

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, December 5, 2011**

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 Arvid Petersen, Tom McGreevy, Pat Kenny, Peg Pollitt, Cindy Wilson, Bill Gage (arrived at 6:02 pm)

**Also Present:** Administrator/Treasurer Kelly Hayden, Rob Ireland, Library Director Nancy Krei, Russel Larson, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Micki O'Connell, Police Chief Steve Olson, Village Attorney Dale Thorpe, Amanda Voss, Director of Public Works Craig Workman

**Visitors Heard**

None

**Announcements**

1. Read & Romp Program at Library – **Thursday, December 8, 2011, 10:00 am**
2. Finance Committee Bonding Meeting – **Thursday, December 8, 2011, 6:00 pm**
3. Public Library Customer Appreciation Week – **December 12 to 17, 2011**
4. FW/WPCC Board Meeting – **Tuesday, December 13, 2011, 7:30 pm**
5. GLEEA Board Meeting – **Wednesday, December 14, 2011, 10:00 am**
6. Plan Commission Staff Meeting – **Wednesday, December 14, 2011, 1:00 pm**
7. Park Commission Meeting – **Wednesday, December 21, 2011, 6:00 pm**
8. Village Newsletter Article Deadline – **Thursday, December 22, 2011, 4:00 pm**
9. Village Hall & Library Closed for Christmas – **Friday, December 23, 2011 to Monday, December 26, 2011**
10. Village Hall & Library Closed for New Year – **Friday, December 30, 2011 to Monday, January 2, 2012**

**Approval of Minutes**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held November 7, 14 and 28, 2011, as presented, and the MOTION carried without negative vote.

**Village Treasurer's Report, Cash Flow Statement, Vendor Report, & Payroll Overtime Report**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the November 2011 treasurer's report and the current Cash Flow Statement, Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without 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 for Thorpe & Christian, Nyquist Engineering and Vandewalle and Associates, and the MOTION carried without negative vote.

**General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden**

**Published Liquor License Application Filed by Fontana Shell Inc., DBA Fontana Mart, 286 Valley View Drive, ORIGINAL "CLASS A" LIQUOR license. Agent: Deepak Gill, W3323 Lake Forest Lane, Lake Geneva, WI. – Tabled 11/7/2011**

The application for a "Class A" Liquor license for the new owners of the gas station and convenience store was tabled last month. Thorpe stated that since a carry-out liquor license was approved for the previous owners of the property and there is no prohibition for a carryout liquor license for a gas station convenience store in the Municipal Code, the Village Board could not deny the issuance of a liquor license to the new owners as long as all the qualifications have been met. Thorpe reported that he reviewed Chapter 6 of the Village code and there are no provisions that

would prohibit liquor sales or issuance of a “Class A” liquor license at a gas station or impose a license qualification that would disqualify an applicant due to gasoline sales at the licensed location. Thorpe stated that such a limitation is theoretically possible, and the cities of Elkhorn and Delavan have long had such a limitation in their municipal codes. Thorpe stated that the Village Board would have to direct that such a change in Chapter 6 be drafted and then brought to a future Board meeting for consideration; however, because the Fontana Mart owners already have a complete application pending, such a change in the ordinances would not apply to them. Thorpe stated that the new owners are entitled to be governed by the ordinances in place at the time the complete application was filed with the Village. President Petersen stated that a proposed amendment to Chapter 6 regarding the prohibition of carry-out liquor sales at gas station convenience stores should be included on the agenda of the next monthly meeting.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to grant a “Class A” Liquor License to Fontana Shell Inc. for the Fontana Mart, 286 Valley View Drive, with the condition all the required inspection items are addressed and the fee paid prior to issuance. The MOTION carried without negative vote.

#### **Operator's License Applications Filed by Bharat I. Patel, Prabhsimran S. Thind, Sanover Sohi and Bikram Sohi (Fontana Mart), and Barry S. Goad (Abbey Resort)**

The required background checks were completed for the applicants. Chief Olson stated one of the applicants had a previous conviction for selling alcohol to a minor, but it was only one incident and it does not disqualify the applicant from having an operator’s license approved.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator’s License applications filed by Bharat I. Patel, Prabhsimran S. Thind, Sanover Sohi and Bikram Sohi, employees at Fontana Mart, and by Barry S. Goad, an employee at the Abbey Resort. The MOTION carried without negative vote.

#### **Approve New Agent for SF Food & Beverage, LLC Class B Beer and Wine License for Premises at 441 Mill Street – John Karabas, 425 N. Lower Gardens Road, Fontana, WI.**

Scotty’s Eatery & Spirits has closed and only the Pie High Pizza Company is located in the building at 441 Mill Street, so the agent for the liquor license had to be changed from Scott Burris to John Karabas, owner of Pie High Pizza Company.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve Agent John Karabas for the Class B Beer and Wine License issued to Southland Farms, LLC, doing business as SF Food & Beverage, LLC, for the premises located at 441 Mill Street. The MOTION carried without negative vote.

#### **Holiday Bonus and Party Planning – Tabled 11/7/2011**

President Petersen stated that at this date, it is too late to plan a party before Christmas; however, maybe a party could be planned for January. Petersen stated that as a way to thank the Village employees besides a party, maybe the Village Board could authorize a holiday bonus. In response to a question from McGreevy, Hayden stated that the Village budget contains \$1,000 for the holiday bonus and party line item. Pollitt stated that she would support approving a bonus for the village employees, but the funds should come from the Village Board members, not the budget. Petersen stated prior to last year, the Village employees received a \$50 gift card as an annual holiday bonus. Pollitt stated that gift cards would be a taxable item for the employees. Wilson stated that with regard to the annual holiday party, it was an event that was initiated to thank the Village’s many volunteers and committee and commission members. Wilson stated that the volunteers put in many hours of service to the Village and the annual party is the only thing they receive. Wilson stated that she thinks the budget item for a Village holiday party is a legitimate Village expense.

President Petersen/Trustee Wilson 2<sup>nd</sup> made a MOTION to authorize the issuance of a \$50 gift card to the Village employees, and the MOTION carried without negative vote.

Petersen stated that since a party was not going to be planned prior to the holidays, maybe the Village could send cards to the volunteers and committee members to wish them happy holidays and to thank them for their service to the village. Hayden stated that staff will mail out cards.

#### **Reschedule January 2, 2012 Monthly Meeting – Village Hall Closed**

The Plan Commission approved a motion at the joint workshop meeting held November 28, 2011 to reschedule its next monthly meeting to Monday, January 9, 2012, at 5:30 pm with the goal of

scheduling a joint meeting on the same night for the Chapters 17 and 18 rewriting project. Pollitt stated that she cannot make it to meetings on the second and fourth Mondays of the month because of her job with the city of Lake Geneva.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to reschedule the monthly meeting for January 2012 to Monday, January 9, 2012 beginning at 6:00 pm, and the MOTION carried without negative vote.

#### **Appointment of Election Inspectors for 2012-13 Term**

Martin stated that the state statutes require two-year appointments for Election Inspectors from January 1 of even numbered years through December 31 of odd numbered years. All the current Election Inspectors were contacted and requested to be reappointed to two-year terms, with the exception of Sharon O'Brien and Diane Rinaldi, who requested to be replaced. Martin stated that the two residents who have offered to fill the open positions are Merilyce O'Connell, 611 Agaming Road, and Jerrold Wagner, 180 Dewey Avenue.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the appointment to two-year terms as Village of Fontana Election Inspectors for Chief Election Inspector Rick Treptow and Jacqueline Berg, Mary Kay Frazier, Jane Klockars, Gretchen McCarthy, Jerrold Wagner, Merilyce O'Connell, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Karen Varhula, Kathie Walsh and Jill Wegner. The MOTION carried without negative vote.

#### **Committee Recommendations for Proposed Fontana Lakefront Triathlon September 9, 2012**

The Park Commission, Lakefront and Harbor Committee and Protection Committee recommended approval of the proposed event to be staged by John Palmer of Fontana Endurance Sports, LLC. The event will include Olympic distance and sprint distance races. The Park Commission and Lakefront and Harbor Committee recommended approval of the initially requested date of Saturday, September 8, 2012; however, after receiving a letter from Geneva Lake Water Safety Patrol Director of Operations Ted Pankau stating his concerns with the September 8, 2012 date, Fontana event organizer John Palmer switched his proposed date to Sunday, September 9, 2012. In his letter to the Village of Fontana, Pankau states that the Water Safety Patrol has committed its services to a triathlon in Williams Bay that is planned for September 8, 2012. The Protection Committee recommended approval of the September 9, 2012 date. Hayden stated that the recommendation for approval of the proposed Fontana Lakefront Triathlon should be subject to the approval of a contract with the Village to offset the associated village expenses and potential loss of revenue. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Fontana Lakefront Triathlon event on Sunday, September 9, 2012 as recommended, with the condition a contract is approved between the Village and Fontana Endurance Sports, LLC to offset the associated village expenses and potential loss of revenue. The MOTION carried without negative vote.

#### **Committee Recommendations for Proposed Multisport Event Management Partners, LLC Geneva Lake Triathlon Saturday and Sunday, June 2 and 3, 2012**

The Park Commission and Lakefront and Harbor Committee recommended approval of the proposed event to be staged by Russel Larson of Multisport Event Management Partners, LLC, and the Protection Committee recommended denial. Larson stated that after listening to the concerns of the lakefront committee members at the November 30, 2011 meeting he has amended the event proposal to only include a "sprint" distance race, and to eliminate the longer Olympic distance event. The proposal is for some of the setup work to be completed on the southwest end of the beach on Saturday, June 2, 2012, with the sprint race to be held Sunday morning, June 3, 2012. McGreevy stated that the lakefront committee recommended approval with the conditions that the swim portion of the event be staged on the south end of the beach and that a contract is approved between the Village and Multisport Event Management Partners, LLC to offset the associated village expenses and potential loss of beach and boat launch revenue. Pollitt stated that the Protection Committee approved a motion to recommend denial of the event because it is proposed for a date during the summer season and it will tie-up the beach when property owners and summer visitors are in town. Petersen stated that he is concerned that if three triathlon events are planned in the area, none of them may be successful. McGreevy stated that Larson has been working with the Abbey Resort to plan the proposal, which would help the resort fill rooms on a weekend that is currently open. Larson stated by not holding an Olympic distance event, the swimming portion of the triathlon will

be completed by 10:00 to 10:30 am. Larson stated that the entire triathlon will be over and the beach completely cleared by noon. In response to a question about planning two triathlon events in the Village, Larson stated that his proposed triathlon is in early June at the very beginning of the season and the other triathlon will be held in early September, so he is not concerned about attracting participants as the events will be more than three months apart. Larson stated that he would be concerned if there were a triathlon planned in the area on the day before or the day after as there could be confusion or a low number of participants. Larson stated that there will have to be some traffic blockage on Third Avenue during the running and bicycling portions of the event, which will end at the Abbey Resort; however, there are no plans to use Lake Street or the municipal boat launch area. Petersen stated that he is concerned about the proposed name of the event, and it should include the event location. Larson stated that the Geneva Lake Triathlon is just his working name and he will change the event name to the Fontana Spring Sprint or something similar.

Trustee McGreevy/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Multisport Management Partners, LLC "Fontana Spring Sprint" triathlon to be held Sunday, June 3, 2012, with set-up on Saturday, June 2, 2012, with the conditions that only the south end of the beach is used and that a contract is approved between the Village and Multisport Management Partners to offset the village expenses and loss of beach and launch revenue. The MOTION carried without negative vote.

### **Walworth County GIS Agreement**

Workman stated that the Walworth County IT Department has offered to host and update the Village of Fontana Geographic Information Systems (GIS) website at a \$1,000 annual cost savings compared to the current contract with Ruekert-Mielke. Workman stated that the proposal calls for a cost not to exceed \$4,000, but the total likely will be in the \$2,000 range. Workman stated that staff is comfortable using the county GIS website and the data updates currently installed by Ruekert-Mielke are supplied by the county. Wilson asked if all the features on the Village's current GIS website will be available on the county site, and Workman replied that the features will be the same, but maybe in a slightly different format. Workman stated that the agreement includes county staff coming to the Village Hall to train village staff and any interested Village Board or committee members.

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the proposed professional services agreement with the Walworth County Information Technology Department as presented, and the MOTION carried without negative vote.

### **Fontana Boulevard Christmas Decorations**

Petersen stated that he has received some critical comments with regard to the holiday decorations on the Fontana Boulevard light poles. Workman stated that the 12 wreaths that are spread out between the 36 light poles located on Fontana Boulevard are very old. Petersen stated that maybe the village can get a good discount on new decorations if they are purchased in January.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to refer the item to the Park Commission for a recommendation, and the MOTION carried without negative vote.

### **Preauthorization for Payment of 2011 Expenditures**

Hayden stated that to assist with the annual auditing process, the Village should pay as many 2011 budgeted expenses as possible prior to the end of the month. Hayden stated that the routine payables would be paid in advance and presented for review and official approval at the January 9, 2012 meeting.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to preauthorize the payment of 2011 budgeted expenditures prior to the end of December 2011, and the MOTION carried without negative vote.

### **Protection Committee – Trustee Pollitt**

#### **Police Department Lieutenant Position and Second in Command Options – Tabled 10/3/2011 & 11/7/2011**

Trustee Pollitt/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Police Chief Duties to Include Patrolling – Proposal for Written Outline or Document – Tabled 11/7/2011**

Trustee Pollitt/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Mutual Aid Agreement with Village of Sharon Police Department**

Pollitt stated that the Protection Committee recommended authorizing Sharon Police Chief Brad Buchholz to fill in for Chief Olson in an emergency situation since the second-in-command position on the Fontana Police Department has not been filled since Buchholz left the department on October 2, 2011. Olson stated that if something were to happen to him that prevents him from performing the job duties, the Village of Sharon could be contacted to request the temporary services of Buchholz. Petersen stated that if Chief Olson was unable to carry out the duties or if he unexpectedly passed away, Buchholz could fill in until an emergency meeting of the Village Board could be scheduled. During a discussion on the need for a special mutual aid agreement to authorize the proposal, Olson stated that it would just require a call to the Village of Sharon to request assistance if and when an emergency situation left him unable to perform the duties. Following further discussion, Spadoni stated that the Village of Sharon will have to be contacted to work out details on an agreement that can be considered at the next meeting.

### **Hiring Recommendation**

Trustee Pollitt/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Public Works – Trustee Gage**

#### **North Shore Lift Station Rehabilitation Pay Requests No. 3 & No. 4 – Final Payment**

Workman stated that the pay requests and contract close out documents were reviewed by the Village engineer and approval was recommended.

Trustee Gage/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve Pay Request No. 3 totaling \$5,738 submitted by Monona Plumbing & Fire Protection, Madison, for the North Shore Lift Station contract as recommended, and the MOTION carried without negative vote.

Trustee Gage/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Final Pay Request No. 4 totaling \$3,288 and the contract close out documents submitted by Monona Plumbing & Fire Protection, Madison, for the North Shore Lift Station contract as recommended, and the MOTION carried without negative vote.

### **Ruekert-Mielke Survey Work Proposal for 2012 Road Projects**

Workman stated that Ruekert-Mielke submitted a proposal to complete all the surveying work for the 2012 budgeted village construction projects for an amount not to exceed \$66,000. Workman stated that the total is in line with the construction project cost estimates, with engineering typically being about 2 percent of the total project cost.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the contract with Ruekert-Mielke to complete the 2012 road projects surveying work for a cost not to exceed \$66,000, and the MOTION carried without negative vote.

### **Plan Commission – President Petersen**

#### **Chapters 17 & 18 Rewrite – Moratorium Extension Amending Ordinance 01-10-11-01**

The moratorium is set to expire January 10, 2012, but the rewrite project will not yet be complete. Thorpe stated that the proposed ordinance amendment extends the moratorium by two months.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 12-05-11-01 as presented, and the MOTION carried without negative vote.

### **Lakefront and Harbor – Trustee McGreevy**

#### **Authorize Village Attorney to Draft Amendment for Village Mooring Lease Agreement**

McGreevy stated that the Lakefront and Harbor Committee approved a motion at its November 30, 2011 meeting to recommend that the Village Board obtain a cost estimate from Attorney Thorpe and if the fee is acceptable by the Village Board to direct Thorpe to rewrite the clauses in the current mooring lease agreement to address waiting list priority status changes for property owners who become part-time residents or landlords, become full-time residents, or sell their residential property and only own a vacant lot; to address multiple owners of a single tax parcel; and to make a recommendation on changing the mooring lease agreement to an annual license. Hayden stated that

Thorpe provided an estimate that it will take about eight hours to complete the project, which will be a total expense of approximately \$1,000.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to direct Village Attorney Dale Thorpe to rewrite the clauses in the current mooring lease agreement to address waiting list priority status changes for property owners who become part-time residents or landlords, become full-time residents, or sell their residential property and only own a vacant lot; to address multiple owners of a single tax parcel; and to make a recommendation on changing the mooring lease agreement to an annual license, for an amount not to exceed \$1,000. The MOTION carried without negative vote.

#### **Park Commission – Trustee Wilson**

##### **Park House Repair/Renovation Project Approval**

Wilson stated that the Park Commission is seeking authorization to spend about \$6,000 of 2011 budgeted funds to commence the repair and renovation project at the Park House yet this month. The Park Commission approved a motion at its November 16, 2011 meeting to recommend Village Board approval of allocating 2011 budget funds for the \$1,500 proposal submitted by North Walworth Heating to install the water heater donated by Micki O’Connell and a new forced-air furnace in the Park House; and allocating 2012 budget funds for the \$975 electrical service upgrade proposal submitted by Power Tech, and for an amount not to exceed \$6,000 to have the repair and renovation work completed by the firm that submits the low bid. Wilson stated that the Park Commission will be considering at its next monthly meeting the use of some of the remaining Park House budget funds for other interior improvements to the floor surface, or possibly to install carpeting; and to erect a small wall to separate the kitchen and utility facilities from the main room. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the expenditures for the Park House repair/renovation project as recommended, and the MOTION carried without negative vote.

##### **Reid Park Gazebo Interior Roof Project Approval**

Wilson stated that the Park Commission approved a motion to recommend the \$1,297 purchase of interior ceiling material for the Reid Park gazebo made out of pine wood; however, there are funds available in the project budget to purchase higher quality materials made out of cedar for \$2,278. During the discussion on the recommendation, Workman stated that the cedar ceiling materials would be better quality that would stand up longer to the weather conditions than the pine wood, and it will not have to be sealed and resealed in the future. The DPW crew is going to install the interior ceiling to cover up the exposed ends of the shingle nails that are sticking through the roof. Trustee Kenny/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$2,278 cedar ceiling materials from Barker Lumber Company as presented, and the MOTION carried without negative vote.

##### **Duck Pond Oak Savanna/Prairie Restoration Area Sign Approval**

Wilson stated that the Park Commission recommended approval of the \$400 purchase of a 4-by-8-foot Alumacore outdoor sign from Laser Works Unlimited, LLC, Walworth. The temporary sign will be erected by the Public Works Department at the Duck Pond Recreation Area adjacent to the Oak Savanna and Native Prairie restoration areas. Trustee Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to approve the \$400 purchase of a 4-by-8-foot Alumacore outdoor sign from Laser Works Unlimited, LLC, Walworth, that states: “Village of Fontana on Geneva Lake; Oak Savanna & Native Prairie Restoration Area; All Vehicles Prohibited; Absolutely No Driving or Riding Permitted in Project Area; For information on Joining the Volunteer Work Crew contact: Fontana Park Commission: 262-275-6136; ‘Help Us Grow.’” The MOTION carried without negative vote.

##### **Big Foot Recreation District Easter Egg Hunt at Duck Pond, Saturday, April 7, 2012**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the annual Big Foot Recreation District Easter Egg Hunt at the Duck Pond Recreation Area on Saturday, April 7, 2012, and the MOTION carried without negative vote.

#### **F/W WPCC – President Petersen**

##### **2012 O&M Budget – Tabled 11/7/2011**

President Petersen stated that the proposed budget was reviewed by the FW-WPCC Board of

Directors and approval is recommended.

President Petersen/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2012 O&M Budget as recommended by the Fontana-Walworth Water Pollution Control Commission Board of Directors, and the MOTION carried without negative vote.

**GLLEA Board – President Petersen**

**Lease with Village of Williams Bay**

President Petersen stated that the proposed lease for the Geneva Lake Law Enforcement Agency boat patrol office and pier slips located in Williams Bay was reviewed by the GLLEA Board and approval is recommended. Spadoni stated that the proposed lease should be reviewed by the village attorney prior to consideration.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to table the item and to refer the proposed lease to the Village attorney for review and a recommendation. The MOTION carried without negative vote.

**Finance Committee – Trustee Kenny**

**Bonding Meeting with Ehlers and Associates – Thursday, December 8, 2011 at 6:00 pm**

Kenny stated that Jim Mann will be presenting the bonding options to the Finance Committee and the Village Board members are encouraged to attend the meeting.

**Adjournment**

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 6:56 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: 1/9/2012