

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, December 4, 2017

Village President Pat Kenny 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: Trustee Prudden, Trustee Livingston, Trustee Petersen, President Kenny, Trustee O'Neill, Trustee Pappas

Also Present: Skip Bliss, Jon Kemmett, Larry Knuth, Clerk Theresa Loomer, Bridget McCarthy, Brett McCollum, Matt Moore, Mike McKay, Matt Moore, Duane Ratay, Treasurer Scott Vilona, Cindy Wilson

Visitors Heard

Resident Skip Bliss encouraged the Village to begin a cooperative effort with the Village of Walworth for municipal emergency services operations. He stated there are ways to work through the different systems and recommended hiring a consulting analyst to conduct a study on feasibility and run a cost savings analysis on how combining services would benefit both communities. The Village of Walworth is in the midst of approving a new \$4 Million dollar fire house and Bliss stated if that is completed it will make the opportunity to merge services nearly impossible.

Approval of Minutes

The minutes for the Joint Budget Meeting and Monthly Meeting held on November 6, 2017 were distributed.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to approve the Joint Budget Meeting with the Finance Committee and the Monthly Meeting held on November 6, 2017, as submitted, and the MOTION carried without negative vote.

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

Trustee Prudden/Trustee O'Neill 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

Two additional payables were added; \$75 for waiting list refund to Dag or Nancy Svarc and \$20 for US Cellular Modem.

Trustee O'Neill/Trustee Petersen 2nd made a MOTION to approve payment of the Village and Utility payable list along with the two additional payables, as presented, and the MOTION carried without negative vote.

General Business – President Kenny

Operator's License Application Filed by Heraclio Lavariega Bazan (Pie High Pizza)

There was no concern with the background check and the \$60 fee has been paid.

Trustee O'Neill/Trustee Prudden 2nd made a MOTION to approve the Operator's License application filed by Heraclio Lavariega Bazan (Pie High Pizza), and the MOTION carried without negative vote.

Monthly Payable List Approval and Authorize Payment of Year-End Budgeted Invoices

Trustee Petersen/Trustee Livingston 2nd made a MOTION to approve the payable list as distributed and authorize staff to prepay any 2017 payables that come in prior to the end of the year for budgeted expense invoices, and the MOTION carried without negative vote.

Update Offer to Purchase Lots off Wild Duck Road for Distillery/Brewery

Thorpe provided an update to the Board on the proposal from last month to purchase the lots off Wild Duck Road for the development of a Distillery and Brewery. The DiPrizio's were sent the 2006 Environmental Assessment, an original RFP from the Village of Fontana CDA dated 2011, and an appraisal dated February 11, 2013. Thorpe advised the DiPrizio's that if they wish to move forward with purchasing the property, they should submit a proposal with the area to be purchased and the price they propose to pay, a statement agreeing to assume all liability, and a cost recovery certificate.

Appoint Election Inspectors for 2018/2019

Duane Ratay has been appointed as Chief Election Inspector, Bob Benditzky has been appointed as Alternate Chief Election Inspector and Mickey Springer has been appointed by the Republican Party of Walworth County. The rest of the election inspectors are reappointments.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to appoint Duane Ratay as Chief Election Inspector, Bob Benditzky as Alternate Chief Election Inspector and Mickey Springer as Election Inspector; and reappoint Sally Ratay, Mary Kay Frazier, Jane Klockars, Gretchen McCarthy, Robin Nuzzo, Susan Olson, Joan Tierney, Karen Varhula and Kathy Walsh as Election Inspectors for the 2018/2019 calendar years.

Endorsement of Vision 2050: Approve Resolution for Regional Land Use and Transportation Plan for Southeastern Wisconsin

In an email from Village Planner Mike Slavney, he explained the plan has two main impacts by affecting transportation projects with federal dollars and it affects policies involving environmental corridors. Pappas expressed concerns with adopting the plan since he stated it does not necessarily pertain to the Fontana area.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve Resolution 12-04-17-03, Endorsing Vision 2050: A Regional Land Use and Transportation Plan for Southeastern Wisconsin, as presented by SEWRPC, and the MOTION carried without negative vote.

Accept Resignation of David Lindelow from Tourism Commission

David Lindelow is retiring from his position as General Manager for the Abbey Resort.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to accept the resignation of David Lindelow from the Tourism Commission, and the MOTION carried without negative vote.

Appoint Michael Lucero to Tourism Commission

Michael Lucero has been appointed as the new General Manager for the Abbey Resort.

Trustee Prudden/Trustee Petersen 2nd made a MOTION to appoint Michael Lucero to the Tourism Commission as the Hotel Industry Representative, and the MOTION carried without negative vote.

Annual Holiday Gift Card Approval

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the issuance of \$50 gift cards to full-time Village employees for holiday bonuses in the same manner as previous years, and the MOTION carried without negative vote.

Holiday Party Planning

The holiday party has been scheduled for Thursday, December 21, 2017 at Gordy's.

Reschedule January Meeting Due to Holiday

The first Monday in January falls on January 1st. The board agreed to rescheduled the meeting to the following Monday, January 8, 2018.

GLLEA – Trustee Petersen

2018 Proposed Budget

The GLLEA proposed budget for 2018 will be held at the same level as last year at \$186,250.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the 2018 GLLEA budget, as presented, and the MOTION carried without negative vote.

FW/WPCC – Trustee Petersen

Approval Recommendation for Lease of Commission Agricultural Land 2018

The land is leased from Tom Kauer of Kauer Farms in Walworth at a rate of \$175/acre with the same terms as the 2017 agreement.

Trustee Petersen/Trustee Pappas 2nd made a MOTION to approve the 2018 Farm Lease, as presented, and the MOTION carried without negative vote.

Plan Commission – Trustee Prudden

Final Plat Amendment Application for Rowhomes of Fontana Filed by the Shodeen Family Property Company, LLC, for Property Located at 170 Third Avenue

The Shodeen Family Property Company submitted an application for Final Plat for the Rowhomes of Fontana Condominium Buildings 3 and 4 located at 170 Third Avenue. At the Plan Commission meeting, there was a recommendation for approval with three conditions regarding storm water issues which have since all been met or worked out. McCollum explained that the first two buildings do not have the downspouts tied into the retention basin as shown on the original plan, but they lead into giant p-traps so the water trickles out and does not pose any threat to Third Avenue. It also meets all code requirements. Attorney Thorpe said he would like to review condominium declarations prior to Shodeen pulling any permits. He also said the code requires park dedication impact fees and recommended a calculation is made by the Village Planner or staff and included in the motion. McCarthy stated the Village has never charged impact fees or park dedication fees and Thorpe replied that Village Planner Mike Slavney conducted a study a number of years ago and staff should make sure those fees are charged if they have been adopted.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to approve the Final Plat Amendment Application for Rowhomes of Fontana Filed by the Shodeen Family Property Company, LLC, for the Property Located at 170 Third Avenue, as presented, with the conditions the condominium declarations are reviewed by the Village Attorney prior to the issuance of any building permits, and staff collects any park dedication/impact fees required by code, and the MOTION carried without negative vote.

Authorize Sidewalk Easement Agreement for Property Located at 170 Third Avenue

Attorney Thorpe stated there was a sidewalk easement combined with the water main easement for the first phase of the project in 2015, and this contract is identical to the contract from 2015, however, it does not mention a water main easement. Thorpe believes it is likely because the 2015 water main easement was adequate.

Trustee Prudden/Trustee Pappas 2nd made a MOTION to authorize the Sidewalk Easement Agreement for the Property Located at 170 Third Avenue, and the MOTION carried without negative vote.

Protection Committee – Trustee Prudden

Paratech Contract Extension Proposal

The Protection Committee has recommended a one-year contract with Paratech to include a 90-day out clause. The proposed cost for seven fulltime personnel at \$15.75 per hour is \$459,950 for 2018.

Trustee Prudden/Trustee O’Neill 2nd made a MOTION to approve a one-year contract with Paratech Ambulance Service, to include a 90-day out clause, for the annual sum of \$459,950, and the MOTION carried without negative vote.

Human Resources Committee – President Kenny

Payroll Resolution Amendment

The Village Clerk’s salary is proposed to be increased by \$5,000 to \$50,100 per year.

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to approve Resolution 12-04-17-04, Setting Exempt Salaried and Hourly Non Union Personnel Rates for the 2017 Calendar, and the MOTION carried without negative vote.

Public Works Committee – Trustee McGreevy

Lake Street Water Main Construction Project Contractor’s Application for Payment No. 1

The \$142,212.75 pay request was submitted by Woleske Construction Co., Inc. for work completed on the Lake Street Water Main project. The work has been reviewed by staff and the Village engineers and is recommended for approval. McCollum stated construction should be finished by the

end of the week. Prudden recommended putting up signage to indicate the Lake Street businesses are open.

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Lake Street Water Main Construction Project Contractor's Application for Payment No. 1, as submitted by Woleske Construction Co., Inc., for the amount of \$142,212.75, and the MOTION carried without negative vote.

Road Reconstruction & Drainage Improvements Project Contractor's Application for Payment No. 4

The \$905,722.10 pay request was submitted by Super Excavators for the Road Reconstruction & Drainage Improvements Project in the Country Club Estates and Indian Hills Subdivisions. The work has been reviewed by staff and the Village engineers and is recommended for approval. Due to a number of unforeseen events that have delayed completion of the project, the final completion date is set for spring, 2018.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to approve the Road Reconstruction & Drainage Improvements Project Contractor's Application for Payment No. 4, as submitted by Super Excavators, Inc., in the amount of \$905,722.10, and the MOTION carried without negative vote.

Tarrant Drive Lift Station Replacement Project Contractor's Application for Payment No. 4

The \$267,255 pay request was submitted by Super Excavators, Inc., for the Tarrant Drive Lift Station Replacement. The work has been reviewed by staff and the Village engineers and is recommended for approval. The project is anticipated to be completed by the end of the month after the utility companies have concluded their work.

Trustee Prudden/Trustee O'Neill 2nd made a MOTION to approve the Tarrant Drive Lift Station Replacement Project Contractor's Application for Payment No. 4, as submitted by Super Excavators, Inc., in the amount of 267,255, and the MOTION carried without negative vote.

Park Commission – Trustee Livingston

Park Permit Application Filed by Heather Adams for Reid Park Gazebo on Saturday, June 9, 2018 from 4:30 pm to 5:00 pm

Trustee Petersen/Trustee Prudden 2nd made a MOTION to approve the Park Permit Application filed by Heather Adams for Reid Park Gazebo on Saturday, June 9, 2018 from 4:30 pm to 5:00 pm and the MOTION carried without negative vote.

Application Submitted by Steele Whowell/Gordy's to Lease Park House

Steele Whowell submitted an application and proposal to lease the Park House for use as additional office space for Gordy's employees. The Park Commission recommended leasing the Park House on a three-year term for \$900 to \$1,000 per month, plus utilities. The Village will be responsible for replacing the roof whether the building is rented or not, but the tenants will be responsible for any upgrades such as flooring, window treatments, painting, etc. No permanent structure will be allowed and any patricians must be removable. The parking spaces in front of the Park House will remain public and the Park House will not change names and the awning will be kept the same. Pappas stated he does not want the Park House rental to be a step toward selling the building. There was discussion about the length of the contract and the price. In an email from Whowell, he proposed renting the Park House at \$600 per month in 2018, \$700 per month in 2019 and \$800 per month in 2020. Discussion ensued on the length of the contract and the amount. Trustee O'Neill made an initial motion to lease the Park House for two years for \$800 the first year and \$900 the second year. After additional discussion, O'Neill withdrew his motion and a new motion was made.

Trustee Pappas/Trustee Prudden 2nd made a MOTION to present the terms of a three year contract to Steele Whowell/Gordy's to rent the Park House for \$800 in 2018, \$850 in 2019 and \$900 in 2020, and bring the item back to the Village Board for final approval, and the MOTION carried without negative vote.

Approval of RFP Received for Landscape Contract

Three bids were received in response to the Landscape RFP published last month. The first proposal was submitted by Blackstone Landscape, Co., in the amount of \$65,758. The second proposal was submitted by ClearView Landscape Construction, Co., in the amount of \$67,000, and the third

proposal was submitted by Balanced Environments, Inc., for an initial amount of \$68,000 plus \$39,776 for additional costs including spring clean-up. The Park Commission recommended awarding the contract to ClearView based on letters of recommendations and the unsatisfactory job by Blackstone this year. McCollum and Trustee Livingston stated the Village does not look as good as it should and as it has in past years, and many areas are not up to par including Duck Pond and Village Hall. Leaf clean-up and trimming has not been completed in many areas and there were excessive dandelions this past summer. President Kenny asked if the problems had been addressed with Blackstone; Livingston replied he met with owner Matt Moore once and McCollum met with a Blackstone supervisor weekly; however, McCollum reported that it was hard to get in contact with anyone from Blackstone when issues arose. Moore stated Blackstone has been the Village's contracted landscape company since 2004 and has provided additional services to the Village which were not included in the contract. One of those services include donating time to spread Village purchased fertilizer at Duck Pond. He also stated some of the concerns mentioned by McCollum and Trustee Livingston were areas or tasks that were not included in the landscape contract.

Trustee Livingston/Trustee Pappas 2nd made a MOTION to accept the proposal submitted by ClearView Landscape Construction, Co., in the amount of \$67,000 for the 2018 season, and the roll call vote was as follows:

Trustee Livingston – Aye

Trustee Petersen – Nay

President Kenny – Nay

Trustee O'Neill – Nay

Trustee Pappas – Aye

Trustee Prudden – Aye

The MOTION failed on a 3 to 3 vote. A second MOTION was made.

Trustee Petersen/Trustee O'Neill 2nd made a MOTION to accept the proposal submitted by Blackstone Landscape, Co., in the amount of \$65,758, for the 2018 season, and the roll call vote was as follows:

Trustee Petersen – Aye

President Kenny – Aye

Trustee O'Neill – Aye

Trustee Pappas – Nay

Trustee Prudden – Nay

Trustee Livingston – Nay

The MOTION failed on a 3 to 3 vote. The board agreed to table the matter until next month when Trustee McGreevy is expected to return.

Trustee Pappas/Trustee Petersen 2nd made a MOTION to table approving the RFP landscape proposal, and the MOTION carried without negative vote.

Park Bench Proposal for Mohr Road

At last month's meeting, the agenda item for replacing the park bench at Mohr Road Park was tabled because the Village attorney wanted to look into whether there were deed restrictions or restrictive covenants for installing a new park bench. The original proposal presented at the June Park Commission meeting was to replace the current park bench at Mohr Road Park with a memorial bench for Micki O'Connell. The recommendation was sent back to the Park Commission at the July Village Board meeting, recommended for approval again at the July Park Commission meeting, and revisited at the October Park Commission meeting where the Commissioners recommended installing a new bench with memorial name plates on the seatback so the bench could be dedicated to more than one person. The Park Commissioners felt the memorial name plate seat back was a fair compromise since no one else in the Village has more than one park bench. Pappas provided additional history and stated there was enough money donated to install two benches and when the Park Commission concluded O'Connell should not have two benches since that has not been approved for anyone else, the donators requested that the bench that had been installed in Pioneer Park be moved to Mohr Road Park. Pappas stated he does not know if the Village has ever stopped anyone from installing a memorial bench somewhere and does not believe the Village has ever had

adjacent property owners opposed to the installation of a memorial bench in a public park. Lengthy discussion ensued. An initial motion was made by Livingston and seconded by Prudden to install a new bench at Mohr Road Park with a memorial name plate seat back. Another lengthy discussion ensued and the motion was withdrawn and the item was tabled.

Trustee Livingston/Trustee Prudden 2nd made a MOTION to table the Park Bench Proposal for Mohr Road Park, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee Pappas 2nd made a MOTION at 6:45 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 01/08/18