

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, January 9, 2012

Village President Arvid Petersen called the monthly meeting of the Village Board to order at 6:23 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: President Arvid Petersen, Tom McGreevy, Cindy Wilson, George Spadoni, Bill Gage

Trustees absent: Pat Kenny, Peg Pollitt

Also Present: Derek D'Auria, Administrator/Treasurer Kelly Hayden, Brandy Howe, Rob Ireland, Britt Isham, Kevin Kirkland, Robert Klockars, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, William O'Connor, Police Chief Steve Olson, Mike Slavney, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

1. FW/WPCC Board Meeting – Tuesday, January 10, 2012, 7:30 pm
2. GLLEA Board Meeting – Wednesday, January 11, 2012, 10:00 am
3. CDA Board Meeting – Wednesday, January 11, 2012, 6:00 pm
4. Village Hall Open for Customer Service – Saturdays, January 14, 21 & 28, 2012, 9:00 am to Noon
5. Protection Committee Meeting – Monday, January 16, 2012, 5:45 pm
6. Library Board Meeting – Wednesday, January 18, 2012, 10:00 am
7. Plan Commission Staff Meeting – Wednesday, January 18, 2012, 1:00 pm
8. Park Commission Meeting – Wednesday, January 18, 2012, 6:00 pm
9. Lakefront and Harbor Committee Meeting – Wednesday, January 25, 2012, 4:30 pm
10. Finance Committee Meeting – Thursday, January 26, 2012, 6:00 pm
11. Public Works Committee Meeting – Saturday, January 28, 2012, 8:00 am
12. Plan Commission Monthly Meeting – Monday, January 30, 2012, 5:30 pm

Approval of Minutes

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meetings held December 5 and 19 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 2nd made a MOTION to acknowledge the receipt of the December 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 2nd made a MOTION to approve the village and utility payables as presented, and the MOTION carried without negative vote.

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

Village Deer Hunting Report – Britt Isham

Britt Isham, the coordinator of the bow hunting resolution in the Village, thanked the Village Board for supporting the hunt this past season. Isham stated that the season was successful and there were a total of 29 deer that were shot by the approved hunters on Village parcels. Isham stated that there were three bucks and 26 does taken, but there is still a very large deer herd in the Village. Isham stated that he will supply the Village with a copy of the report he compiled for the meeting.

2012 Spring Election Report

Martin distributed the Spring 2012 Election Certification report that shows incumbent Municipal Court Judge David C. Jensen is being challenged by Pete Wilson; and incumbent Trustees Cindy Wilson and Pat Kenny are being challenged by Rick Pappas, Brandon Marvin, Derek D'Auria and Scott Vilona for three trustee positions. Incumbent Trustee Peg Pollitt is not seeking reelection.

Municipal Code Chapter 6 Proposed Amendment to Prohibit Carryout Liquor Sales at Gas Station Convenience Stores

Thorpe stated that he provided a memorandum on his review of the Chapter 6 alcohol beverage licensing regulations, and a draft of an ordinance amendment that would prohibit carryout liquor sales at gas station convenience stores. Petersen stated that he has witnessed on two occasions landscaping company workers purchase small bottles of liquor from the previous gas station convenience store and the employees consumed the liquor and threw the bottles in the garbage can before getting back into their vehicles. Spadoni stated that the memo and ordinance amendment should be reviewed by the Protection Committee for a recommendation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to refer the village attorney's memo and ordinance amendment draft to the Protection Committee for a recommendation. The MOTION carried without negative vote.

Primary Election Ordinance and Act 402 Ramifications on Municipal Judge Term

Thorpe provided a memorandum on the primary election statutes and on the new state law that calls for four-year terms for the municipal judge position. Thorpe stated that the Village's Municipal Code is adequate and there is no need for an amendment to provide for the Village to hold primary elections when necessary. Regarding the municipal court judge term, Thorpe stated that the Village Board does not have to do anything in order for the term to switch from the previous two years to four years, as called for in the new state law, Act 402. Thorpe stated that since an ordinance was not adopted prior to the filing period for the 2012 Spring Election, the term has to be four-years for the April 3, 2012 election. If desired to change the term back to the previous two years, the Village Board will have to adopt a Charter Ordinance amendment prior to the filing period for the 2016 Spring Election. The Village Board members were in consensus that the term should be four years for the Municipal Court judge as called for in Act 402.

Protection Committee – Trustee Pollitt

Police Department Lieutenant Position and Second in Command Options – Tabled 10/3/2011, 11/7/2011 & 12/5/2011

Spadoni stated that he met with Chief Olson and Trustee Pollitt on the Police Department personnel issues; however, the Protection Committee has not yet made a recommendation.

Trustee Spadoni/Trustee McGreevy 2nd 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 & 12/5/2011

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Mutual Aid Agreement with Village of Sharon Police Department

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Hiring Recommendation – Tabled 12/5/2011

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

DOT and DOJ Grant Applications to Purchase Speed Radar Sign and Radio Equipment

Chief Olson stated that the Village received a \$4,000 grant from the Department of Transportation for participating in the recent "Click It or Ticket" seatbelt safety program, and those funds can be allocated for the purchase of a portable speed radar sign.

President Petersen/Trustee Spadoni 2nd made a MOTION to authorize the purchase of a portable speed radar sign with the \$4,000 grant the Village of Fontana Police Department received from the Department of Transportation. The MOTION carried without negative vote.

Olson stated that the Department of Justice Homeland Security program is offering grant funds for the purchase of radios for police officers.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the submission of the DOJ grant application for the funding of new police officer radios, and the MOTION carried without negative vote.

Plan Commission – President Petersen

Schedule February 27, 2012 Public Hearing to Present Rewritten Chapters 17 & 18 of Municipal Code and New Zoning District Map

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to schedule a public hearing for February 27, 2012 to present the rewritten Chapters 17 and 18 of the Municipal Code and a new Zoning Map, as recommended by the Plan Commission. The MOTION carried without negative vote.

At the end of the meeting prior to adjournment, Trustee Gage stated that he was concerned the Village Board did not approve the Geneva Lake Conservancy's request to schedule another staff meeting to discuss its attorney's memorandum submitted November 23, 2011.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to postpone the public hearing to present the rewritten Municipal Code Chapters 17 and 18 and the new Village of Fontana Zoning Map for one month; and to authorize staff to schedule a meeting with the village planner and village attorney to meet with the attorney representing the Geneva Lake Conservancy for up to six hours on his concerns related to Chapters 17 and 18, and to prepare a new draft of the rewritten chapters if necessary. The MOTION carried without negative vote.

Abbey Resort Outdoor Event Tent Early Opening Proposal

The Plan Commission recommended approval of the Abbey Resort proposal to set up its outdoor special event tent three weeks earlier than the approved time frame in order to accommodate a special event.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Abbey Resort's proposal to set up its outdoor special event tent three weeks earlier than the previously approved time frame, as recommended, and the MOTION carried without negative vote.

PIP Amendment Application Filed by Fontana Family Chiropractic, 450 Mill Street, Suite 102

A motion to recommend approval of the Precise Implementation Plan amendment for a proposed 91-square-foot, internally illuminated exterior sign for Fontana Family Chiropractic, 450 Mill Street, Suite 102, failed to earn approval on a 2-4 vote of the Plan Commission. Petersen stated that even though the Plan Commission recommended denial, the applicant could still work with the initially approved signage regulations for the Planned Development site. Spadoni then made a motion, seconded by Wilson, to approve the PIP amendment application. Wilson stated that the barn-style building that the chiropractic office is located in would look better with the new larger sign being proposed by Bria. Wilson stated that the CDA wanted the building to resemble a farm building and the sign will help accomplish that goal. Wilson stated that the sign on the building should be visible from Highway 67, and the type of sign being proposed by the applicant should be encouraged. Wilson stated that the proposed sign is appropriate and tasteful for the building, but it should not be backlit. Gage stated that the goal to permit the applicant to erect a billboard-like sign on the building that is visible from Highway 67 is not a valid reason to approve the amendment. The PIP amendment approval will be recorded in Resolution 01-09-12-01.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to approve the Precise Implementation Plan amendment filed by Jeremy Bria for Fontana Family Chiropractic, 450 Mill Street, Suite 102, in the form of Resolution 010912-01, and the Roll Call vote was as follows:

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – No

President Petersen – No

Trustee McGreevy – Aye

The MOTION carried on a 3-2 vote, with Trustee Kenny and Trustee Pollitt absent.

Park Commission – Trustee Wilson

Park House Interior Renovation Proposal

Wilson stated that the Park Commission approved the low bid submitted by the Tracy Group for interior renovation work at the Park House. Workman stated that the project bid came in under the \$10,000 budget and construction work is underway. The Village Board approved the project at its December 5, 2011 meeting.

Tree City USA Renewal Application & Arbor Day Foundation Annual Fee

Sarah Lobdell completed the annual renewal application and it was filed online. The annual Arbor Day Foundation fee is \$15.

Trustee Wilson/Trustee Spadoni 2nd made a MOTION to authorize the annual Tree City USA renewal application and to approve the \$15 Arbor Day Foundation fee as recommended, and the MOTION carried without negative vote.

Fontana Paddle Boat Company Ice Breaker Kayak Race, Saturday, May 12, 2012

Kevin Kirkland stated that the second annual event would take place on the Fontana beach on the morning of May 12, 2012, and there is no need for associated village services.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to approve the Fontana Paddle Boat Company Ice Breaker Kayak Race for Saturday, May 12, 2012 on the Fontana beach, with the fee waived. The MOTION carried without negative vote.

Park Permit Application Filed for Block-Kuchii Wedding Ceremony, Reid Park Gazebo, Saturday, June 23, 2012, 3:00 PM to Dusk

The application fee has been paid, there are no conflicts and the Park Commission recommended approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application filed for the Block-Kuchii wedding ceremony at the Reid Park gazebo on Saturday, June 23 2012, from 3:00 pm to dusk, as recommended, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Final Pay Request for Plant Improvement Project

The Village of Fontana portion of the Final Pay Request is \$19,830. The payment application and final lien waiver were reviewed by the project engineering firm, and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Final Pay Request totaling \$19,830 and the Final Lien Waiver for the Wastewater Treatment Facility Plant Improvement Project contract, as recommended, and the MOTION carried without negative vote.

GLLEA Board – President Petersen

Lease with Village of Williams Bay – Tabled 12/5/2011

Thorpe stated that he reviewed the proposed lease between the Geneva Lake Law Enforcement Agency and the Village of Williams Bay, and the clause that he had concerns with has been removed. President Petersen/Trustee Spadoni 2nd made a MOTION

Public Works – Trustee Gage

2012 Wheel Loader Purchase

Workman stated that the Public Works Department reviewed the specifications and conducted test operations with several different models and is recommending the purchase of a Volvo L60F wheel loader for \$139,242. The recommendation is based on several factors including the price, overall unit construction, factory warranty, power, comfort and convenience, and ground speed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$139,242 purchase of a Volvo L60F wheel loader, as recommended, and the MOTION carried without negative vote.

2012 Construction Timeline

Workman distributed the 2012 construction project schedule for the Tarrant Drive storm sewer project, Dewey Avenue reconstruction, Stearns Road reconstruction, Duck Pond standpipe project, crack filling and slurry sealing road projects, Abbey Springs water main relay, Shabbona Drive

reconstruction, and Abbey Springs standpipe and water tower demolition project.

Lakefront & Harbor – Trustee McGreevy

Update

The monthly meeting in December was cancelled due to lack of business.

Finance Committee – Trustee Kenny

Update

The next monthly meeting is scheduled for Thursday, January 26, 2012.

Adjournment

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 7:14 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: 2/6/2012