much shorter. The typical occupancy has to be at 50 percent in order to continue building in the next phase. Prudden stated he is in favor of the development but asked how it would look aesthetically if only one of the four buildings is constructed. Patzelt confirmed after being asked by Spadoni that he has had several inquiries regarding the units knowing the price point is around \$300,000. Pappas referred to Section 3, number 6, of the proposed ordinance. He pointed out “green space ratio” is not in the zoning code and suggested it be changed to “landscape surface ratio” in order to be consistent with how it is written in the Zoning Code. Pappas summarized the definition of Planned Development written in the Zoning Code in Chapter 18, as, “A planned development is a designed group of varied and compatible land use, such as housing, recreation, commercial and industrial parks, all within one contained development or subdivision.” He pointed out the only land use proposed is housing and stated the zoning code must be consistent with the Master Plan which was developed with input from community members who volunteered their time in a series of workshops. Pappas stated that the proposed density is higher than any zoning district in the village zoning code or Master Plan. Village Planner Mike Slavney was asked if Fontana needed to amend its Master Plan to accommodate the zoning proposal and he determined that since townhomes and duplexes are presently allowed, and this is merely a more dense form of residential development, he thinks the proposed development is consistent with the master plan if the board approves it. Pappas asked how the proposal can be consistent with density if it is not mentioned in the code or Master Plan and stated if the board’s power to declare it consistent with their approval, it completely invalidates all participation from community members who volunteered their time when the Master Plan was updated in 2009. Pappas stated the Plan Commission minutes had not yet been distributed and at the Public Hearing held during that Plan Commission meeting there were an equal number of speakers in favor and opposed to the proposal, and the Plan Commission voted in favor of the planned development with a 4-2 vote.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 12-01-14-01, amending the Village of Fontana Zoning Ordinance (and Accompanying Zoning Map) to authorize Planned Development Zoning District for the petition filed by the Shodeen Construction Company Petition to Amend Zoning District and Zoning Map for a townhome proposal at 180 and 190 Third Avenue, with the condition that Section 3, Number 6 of the draft ordinance is amended to replace “green space ratio” with “landscape surface ratio.” The MOTION carried on a 5-1 vote, with Trustee Pappas opposed.

#### **Park Commission – Trustee Pappas**

##### **Tree City USA Recertification Application Approval**

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Tree City USA Recertification application as recommended, and the MOTION carried without negative vote.

##### **Bird City Wisconsin Resolution and Renewal Application Approval**

Trustee Pappas/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve Resolution 12-01-14-01, Recognizing International Migratory Bird Day, and submission of the annual Bird City Wisconsin renewal application as recommended, and the MOTION carried without negative vote.

#### **FW/WPPC – President Petersen**

##### **Lease of Commission Agricultural Land 2015**

The Fontana-Walworth Water Pollution Control Commission sought bids this year for the annual lease of commission agriculture land, and recommended approval of the bid submitted by Tom Kauer, which was \$175 per acre.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2015 Farm Lease between the Fontana-Walworth Water Pollution Control Commission and Tom Kauer as recommended, and the MOTION carried without negative vote.

### **Public Works – Trustee McGreevy**

#### **Village Generators Maintenance and Service Contract – Inland Power**

The Public Works Committee recommended approving a proposal submitted by Inland Power Group, Butler, to provide generator maintenance and service for the Village's 14 generators. Inland Power proposal is to provide the services on a time and materials basis at the standard rate of \$115 per hour; \$130 per hour for overtime; and \$175 per hour for service on a holiday. The contract is a budgeted item.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the contract with Inland Power Group, Butler, as recommended, and the MOTION carried without negative vote.

#### **Sewer Televising Contract Approval**

McGreevy stated Ruckert-Mielke recommended Visu-Sewer for a sanitary sewer televising contract. Martin stated that it is a budgeted item and the proposal is a time and material contract. The proposal submitted offers an estimated subtotal of \$17,212.70; however, Martin indicated the cost will be higher because some additional work will be completed at a residential location, but the additional cost will be billed to the homeowner.

Trustee Prudden/Trustee Spadoni made a MOTION to approve the time and material contract with Visu-Sewer in an amount not to exceed \$17,212.70, and the MOTION carried without negative vote.

#### **Utility Invoice Credit Requests Submitted by Clark Williams, Michael Mallahan, Frances Panico, and Susan Barry**

Written request were received by Clark Williams, Michael Mallahan, Frances Panico and Susan Barry disputing their utility bills and requesting credit. The customers, where appropriate, have already received credit on the sewer charges and all of the water meters have been tested and are in working order. Since the water was used, the customers and/or the village will be charged by the wastewater treatment facility for the water that entered the sanitary sewer. The Public Works Committee voted to recommend denial of the requests to the Village Board.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to take no action on the utility invoice credit requests submitted by Clark Williams, Michael Mallahan, Frances Panico and Susan Barry, as recommended, and the MOTION carried without negative vote.

#### **Church and Van Slyke Construction Contract Pay Request No. 3**

Pay Request No. 3 submitted by Payne and Dolan for the Church and Van Slyke Construction Contract totals \$207,945.03. The pay request was reviewed by the Village engineer and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve pay request No. 3 for the Church and Van Slyke Construction Contract submitted by Payne and Dolan in the amount of \$207,945.03, and the MOTION carried without negative vote.

#### **Updates on New Contract for DPW Manager, and Amendments to Utility Director and Street Director Contracts**

Due to the hiring of the new DPW Manager, Brett McCollum, the interview committee consisting of Kaminski, McGreevy and Martin will need to get together with directors Ron Adams and Dennis Barr and new manager McCollum to amend or change the current contracts. Martin said McCollum started sooner than expected and the village is still waiting for an employment contract from Thorpe. Thorpe requested an effective date be included in the memo submitted by Martin, to be effective on McCollum's start date, which was December 1, 2014.

#### **Closed Session**

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION at 6:26 pm to adjourn into closed session pursuant to Wis. Stats. Chapter 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 for WPPA Union Contract Renewal, Fire and Rescue Dept. Officer Appointments, and 2014 Administrative Staff Salaries; and pursuant to Chapter 19.85 (1)(e), "deliberating or negotiating the purchase of public properties, the investing of public

funds, or conducting other specified public business, whenever competitive or bargaining reasons require.” Specifically WPPA Union Contract Renewal. The roll call vote was as follows:

Trustee Pappas – Aye

Trustee Prudden – Aye

Trustee Whowell - Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee McGreevy - Aye

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

Everyone left the room with the exception of Linneman, Martin and Thorpe. Nitsch entered the room for the Fire and Rescue Dept. Officer Appointment discussion.

### **Adjourn Closed Session**

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION at 6:40 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without a negative vote.

### **Closed Session Business**

#### **Fire and Rescue Dept. Officer Appointments**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to deny the appointment of Dan Pajeau for the Fire and Rescue Department captain position, as determined in the Closed Session, and the MOTION carried without negative vote.

#### **2014 Administrative Staff Salaries**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Resolution 12-01-14-02, setting exempt salaried and hourly non union personnel rates for the 2014 calendar year, with the “Director of Public Works” item changed to “Public Works Manager” with a \$55,000 2014 wage. The MOTION carried without negative vote.

### **Adjournment**

President Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 6:41 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: 01/05/15