

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, March 4, 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: Tom McGreevy, Pat Kenny, Rick Pappas, Cindy Wilson, George Spadoni, President Arvid Petersen

**Trustee absent:** Bill Gage

**Also Present:** Greg Blizard, Jade Bolack, Merilee Holst, Administrator/Treasurer Kelly Hayden, Jon Kemmett, Joe Kopecky, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Lynn Richter, Dale Thorpe

**Visitors Heard**

Lynn Richter, 737 Upper Brookwood, stated that he would like the Village to allow property owners to burn brush and tree limbs that are gathered up in the winter months. Richter stated that he does not want to propose that the Village allow leaves to be burned; however, when there is snow on the ground, there is no safety related reason that property owners should not be allowed to burn brush and tree limbs. Richter stated that if allowed, it would take some of the workload off the Public Works Department crew. President Petersen stated that the proposal will be directed to the Public Works Committee for a recommendation, and staff will contact Richter with the date of the meeting.

**Announcements**

1. CDA Monthly Meeting Date – **Wednesday, March 6, 2013, 6:00 pm**
2. Local Business Committee Meeting – **Thursday, March 7, 2013, 5:00 pm**
3. Finance Committee Meeting – **Thursday, March 7, 2013, 6:00 pm**
4. Fontana/Walworth Water Pollution Control Commission Meeting – **Tuesday, March 12, 2013, 7:30 pm**
5. GLLEA Monthly Board Meeting – **Wednesday, March 13, 2013, 10:00 am**
6. Plan Commission Staff Meeting – **Wednesday, March 13, 2013, 1:00 pm**
7. Protection Committee Meeting – **Monday, March 18, 2013, 5:30 pm**
8. Library Board Meeting – **Wednesday, March 20, 2013, 10:00 am**
9. Park Commission Meeting – **Wednesday, March 20, 2013, 5:30 pm**
10. GLEA Board Meeting – **Thursday, March 21, 2013, 7:00 pm**
11. Quarterly Newsletter Article Deadline – **Friday, March 22, 2013**
12. Plan Commission Monthly Meeting – **Monday, March 25, 2013, 5:30 pm**
13. Lakefront and Harbor Committee Meeting – **Wednesday, March 27, 2013, 4:30 pm**
14. Easter Egg Hunt at Duck Pond – **Saturday, March 30, 2013, 10:00 am**

**Approval of Village Board Minutes**

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

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

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the reports as distributed and to place them on file for the annual audit, 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, and the MOTION carried without negative vote.

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

**April Monthly Meeting Date**

The first Monday of the month is the April 1, 2013, the day after Easter and the day before the

Spring Election.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to reschedule the next monthly meeting to Monday, April 8, 2013 beginning at 6:00 pm, and the MOTION carried without negative vote.

### **Building Inspector/Zoning Administrator Ron Nyman Medical Leave Contingency Plan Approval**

Hayden stated that Ron Nyman will be out of the office for four to six weeks, and staff has made arrangements for Terry Welch to fill-in for Nyman with inspections and zoning administration. Hayden stated that the proposal is to pay Welch \$21 per hour for his services. Thorpe stated that the building inspector and zoning administration position is required in the state statutes and the village should probably have an employment contract with Welch.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the contingency plan with Terry Welch to provide building inspection and zoning administration services for \$21 per hour as presented, and for staff to review the necessity for an employment contract. The MOTION carried without negative vote.

### **Transient Merchant License Application Filed by Scottie and Meghan Peterson, Burlington**

An incomplete transient merchant license application was submitted by Scottie and Meghan Peterson, Burlington, to sell ice cream products from a small trailer in the Village parks and by the municipal beach. The application was not notarized and the license fee was not paid, which are both required in the Municipal Code Chapter 19. Spadoni stated that the Village Board has traditionally denied similar transient merchant applications because local business owners and taxpayers already are offering the products. Spadoni then made a motion to deny the application and it was seconded by Kenny. Municipal Code Chapter 19 states the Village Board may deny transient merchant and peddlers license applications, but the reasons for denial must be included in the meeting minutes. Wilson asked why the Village had to accept applications for peddlers or transient merchants. Thorpe stated that he wanted to review the Municipal Code section before the Village Board acted on the incomplete application. Spadoni and Kenny then removed their motion on the floor.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to table the item and to direct Village Attorney Thorpe to review Section 19 of the Municipal Code and to direct Police Chief Olson to complete a background check on the applicants. The MOTION carried without negative vote.

### **Proposed Ordinance Amending Sections 19-203 and 19-205 of the Municipal Code**

The proposed amendments are to add a \$50 non-refundable application fee to the section that governs transient merchant and peddlers license applications, to cover the expenses for the required background checks.

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

### **Blackstone Landscaping & Roy Diblik 2013 Service Contracts**

Wilson stated that the Park Commission planned for the 2013 budget to have the summer season maintenance work on the Fontana Boulevard median beds handled by Roy Diblik and his firm, Northwind Perennial Farm, Burlington, and no longer by Blackstone Landscaping, Inc. Wilson stated that the \$19,275 contract presented for Blackstone Landscape, Inc., and the \$13,750 estimate presented for Northwind Perennial Farm delineate the new maintenance duty schedule, and the funds are in the current budget. Wilson then made a motion to approve the Blackstone contract and the Northwind Perennial Farm estimate as presented and it was seconded by Spadoni. Pappas asked if the provision in the Blackstone contract that allows for dumping of brush at the Duck Pond is only for brush picked up in the Village, and Hayden replied that yes it was the same provision that has been in the contract for several years. Pappas stated that he also has a concern that the Blackstone Landscape, Inc. vehicles are not properly licensed with the U.S. DOT. Pappas asked Thorpe if the Village has legal liability if the DOT hasn't approved the Blackstone vehicles. Thorpe stated that the Village does not enforce the federal DOT or any state or federal regulations. Hayden stated that she inquired with Matt Moore at Blackstone Landscaping after Pappas previously asked about DOT licenses for the vehicles, and Moore indicated that the company's vehicles are not required to have the DOT licenses because they are not large enough. Pappas stated that Village staff should check on the required DOT licenses with someone other than Moore. Thorpe stated that he would

recommend that the Village Board direct him to review the proposed contract and draft an additional clause that would require Blackstone Landscaping to indemnify the Village, to provide the Village with a certificate of insurance naming the Village as an additional insured, and to sign a statement that all the required licenses have been secured. Wilson and Spadoni stated that they would amend their motion on the floor to include the direction suggested by Thorpe.

Trustee Wilson/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Blackstone Landscape, Inc., landscape maintenance contract and the Northwind Perennial Farm estimate as presented, with the condition the Blackstone Landscape, Inc. contact is reviewed by the Village attorney and a clause is added to the contract that requires Blackstone Landscape, Inc. to indemnify the Village, to provide the Village with a certificate of insurance naming the Village as an additional insured, and to sign a statement that all the required state and federal licenses have been secured. The MOTION carried without negative vote.

### **Update on Lake Level Situation**

Petersen stated that the recent snow fall and rain has brought the lake level back up to a level the Village can live with for the summer season. Petersen stated that water is still being released over the spillway, but the lake level should be okay to accommodate all the village's ramps and pier slips.

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

#### **BSOP Amendment Filed by Fontana Shell, 286 Valley View Drive, for Cousins Subs Signage**

Spadoni stated that the Plan Commission recommended approval of the new sign as presented, with five conditions that were reviewed without concern by the applicant. In response to questions, architect Joe Kopecky stated that the Cousins will be a full-service restaurant with the usual menu. Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan amendment application filed by Fontana Shell, 286 Valley View Drive, to authorize Cousins Subs signage, with the following five conditions:

1. The proposed 8-square-foot main building “COUSINS SUBS” wall sign shall be allowed with the condition that the material used is a wood texture look. This sign may be illuminated by an approved gooseneck-style lighting fixture or back-lit. It shall not be internally illuminated.
2. The proposed 8-square-foot main building “COUSINS SUBS” wall sign shall replace the previously approved 10-square-foot “FOOD MART” sign. The previously approved 20-square-foot “SHELL FONTANA MART” sign shall still be allowed.
3. All building, zoning and electrical permits shall be applied for and obtained prior to the installation of and use of any approved signage. BSOP approval shall not alleviate the applicant from securing all required permits.
4. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
5. Any signage not approved, or without issued proper permits, that are installed or used at any time, whether permanent or temporary in nature, shall be subject to municipal violations and citations as described in the Village of Fontana Municipal Code.

The MOTION carried without negative vote.

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

#### **Paratech Ambulance Service Contract Recommendation**

Hayden explained the contract negotiation process and the proposed rescue call cancellation fee for Paratech, which after being taken out of the initial proposal has been incorporated again into the draft recommended for approval. Hayden stated that the \$100 cancellation fee, with a \$500 maximum for one month, would be for rescue calls when a Paratech ambulance is called and then cancelled because the call is being handled by the Fontana Rescue Squad. The contract calls for the Village to call Paratech for rescue calls 24 hours a day, seven days per week, and they will respond if available. Hayden stated that there is also a provision for Paratech employees to respond in an intercept vehicle and then to use the Village of Fontana ambulance to transport patients. Spadoni stated that he has a lot of questions regarding the proposed contract and he would like it referred back to the Protection Committee for further discussion. Wilson stated that she also has a lot of questions on the proposed contract, and Petersen stated that she should attend the March 18, 2013

Protection Committee meeting at which the committee will further discuss the proposal.  
Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to table the proposed Paratech Ambulance Service contract and to refer it back to the Protection Committee for review. The MOTION carried without negative vote.

**Park Commission – Trustee Wilson**

**Approve Easter Service at Reid Park Gazebo Sunday, March 31, 2013**

Trustee Wilson/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Park Permit application filed by Fontana Community Church to hold a Easter Sunday sunrise service at the Reid Park Gazebo, with the fee waived as requested. The MOTION carried without negative vote.

**Approve Easter Egg Hunt at Duck Pond Recreation Area Saturday, Mach 30, 2013**

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the annual Easter Egg Hunt at the Duck Pond Recreation Area on Saturday, March 30, 2013, beginning at 10:00 am, and the MOTION carried without negative vote.

**Public Works – Trustee McGreevy**

**Report on DPW Hiring and Interviews Schedule**

Hayden stated that Voorhees went through the applications and recommended 12 candidates who were then narrowed down to five candidates who will be brought in for interviews. Hayden stated that Chief Olson will give the candidates a tour of the Village facilities and then the interview committee will meet with them. Hayden stated that she, DPW Lead Men Dennis Barr and Ron Adams, village electrician contractor Russ Ceschi, Village Engineer Joe Eberle, President Petersen, Trustee Wilson, Trustee McGreevy and some Public Works Committee members have expressed interest in being part of the interviewing committee. In response to questions from Spadoni, Hayden stated that Voorhees supplied the Village with sample questions for the interviews. Spadoni stated that he also thinks the interviewing committee should be narrowed down to three or four members, and 10 would be a lot of people asking questions. Pappas stated that maybe the Village could limit the number of people who will be doing the questioning, and others could be present just to listen.  
Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to direct staff to have a maximum of five people ask the questions to the five candidates for the Director of Public Works position, but to allow the other interested people to be in the room as spectators. The MOTION carried without negative vote.

**CDA – President Petersen**

**Update**

The next meeting is scheduled for Wednesday, March 6, 2013 beginning at 5:30 pm.

**Finance Committee – Trustee Kenny**

**Update**

Hayden stated that a quorum may no longer be available for the Finance Committee meeting scheduled for Thursday, March 7, 2013 beginning at 6:00 pm, at which the committee was going to consider the annual village insurance package renewal quote and make a recommendation on the credit card payment processing company used by the Village.

**Lakefront & Harbor – Trustee Pappas**

**Update**

Pappas stated that the February 27, 2013 committee meeting was cancelled due to a lack of quorum, and the next meeting is scheduled for Wednesday, March 27, 2013 at 4:30 pm.

**Local Business Committee – Trustee Spadoni**

**Update**

Spadoni stated that the committee is scheduled to meet on Thursday, March 7, 2013 at 5:00 pm.

**F/W WPCC – President Petersen**

**Update**

Petersen stated that the next meeting of the F/W WPCC Board is scheduled for Tuesday, March 12,

2013 beginning at 7:30 pm.

**Adjournment**

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 6:33 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: 4/8/13