

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
**(Official Minutes)**  
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, April 8, 2013**

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 Rick Pappas, Cindy Wilson, Bill Gage, George Spadoni, President Arvid Petersen, Tom McGreevy, Pat Kenny

**Also Present:** Greg Blizard, Jade Bolack, Merilee Holst, Administrator/Treasurer Kelly Hayden, Lynn Ketterhagen, Jon Kemmett, Kevin Kirkland, Bob Klockars, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Scott Peterson, Dale Thorpe

**Visitors Heard**

Library Director Nancy Krei stated that National Library Week is being observed next week and the Fontana Library will be offering coffee and donuts and special programs all week.

**Announcements**

1. Fontana/Walworth Water Pollution Control Commission Meeting – **Tuesday, April 9, 2013, 7:30 pm**
2. GLEA Monthly Board Meeting – **Wednesday, April 10, 2013, 10:00 am**
3. Public Works Committee Meeting – **Saturday, April 13, 2013, 8:00 am**
4. Protection Committee Meeting – **Monday, April 15, 2013, 5:30 pm**
5. Library Board Meeting – **Wednesday, April 17, 2013, 10:00 am**
6. Plan Commission Staff Meeting – **Wednesday, April 17, 2013, 1:00 pm**
7. Park Commission Meeting – **Wednesday, April 17, 2013, 5:30 pm**
8. GLEA Board Meeting – **Thursday, April 18, 2013, 7:00 pm**
9. Finance Committee Meeting – **Thursday, April 25, 2013, 6:00 pm**
10. Arbor Day/IMBD Observance Program at Fontana Elementary School – **Friday, April 26, 2013, 1:00 pm**
11. Plan Commission Monthly Meeting – **Monday, April 29, 2013, 5:30 pm**
12. Lakefront and Harbor Committee Meeting – **Wednesday, May 1, 2013, 4:30 pm**
13. Village Board Monthly Meeting – **Monday, May 6, 2013, 6:00 pm**

**Approval of Village Board Minutes**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held March 4 and 20, 2013, as presented, and the MOTION carried without negative vote.

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

Hayden stated that the final adjustments have been entered for 2012 and she will be able to complete the January, February and March 2013 Treasurer's Reports for the next monthly meeting.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to table the item, and 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, as well as the \$10,873 monthly invoice submitted by the Village attorney's office, and the MOTION carried without negative vote.

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

**Transient Merchant License Application Filed by Scottie and Meghan Peterson, Burlington – Tabled 3/4/13**

Spadoni stated that he wanted to make a motion to deny the application because the proposal is unsuitable for the Village of Fontana. The applicants did not complete the application or submit a fee so there is not a refund necessary.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to deny the application because the proposal is unsuitable for the Village of Fontana, and the MOTION carried without negative vote.

**Proposed Ordinance Amending Sections 19-203 and 19-205 of the Municipal Code – Tabled 3/4/13**

Hayden stated that the proposed ordinance amendment establishes a non-refundable \$50 application fee to cover the cost of the required background checks, and clarifies that the license fee will be refunded for applications that are denied.

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 040813-01 as presented, and the MOTION carried without negative vote.

**Operator’s License Application Filed by Jack D. Beals, Abbey Resort, and Jack Kaye and Michael Murphy, Country Club Estates Golf**

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the Operator’s License applications with the condition that there are no concerns in the required background checks, and the MOTION carried without negative vote.

**Liquor License Agent Change for Country Club Estates Association, Wesley G. Toton, W3282 Willow Road, Lake Geneva, WI**

The Country Club Estates Association is seeking approval of an agent change on its liquor licenses from Scott Berg to Wesley G. Toton. There were no concerns in the required background check.

Trustee Pappas/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the change of agent on the Country Club Estates Association liquor licenses, and the MOTION carried without negative vote.

**Schedule Annual Organizational Meeting**

The annual Organizational Meeting of the Village Board will be held Wednesday, April 17, 2013 beginning at 5:45 pm.

**Representative Loudonbeck Listening Sessions**

State Representative Amy Loudonbeck has scheduled listening sessions on the 2013-2015 state budget on April 15, 2013 in Beloit and Elkhorn, and on April 18, 2013 in Sharon and Janesville.

**Launch Ramp Operations 2013**

Hayden stated that the Village launch ramp will be open as soon as practical after April 15<sup>th</sup>. Because the ice on the lake did not melt until earlier this month, none of the piers have been installed yet.

**Employee First Responder Interest**

Hayden stated that in discussing the need for local Rescue Squad members to be available to respond to weekday rescue calls, an idea was presented to have interested village employees complete the required training. Hayden stated the some of the DPW employees have indicated that they would be interested in completing the training and earning certification as a first responder for rescue calls. Hayden stated that if there are enough employees interested to warrant a special class, it can be conducted in the Village.

**Walworth County Electronics & Latex Paint Recycling Event Saturday, May 4, 2013**

The Walworth County Public Works Department, W4097 County Road NN, Elkhorn, has planned its annual Electronics & Latex Paint Recycling Event for Saturday, May 4, 2013 from 8:00 am to noon. There are fees that the county charges for some of the items.

**AFLAC Authorization for Fire Dept. Members**

Hayden stated that AFLAC insurance is offered to the Village employees as a payroll deduction. Hayden stated that volunteer fire department members are also now eligible for AFLAC and if desired, AFLCA will allow their policy premiums to be billed directly.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize Village of Fontana Fire Department members to purchase AFLAC insurance policies through Employee Direct Billing, and the MOTION carried without negative vote.

**Conditional Approval of 2013 GLLEA Officers**

The Geneva Lake Law Enforcement Agency is seeking approval of returning boat patrol officers

Lloyd Cole, Brian Clarke, Katherine Daniels, Thomas Hausner, Nicole Heckel, Paul Johnson, Jr., Timothy Mackesey, Andrew Melloch, Craig Rasmussen, Robert Rowland, Jesse Smith, Jason Swaney and Michael Trapp, and new officers Kevin Conlon, Greg Gregory, Kevin Page and Zachary Smith. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the 2013 Geneva Lake Law Enforcement Agency officers as presented, subject to approval by the Police and Fire Commission, and the MOTION carried without negative vote.

#### **Protection Committee – President Petersen**

**Commendation Announcements: Fontana Fire & Rescue for Successful Ice Party Fund-Raising Event, and Police Officer Brunning for Apprehending Suspect Attempting to Escape**  
President Petersen stated that the Protection Committee requested that the Fontana Fire Department and Rescue Squad be publicly commended for organizing and running a very successful Ice Party fund-raising event in January. Also, Police Officer Christopher Brunning was commended for apprehending a suspect despite having his shoulder dislocated during a fight with the suspect. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the commendations for the Fontana Fire Department and Rescue Squad and for Police Officer Brunning, and the MOTION carried without negative vote.

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

##### **Arbor Day Proclamation**

The annual Arbor Day Proclamation is required for the Village's Tree City USA status. The annual Arbor Day Program at Fontana Elementary School will be held on Friday, April 26, 2013 beginning at 1:00 pm. The starting time is later in the day this year because of a conflict at the school. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the Village of Fontana Arbor Day Proclamation as presented, and the MOTION carried without negative vote.

##### **Porter Court Plaza Farmer's Market 2013 Season Approval**

Wilson stated that the Park Commission recommended approval of the second annual farmer's market events at the Porter Court Plaza on Saturdays from 8:00 am to noon beginning on June 8, 2013 and running until September 28, 2013. Coffee Mill owners Bryan and Maryanne Bruss are administering the program for the Park Commission again this year. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the 2013 Farmer's Market events at the Porter Court Plaza as recommended, and the MOTION carried without negative vote.

##### **Fontana Fen Management Plan Recommendation**

Wilson stated that the Park Commission recommended approval of the Memorandum of Agreement between the Village of Fontana and the Geneva Lake Conservancy as presented. Wilson stated that the agreement puts into writing the management practices already in place at the Fontana Fen. Thorpe stated that he would recommend that the agreement should contain a term that is automatically renewed unless notice of termination is given by either party, that the notice of termination should have a 90-day advanced notification requirement, and indemnification should be mutual for both parties. In response to a question from Trustee Wilson, Thorpe stated that the recorded Deed Restrictions will protect the Fontana Fen land in perpetuity with or without the Memorandum of Agreement which is mainly a land management and monitoring plan. Following discussion, Geneva Lake Conservancy Board member Robert Klockars stated that they have no concerns with Thorpe's three suggested additions. Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Memorandum of Agreement between the Village and the Geneva Lake Conservancy for the Fontana Fen property, with the conditions that an automatically renewed 5-year term with a 90-day advance notice requirement for either party to terminate the agreement is added, and that paragraph No. 8 be amended to state that the indemnification clause is mutual for both parties. The MOTION carried without negative vote.

##### **Ice Breaker Event May 4, 2013**

Wilson stated that the Park Commission recommended approval of the annual event that is hosted on the municipal beach by Kevin Kirkland and his Fontana Paddle Company business. Kirkland stated that the event will again feature several races and possibly some equipment vendors will have displays of paddle boards and other sports equipment.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the annual Ice Breaker event on the municipal beach Saturday, May 4, 2013 as recommended, and the MOTION carried without negative vote.

**Park Permit Applications Filed by Fontana Garden Club, Plant Sale, Porter Court Plaza, May 24, to 26, 2013; Kelsey Isham/Mike Brown, Wedding Ceremony, Country Club Estates Association Beach Area, Saturday, June 7, 2014, or Friday or Saturday in September 2014; Von Bergen Wedding Ceremony, Reid Park Gazebo, Saturday, May 11, 2013, 9:00 AM to 1:30 PM; Lisa Laing, Birthday Party, Park House, Saturday, April 6, 2013, 12:30 to 3:30 PM**

Wilson stated that the Park Commission recommended approval of the applications.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the park permit application filed by the Fontana Garden Club for its annual Memorial Day Weekend Plant Sale at the Porter Court Plaza from May 24 to 26, 2013, as recommended, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Kelsey Isham and Mike Brown for a wedding ceremony at the Country Club Estates beach area on Saturday, June 7, 2014 or on any Friday or Saturday in September 2014, as recommended, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the park permit application filed for the Von Bergen wedding ceremony at the Reid Park Gazebo on Saturday, May 11, 2013 from 9:00 am to 1:30 pm, as recommended, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Wilson 2<sup>nd</sup> made a MOTION to approve the park permit application filed by Lisa Laing for the Park House on Saturday, April 6, 2013, and the MOTION carried without negative vote.

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

##### **Shabbona Drive Construction Project Bid Recommendation**

Hayden stated that the Village received eight bids for the Shabbona Drive project, with the low base bid of \$1,359,367 submitted by McGuire, Inc. Hayden stated that an informational open house event for the construction schedule will be held Thursday, April 18, 2013 from 4:00 to 6:00 pm.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$1,359,367 bid submitted by McGuire, Inc., for the Shabbona Drive Construction Project, and the MOTION carried without negative vote.

##### **AFSCME Union Contract**

Hayden stated that due to the new state law, there is not much to bargain for in the AFSCME Union contract renewal negotiations with the DPW employees. Hayden stated that the proposed renewed contract is for a one-year term and it calls for a 2.96 wage increase, which is dictated by the CPI. Hayden stated that the only other change proposed in the new contract is an increase from 12 months to 18 months for the probationary work period for new employees.

Trustee Pappas/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the renewed one-year contract with the AFSCME Union employees as presented, and the MOTION carried without negative vote.

##### **Handheld Purchase**

Hayden stated that the Village Utility Department needs to replace an old handheld meter reader that is no longer working properly. Hayden stated that the handheld meter reader is no longer supported in the industry, so it can't be repaired. In response to a question from Trustee Wilson, Hayden stated that a new handheld meter will be needed for years to come, even when all the water meters are changed out to the new ones that can record meter readings from a vehicle.

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the \$5,800 purchase of a Radioread Handheld Device from HDSWW, New Berlin, and the MOTION carried without negative vote.

##### **Tarrant Project Update**

Hayden stated that there are some punch-list items that still need to be addressed by S&L Underground, the contractor for the Tarrant Drive storm sewer construction contract. Hayden stated that unfortunately the DPW crew had to deal with an April 4, 2013 water main/service break that was caused by the project. Hayden stated that the Village will be back in contact with S&L and

recoup all the costs relevant to repairing the main break. The Village also billed the gas company for the repair of a gas line that was bored through the Village sewer line.

### **Public Works Committee Meeting April 13, 2013 at 8:00 AM**

McGreevy stated that a committee meeting has been scheduled and all are invited to attend.

### **Authorization to Sell Truck Number 2**

Hayden stated that with the recent purchase of a 2013 Ford truck for the DPW, the Village can sell the 2000 Ford F-250 pickup truck on eBay.

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize the sale of the 2000 Ford pickup truck on eBay, and the MOTION carried without negative vote.

### **Monthly Public Works Report**

Hayden stated that S&L Underground will commence work on the storm water detention pond at the Big Foot Country Club later this month. The DPW crew and Fire Department assisted on Friday, April 5, 2013 with controlled burns at the Fontana Fen, Oak Savanna and native prairie restoration areas and the land between Wells No. 1 and 3. Big Foot High School instructor Richard Henningfield wrote a letter to the village dated March 18, 2013 that thanks and commends Utility Department Lead Man Dennis Barr and Russell Ceschi of PowerTech Electric for meeting with the students in his environmental science class.

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

#### **Update**

Spadoni stated that there was no business to consider so the monthly meeting of the Plan Commission was cancelled in March.

### **CDA – President Petersen**

#### **Update**

Petersen stated that there has been nothing new submitted since the last joint session meeting.

### **Finance Committee – Trustee Kenny**

#### **Credit Card Processing Fees & Service Change**

Hayden stated that she received four quotes and the best deal is through PNC Bank, Lake Geneva. Hayden stated that the PCI program compliance has to be verified with PNC Merchant Services.

Trustee Kenny/Trustee Pappas 2<sup>nd</sup> made a MOTION to authorize staff to contract with PNC Bank, Lake Geneva, and the PNC Merchant Services program for credit card processing as presented, subject to clarification of PCI compliance, and the MOTION carried without negative vote.

### **LWMMI Insurance Renewal Recommendation**

Hayden stated that a competitive bid was received this year, and the League of Wisconsin Municipalities Mutual Insurance program renewal bid came in lower. The \$103,768 estimated total premium for the village liability, automobile, no-fault sewer, property, crime, and worker's compensation policies is a 8 percent reduction from last year's total premium of \$113,171.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the \$103,768 renewal bid submitted by the LWMMI program, and the MOTION carried without negative vote.

### **Lakefront & Harbor – Trustee Pappas**

#### **Harvard Club DMA Amendment Approval**

Pappas stated that the committee recommended approval of the proposed amendment to remove one of the seven buoys from the DMA and to add two personal watercraft lifts on the shoreline.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Harvard Club DMA amendment proposal as recommended, and the MOTION carried without negative vote.

### **Abbey Channel Abandoned Water Line Removal Recommendation**

Pappas stated that the committee approved a motion to recommend approval of the proposal with the conditions that a Village employee is present when the water main is taken out, that the village engineer review and approve the removal plan, and that the Public Works Committee reviews the

proposal. Wilson stated that she is concerned that the Village makes sure that the line has been abandoned and that the other lines that cross the channel are not damaged during the removal. Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the proposal to have the abandoned water main line removed from the Abbey channel with the conditions that a Village employee is present when the abandoned water main is taken out, that the village engineer review and approve the removal plan, and that the Public Works Committee reviews the proposal. The MOTION carried without negative vote.

### **Village of Fontana Mooring Lease Renewal Approvals**

Pappas stated that the committee recommended approval of the village mooring lease agreements subject to the notes listed on the distributed spreadsheet. Hayden stated that there is still one slip, one buoy and one ramp space remaining to be filled this season.

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the list of village mooring lease agreements for the 2013 season as recommended, and the MOTION carried without negative vote.

### **Local Business Committee – Trustee Spadoni**

#### **Appoint Local Business Committee Member to Replace Todd Baior, Abbey Resort**

Spadoni stated that Todd Baior no longer is employed at the Abbey Resort and he needs to be replaced on the committee. Spadoni stated that the committee’s “Golden Tickets” promotion at the annual Easter Egg Hunt was very successful according to the seven businesses that participated.

### **F/W WPCC – President Petersen**

#### **Update**

The next monthly meeting of the board is scheduled for Tuesday, April 9, 2013 at 7:30 pm.

#### **Closed Session**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION at 6:38 pm to adjourn into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Village of Fontana AFSCME Union Contract Renewal Negotiations, DPW Director Candidate, and Non-Union Employee Wages; and pursuant to Chapter 19.85 (1)(e), to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically AFSCME Union Contract Renewal Negotiations, and the Roll Call votes was as follows:

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – Aye

Trustee McGreevy – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

President Petersen – Aye

The MOTION carried on a 7-0 vote.

#### **Adjournment Closed Session**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION at 7:10 pm to adjourn the closed session and to reconvene in open session, and the MOTION carried without negative vote.

#### **Adjournment**

Trustee Kenny/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:10 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: 5/6/2013