

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, May 6, 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, Rick Pappas, Cindy Wilson, Bill Gage, George Spadoni, President Arvid Petersen

Trustee Absent: Pat Kenny

Also Present: Ron Adams, Dennis Barr, Jade Bolack, Merilee Holst, Administrator/Treasurer Kelly Hayden, Bob Klockars, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector/Zoning Administrator Ron Nyman, Dale Thorpe

Visitors Heard

Bob Klockars stated that on behalf of the Walworth-Fontana Rotary Club he would like to thank and commend the village staff for giving the club members a tour of the village's main lift station. Klockars stated that Utility Department Lead Man Dennis Barr was very informative and he did a marvelous job conducting the tour. Barr, DPW crew member Danny Gonzalez and village contractor Russ Ceschi conducted the tour for the Rotary Club members, as well as another recent tour for Big Foot High School students.

Announcements

President Petersen stated that the Skeeter Ice Boat Club submitted a letter of appreciation and a \$100 donation to the Village for allowing the club to use the municipal beach for its ice boating season.

1. GLEEA Monthly Board Meeting – **Wednesday, May 8, 2013, 10:00 am**
2. Public Works Committee Meeting – **Saturday, May 11, 2013, 8:00 am**
3. Fontana/Walworth Water Pollution Control Commission Meeting – **Tuesday, May 14, 2013, 7:30 pm**
4. Library Board Meeting – **Wednesday, May 15, 2013, 10:00 am**
5. Plan Commission Staff Meeting – **Wednesday, May 15, 2013, 1:00 pm**
6. Park Commission Meeting – **Wednesday, May 15, 2013, 6:00 pm**
7. Evening Book Club at Public Library – **Thursday, May 16, 2013, 5:30 pm**
8. GLEEA Board Meeting – **Thursday, May 16, 2013, 7:00 pm**
9. Village Assessor Office Hours at Village Hall – **Friday, May 17, 2013, 10:00 am to 2:00 pm**
10. Park Commission Garlic Mustard Pulling Contest at Duck Pond – **Sunday, May 19, 2013, 3:00 PM**
11. Protection Committee Meeting – **Monday, May 20, 2013, 5:30 pm**
12. Lakefront and Harbor Committee Meeting – **Wednesday, May 22, 2013, 4:30 pm**
13. Fontana Garden Club Plant Sale at Porter Court Plaza – **Saturday and Sunday, May 25 and 26, 2013**
14. Village Hall and Public Library Closed for Memorial Day – **Monday, May 27, 2013**
15. Plan Commission Monthly Meeting – **Tuesday, May 28, 2013, 5:30 pm**
16. First Meeting of 2013 Board of Review – **Thursday, May 30, 2013, 5:45 pm**
17. Finance Committee Meeting – **Thursday, May 30, 2013, 6:00 pm**
18. Village Board Monthly Meeting – **Monday, June 3, 2013, 6:00 pm**

Approval of Village Board Minutes

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the minutes for the meetings held April 8 and 17, 2013, as presented, and the MOTION carried without negative vote.

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

Hayden stated that the January, February and March 2013 Treasurer's Reports were distributed. Trustee Spadoni/Trustee McGreevy 2nd 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

Hayden stated that the village attorney monthly invoice was not submitted until earlier that day and if desired, she can provide the invoice detail pages for review. In the past, the board has received the summary pages in the meeting packets. McGreevy stated that he requested that the Finance

Committee review the monthly invoice for legal services prior to Village Board consideration. President Petersen stated that the Finance Committee reviews all the payables on a monthly basis. Wilson stated that she would like to have the monthly invoices earlier so that she can review the charges prior to approving them. Pappas stated that the Village Board should only consider approving the invoices that are included in the meeting packets when they go out the Friday prior to the meeting date, and invoices that are submitted late should only be considered if there are special circumstances. Following discussion, Village Attorney Thorpe stated that he will make sure the monthly invoices are submitted earlier than the current schedule to guarantee enough time for it to be distributed with the meeting packets.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Village and Utility payables as distributed, as well as the \$7,158 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

Community Information Sign Purchase

Hayden stated that the proposal is to purchase a portable roadside sign that can be placed in front of the Village Hall or in other locations throughout the Village when a special announcement needs to be made. Adams stated that the DPW would like the sign so that items such as the last date for leaf pickup, or the chipper schedule, can be posted for residents in a highly visible location.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$375 Deluxe Swinger Roadside Letterboard Sign as presented, and the MOTION carried without negative vote.

J&M Displays Fourth of July Contract

Hayden stated that if the Village Board authorizes another three-year term for the contract with J&M Displays, Yarmouth, IA, for the Fourth of July fireworks display, the contract will again feature 15 percent of free fireworks. Hayden stated that the annual contract amount will still be presented for Village Board consideration, and this year's \$20,000 contract amount is the same as last year. Pappas stated that he would like to make sure the village is receiving a good deal by committing to another three-year contract.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the three-year contract with J&M Displays, Yarmouth, IA, for the Fourth of July fireworks display as presented, and the MOTION carried without negative vote.

Authorize Fire Department Practice Burn at 211 Pottawatomi Drive

Hayden stated that the Fire Department has received a request from the new property owner of the residence at 212 Pottawatomi Drive for the department to burn down the structure as part of a training drill, and Fire Chief Wolfgang Nitsch has indicated that the department would like to schedule the burn. Building Inspector Ron Nyman stated that the new owner stated he will acquire a permit to raze the structure if the practice burn is not authorized. There also is a permit application that has to be filed and approved by the Wisconsin DNR to authorize the burn if approved by the Village Board.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to authorize the Fontana Fire Department to conduct a practice burn at 211 Pottawatomi Drive as requested, and the MOTION carried without negative vote.

Email Policy

Hayden stated that many of the Village Board, committee and commission members are still not using their Village of Fontana email accounts per the requirements of the Village of Fontana Policy on Acceptable Use of Village Internet, Website and Email Resources. Hayden asked if the Village Board wants to retain the policy if it is not being followed. Thorpe stated that the policy was adopted to address any potential public record request for copies of emailed messages, similar to a situation a couple years ago in Lake Geneva. Thorpe stated that if the officials are using their personal email addresses for village business, in theory, a records request could result in the village officials being ordered to turn over their computers. Pappas stated that village staff should no longer enable the officials who do not use their village email addresses, and no messages should be emailed to their personal addresses. Martin stated that many of the officials have requested that their personal email

addresses be added to the Village email distribution list for members of the “Press and Public.” Martin stated that all meeting agendas and minutes are emailed to the “Press and Public” distribution list as well as the individual lists for the Village Board and the various committees and commissions. The village officials were encouraged to come into Village Hall with their laptop computers or other electronic devices if they need assistance in logging into the Village email system, which can be accessed through the village website from any computer.

Reminder of State Ethical Policy

President Petersen stated that he requested that the Wisconsin Government Accountability Board guidelines on local officials’ receipt of food, drink, favors, services, etc. to be distributed as a reminder of the state statutes.

Park Commission – Trustee Wilson

Picnic Table Purchase Approval

Wilson stated that prior to acting on the Park Commission recommendation to purchase the materials for four new picnic tables, she wanted to point out two important events that are listed in the announcements. Wilson stated that the Park Commission is planning a garlic mustard pulling contest at the Duck Pond Recreation Area on Sunday, May 19, 2013 at 3:00 pm; and the Fontana Garden Club is holding its annual plant sale on Memorial Day weekend at Porter Court Plaza. Wilson stated that the Park Commission recommended allocating an amount not to exceed \$1,200 of budgeted funds to purchase the frames, wood and bolts to construct four new picnic tables, with one to be placed at the Mill House Pavilion, one at the Duck Pond dog walking track and two for Reid Park. Pappas asked if the Park Commission members are sure two more picnic tables are needed in Reid Park. The two additional tables for Reid Park were suggested by the DPW crew to supplement the 22 full sized tables that are currently placed in the park during the summer season. There are also two children’s sized tables for Reid Park. Petersen stated that the Village Board should adhere to the recommendation of the Park Commission members.

Trustee Wilson/Trustee McGreevy 2nd made a MOTION to approve the Park Commission recommendation to allocate an amount not to exceed \$1,200 for the purchase of four Pilot Rock picnic tables frame kits from RJ Thomas Mfg. Company, Inc., Cherokee, IA for \$199 each, and for the purchase of the necessary wood and bolts for the DPW crew to construct the four new tables. The MOTION carried without negative vote.

Park Permit Applications Filed by Carolyn Ebley, Fontana Beach or Reid Park Gazebo, Saturday, June 8, 2013, 7:00 am; MPC, Inc., Duck Pond Recreation Area/Duck Pond Pavilion with Beer/Wine Permit, Company Picnic, Saturday, June 15, 2013, 11:00 am to 4:00 pm; Big Foot Recreation District, Duck Pond Recreation Area, 2013 Summer Season Events; Big Foot Ball and Glove Program, Reid Park and Duck Pond Ball Fields, 2013 Summer Season Schedule

Wilson stated that there are no conflicts with the applications and approval is recommended. Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the Park Permit applications filed by Carolyn Ebley for the Fontana Beach or the Reid Park Gazebo on Saturday, June 8, 2013, at 7:00 am; by MPC, Inc. for the Duck Pond Recreation Area and the Duck Pond Pavilion with a Beer/Wine Permit on Saturday, June 15, 2013, from 11:00 am to 4:00 pm; by the Big Foot Recreation District for the Duck Pond Recreation Area for its 2013 summer season events; and by the Big Foot Ball and Glove Program for the Reid Park and Duck Pond ball fields for its 2013 season schedule. The MOTION carried without negative vote.

Police and Fire Commission

GLLEA 2013 Officers Approval

The Police and Fire Commission approved the 19 officers for the Geneva Lake Law Enforcement Agency 2013 staff as presented. The Village Board approved 15 of the officers on the final list submitted by the GLLEA at the monthly meeting on April 8, 2013; however, four of the officers were added this past month.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Steven Fraser, Daniel Gerlitz, Kevin McNutt and Mickael Price as 2013 Geneva Lake Law Enforcement Agency officers, and the MOTION carried without negative vote.

Fontana Rescue Squad Officer Approval

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

Protection Committee – President Petersen

CSO Hiring

Hayden stated that Police Chief Steve Olson has recommended the hiring of Ruth Hooper as the community service officers for the 2013 season. She also was the CSO last year.

President Petersen/Trustee Spadoni 2nd made a MOTION to approve the hiring of Ruth Hooper as the community service officer for the 2013 season, and the MOTION carried without negative vote.

Finance Committee – Trustee Kenny

Resolution Approving 2012 Budget Amendments

Hayden stated that the Finance Committee recommended approval of the resolution that authorizes the annual budget amendments with one change that was made to the distributed document. The Finance Committee directed Hayden to list the “proceeds from borrowing” revenue account on the resolution, which was the only revenue account needed to offset the \$225,371 net total for additional expenditures. Pappas had some questions on the end of the year balances of the specific expenditure accounts that are debited and credited in the resolution; and following discussion, Pappas stated he will come in and meet with Hayden.

President Petersen/Trustee McGreevy 2nd made a MOTION to approve Resolution 050613-01, as recommended, and the Roll Call vote was as follows:

Trustee Pappas – Aye

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – Aye

President Petersen – Aye

Trustee McGreevy – Aye

The MOTION carried on 6-0 vote, with Trustee Kenny absent.

Lakefront & Harbor – Trustee Pappas

Abbey Springs Pier Permit Application to Remodel West Pier and Associated Ordinance Amendment

Pappas stated that the committee recommended approval of the pier permit to remodel the west end pier in the Abbey Springs mooring area, and the exchange of four boat slips to be replaced with four buoys, with the conditions that the DNR approves the permit application, and that an amendment to the Abbey Springs Planned Development Zoning District PIP is approved by the Plan Commission and Village Board. Pappas stated that the Abbey Springs PD zoning ordinance was not amended in 2008 when there were 22 buoys exchanged for boat slips. With the 2008 exchange approval and the current proposal for four slips to revert back to buoys, the 102 total moorings will consist of 84 boat slips and 18 buoys. Thorpe stated that the Plan Commission will have to make a recommendation to the Village Board on the pending amendment to the Abbey Springs PD ordinance.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the pier permit application filed by Austin Pier Service to remodel the west pier in the Abbey Springs mooring area, as recommended, with the condition that the pier permit is approved by the Wisconsin Department of Natural Resources, and contingent on approval of an amendment to the Abbey Springs Planned Development Zoning Ordinance. The MOTION carried without negative vote.

Village Mooring Lease Agreement Approvals

Pappas stated that the committee recommended approval of eight more mooring lease agreements that were filed this past month. Applications recommended for approval were filed by Daniel Baughman, Albert Fiorillo, Glenn Gilstrap, Marie Gornick, Chris Hibbard, Sandra Hutchings, Steve Link and Walter Watkins.

Trustee Pappas/Trustee Gage 2nd made a MOTION to approve the mooring lease agreements filed by Daniel Baughman, Albert Fiorillo, Glenn Gilstrap, Marie Gornick, Chris Hibbard, Sandra Hutchings, Steve Link and Walter Watkins, as recommended, and the MOTION carried without

negative vote.

Report on Waiting List Policy

Pappas stated that the committee had an initial discussion on the drafting of a policy that defines the rules and regulations for administering the mooring waiting list. Pappas stated that initial suggestions were presented to staff to be put into draft form, and the discussion is scheduled to continue at the next monthly meeting Wednesday, May 22, 2013 beginning at 4:30 pm. Spadoni stated that he has concerns with some of the items regarding the waiting list policy draft that were suggested by committee members at the May 1, 2013 meeting. Spadoni stated that it was the direction at recent Village Board meetings that up to one year should be allowed for someone to purchase a new property to maintain their status on the waiting list, or to retain their village mooring if they are a lease holder. Pappas stated that the committee members did not discuss or recommend changing the proposal to allow for a mooring lease holder to have up until the next season to purchase a new property and remain eligible to renew their agreement if they sell their property during the current season. Pappas stated that the shorter time period was just suggested for the waiting list policy and the committee has not yet finalized its recommendation on the policy. Hayden stated that the discussion ranged from allowing up to six months and down to 30 days for people to purchase a new property in the Village and maintain their priority status on the waiting list, and the discussion will be continuing at the next committee meeting.

Public Works – Trustee McGreevy

Management of Public Works Department

Hayden stated that she met with Trustees McGreevy and Gage, Street Dept. Lead Man Ron Adams and Utility Department Lead Man Dennis Barr to discuss the management of the Department of Public Works. The Village Board initially advertised for candidates to replace former DPW Director Craig Workman, who resigned in December 2012 to take a new job with the City of Burlington. Following interviews with the finalists, the Village Board decided to pursue the idea of having the lead men act as day-to-day supervisors of the DPW crew members. Hayden stated that that the group is recommending the establishment of the Street Director and Utility Director positions, and the elimination of the Lead Man positions and the Director of Public Works position. The proposal calls for the Village administrator and the Village engineering firm also to be assigned some of the administrative duties formerly handled by the DPW director. McGreevy stated that the distributed job descriptions and contract terms are just first drafts that will be presented to the Public Works Committee for review and a recommendation, if the Village Board supports the proposal to establish the new director positions. Wilson stated that she has initial concerns with the specific job description items for the new director positions that state, “Such other duties as may be assigned by the Village Administrator, the Public Works Committee per Section 2-67(3) of the Village code and/or the village Board or as required by law.” Wilson stated that it should be left up to the directors to determine how to handle the scheduling of the daily job duties. Petersen stated that item No. 1 in both of the draft job description documents state, “Plan and implement the daily functions” of the Public Works Utility Department and the Public Works Street Department, respectively. Wilson stated that it needs to be resolved if it should be the village administrator, or the Public Works Committee or the Village Board that is authorized to request additional daily tasks, or the new directors will be getting too many calls on a daily basis and that would not be right. Following discussion on the job descriptions, Hayden asked if the Village Board members are generally in favor of the proposal to create the two new positions. Hayden stated that if favored, the new job descriptions and contracts, union contract ramifications, terms of employment, pay rate and bonus issues all can be worked out at future meetings. The job descriptions and final terms for employment will have to be presented and approved by the Village Board.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to authorize the creation of the new, non-exempt hourly positions of Street Department Director and Utility Department Director as proposed, with the final job descriptions and terms for employment of Ron Adams and Dennis Barr, respectively, to be finalized at a future meeting. The MOTION carried without negative vote.

Shabbona Project Update

Hayden stated that a preconstruction meeting was held with the contractor and the Village engineer and the project is set to commence; however, there are still three issues on the contract that need to

be resolved. Thorpe stated that he received confirmation from the contractor's insurance provider that all three issues will be resolved. The project will be in two phases, with the first phase scheduled to be completed by June 28, 2013, and the second phase to be completed between August 18, 2013 and November 1, 2013.

Tarrant Project Update

Hayden stated that she, Trustee McGreevy, Adams and Barr toured the project area with Terry Tavera from Ruckert-Mielke and they went over the distributed project finalization plan. The trench settlement areas, binder asphalt repairs and in-road structure adjustments are scheduled to be completed prior to Memorial Day. The final surface layer will be completed at the same the first phase of the Shabbona Drive project is being completed during the first week of June.

Equipment Sale Authorization

Adams stated that the bat-wing lawn mower is no longer used by the DPW since the grass cutting duties are contracted out with Blackstone Landscaping, LLC. Adams stated that the mower could be sold for \$6,000 to \$7,000.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the sale of the bat-wing lawn mower, and the MOTION carried without negative vote.

USIC Contract Status

Hayden stated that the new underground utility line locating company will begin handling all the Digger's Hotline requests on May 13, 2013. At the April 17, 2013 organizational meeting, the Village Board approved a one-year contract with USIC to provide the locating services for \$15 each and \$35 for emergency situations, with a 30-day opt out period. The locating duties used to be handled by the DPW crew

New Hire Report

Hayden stated that the new DPW crew member, James Hoover, started that day. The hiring was authorized by the Village Board at the April 17, 2013 organizational meeting.

Big Foot Country Club Update Retention Pond

Hayden stated that the construction of the new storm water retention pond on the Big Foot Country Club property has been completed. Hayden stated that the Village was contacted by Big Foot Country Club and they are satisfied with the new pond and stated it was a job well done.

Abbey Springs Water Main Extension Update

Hayden stated that negotiations for acquiring a site for the new stand pipe are close to a resolution and the project planning will be able to move forward.

Plan Commission – Trustee Spadoni

Update

Spadoni stated that there was no monthly meeting held in April due to a lack of agenda items.

CDA – President Petersen

Update

Petersen stated that there was no monthly meeting held in April due to a lack of agenda items.

F/W WPCC – President Petersen

Update

Petersen stated that the wastewater treatment facility employees had to deal with a lot of water during the recent heavy rains, and the plant handled it well.

Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION at 7:00 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 Performance of the Village administrator, and Compensation for DPW Directors, and the Roll Call votes was as follows:

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – Aye

Trustee McGreevy – Aye

Trustee Pappas – Aye

President Petersen – Aye

The MOTION carried on a 6-0 vote, with Trustee Kenny absent.

Adjournment Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION at 7:49 pm to adjourn the closed session and to reconvene in open session, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 7:49 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: 6/3/2013