

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, November 5, 2012

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

Also Present: Greg Blizard, Jade Bolack, Lynne Frost, Administrator/Treasurer Kelly Hayden, Jon Kemmett, Lynn Ketterhagen, Lisa Laing, Village Clerk Dennis Martin, Wolfgang Nitsch, Building Inspector Ron Nyman, Micki O'Connell, Police Chief Steve Olson, Bob Peryea, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. General Election – **Tuesday, November 6, 2012, 7:00 am to 8:00 pm**
2. CDA Meeting – **Wednesday, November 7, 2012, 6:00 pm**
3. Park Commission Seed Sowing Event – **Saturday, November 10, 2012, 11:45 am**
4. Village of Fontana 2013 Budget Public Hearing – **Monday, November 12, 2012, 6:00 pm**
5. FW/WPCC Board Meeting – **Tuesday, November 13, 2012, 7:30 pm**
6. GLLEA Board Meeting – **Wednesday, November 14, 2012, 10:00 am**
7. Plan Commission Staff Meeting – **Wednesday, November 14, 2012, 1:00 pm**
8. Park Commission Meeting – **Wednesday, November 14, 2012, 6:00 pm**
9. Geneva Lake Environmental Agency Board Meeting – **Thursday, November 15, 2012, 7:00 pm**
10. Public Works Committee Meeting – **Saturday, November 17, 2012, 8:00 am**
11. Protection Committee Meeting – **Monday, November 19, 2012, 5:45 pm**
12. Village Hall & Library Closed for Thanksgiving Holiday – **Thursday and Friday, November 22 and 23, 2012**
13. Plan Commission Monthly Meeting – **Monday, November 26, 2012, 5:30 pm**
14. Library Board Meeting – **Wednesday, November 28, 2012, 10:00 am**
15. Lakefront Committee Meeting – **Wednesday, November 28, 2012, 4:30 pm**

Approval of Village Board Minutes

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the minutes for the meetings held October 1 and 11, 2012, as presented, and the MOTION carried without negative vote.

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

Trustee Kenny/Trustee Spadoni 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

Trustee Spadoni/Trustee McGreevy 2nd 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

2013 Levy Limit Utilize 2012 Balance

Hayden stated that although the Finance Committee and Village Board approved the preliminary 2013 budget for publication and it includes the approximate \$15,000 balance of the unused 2012 levy limit total, the state requires specific authorization from the Village Board.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to authorize the allocation of the approximate \$15,000 unused 2012 levy limit total in the 2013 budget, and the MOTION carried without negative vote.

PT Police Officer Raise for 2012 – Resolution

Hayden stated that one of the part-time police officers has been working for more than two years and he should have been included in the retroactive raise approved last month. The resolution amendment calls for a raise from \$16.50 an hour to \$17 an hour for returning part-time officers. Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve Resolution 11-05-12-01, amending Resolution 10-11-12-01 setting exempt salaried and hourly nonunion personnel rates for the 2012 calendar year, as presented, and the MOTION carried without negative vote.

Holiday Party and Bonus and Craig Workman's Celebration

Hayden stated that funds are in the budget for a holiday party and an employee bonus if approved by the Village Board. Hayden stated that the Village Board members may also want to consider planning a celebration for Public Works Director Craig Workman in conjunction with the holiday party. Hayden stated that she contacted Gordy's Boat House and a party could be scheduled for Friday, December 7, 2012. Hayden stated that staff was seeking direction to determine if the party should be planned and if there will be a budget.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to direct staff to make initial plans for a December 7, 2012 village holiday party and going away celebration for Workman to be held at Gordy's Boat House, with final approval to be considered at the special Village Board budget meeting scheduled for Monday, November 12, 2012. The MOTION carried without negative vote.

Operator's License Application Filed by James Malouf, Abbey Resort

There were no concerns in the required background check.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Operator's License application filed by James Malouf, an employee at the Abbey Resort, and the MOTION carried without negative vote.

Mohr Road Vacation Request – Recommendations from Public Works Committee and Park Commission

Michael O'Halleran submitted an emailed message to the Village on October 15, 2012 that states, "per the agreement to form a subcommittee for Mohr Road landscaping at the recent Park Commission meeting, we will await the outcome of the subcommittee report before consideration of any changes to the road previously requested. Therefore, there is no need to put forward my request for vacating Mohr Road to the Village Board at this time." Wilson stated that the Park Commission approved three motions with regard to Mohr Road, Mohr Road Park, and the landscaping in the area. Wilson stated that the first motion was to recommend that the vacation of the rest of Mohr Road not be approved. Thorpe stated as well as the October 15, 2012 request from O'Halleran to withdraw the road vacation proposal, the initial letter of inquiry from O'Halleran requesting that the Village vacate the remaining portion of Mohr Road is not a formal request for road vacation and it does not need any official action by the Village Board. Wilson stated that the Park Commission members just wanted to make it part of the official record that they do not support the vacation of the rest of Mohr Road. Wilson stated that the second recommendation made by the Park Commission at its monthly meeting was to recommend that the Village begin the process of having Mohr Road Park placed into a conservation easement with the Geneva Lake Conservancy to protect it from development in the future. Wilson then made a motion that was seconded by Pappas to direct staff to begin the process of putting the Mohr Road Park property into a conservation easement. Thorpe stated that a more appropriate and binding method to protect parkland would be to place Deed Restrictions on the parcel, similar to the Deed Restrictions placed on the Fontana Fen property. Thorpe stated that he could draft a simple document for the Village Board to adopt and have recorded that would place permanent Deed Restrictions on the parkland to protect it in perpetuity. Following discussion, Wilson and Pappas amended the motion the floor to authorize staff to draft Deed Restrictions to protect the parkland from development in the future.

Trustee Wilson/Trustee Pappas 2nd made a MOTION to direct staff to draft Deed Restrictions on the Mohr Road Park property to protect the parkland in perpetuity, and the MOTION carried without negative vote.

Wilson stated that the commission's third motion was to establish a subcommittee to work with the O'Halleran family, the residents of the Timber Ridge Association subdivision and the Park Commission and Public Works Committee to draft a new landscaping plan for the area.

Bird City Wisconsin Renewal Application and Resolution Recognizing IMBD

Renewal of the Village's Bird City Wisconsin designation requires the adoption of an annual resolution recognizing International Migratory Bird Day, which again will be held in conjunction with the Arbor Day Celebration on Friday, April 26, 2013 at Fontana Elementary School. There also is a renewal application and a \$100 fee required.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Resolution 11-05-12-02, recognizing International Migratory Bird Day, as presented, and to approve the submission of the annual renewal application, and the MOTION carried without negative vote.

Gage Pier Lease Renewal

Hayden stated that the agenda item was just a reminder that the lease for use of the village pier expires on December 31, 2012 and it will be reviewed and recommended by the Lakefront and Harbor Committee at its next monthly meeting.

Consulting Firm Quote For Hiring Public Work's Director

Hayden stated that as directed at the November 1, 2012 Village Board meeting, staff solicited a proposal from Voorhees Associates, LLC, Deerfield, IL to provide recruitment and selection services for hiring a replacement for Craig Workman, who resigned to take a new job with the City of Burlington. McGreevy stated that he thinks that \$12,000 is a lot of money to allocate for the service, and he wondered if the Village officials even need a firm to help them determine what the Village wants in a qualified candidate. Pappas stated that he agrees with McGreevy, and that Hayden and Workman know what the village needs to replace Workman. Pappas stated that the hiring process and final decision on who to replace Workman could be accomplished a lot faster if a local hiring committee was established. Wilson stated that she also thinks that \$12,000 is a lot to allocate for the consulting services, but there is a considerable amount of work required if the job is going to be completed properly and she likes the idea of hiring a professional firm to come up with the best possible candidates. Spadoni stated that the \$12,000 fee is lot cheaper than private sector companies have to pay for the hiring consultant services. Spadoni stated that it is going to be impossible to replace Workman, but the Village's best chance to find someone who has the same skills set and professional qualities as Workman would be to work with Voorhees Associates. Workman then explained the hiring process he completed with Voorhees prior to being offered the job with the City of Burlington. McGreevy stated that in reviewing the Voorhees proposal, there are some items that could be eliminated and he asked if there is some wriggle room with the proposal. Kenny stated that the consulting contract is a little different from the contracts he has had to deal with in the private sector, but the Village will get what it pays for as far as consulting services.

Trustee Spadoni/Trustee Gage 2nd made a MOTION to direct staff to contact Voorhees Associates, LLC to narrow down the scope and cost of the proposed contract and to report back at the November 12, 2012 meeting of the Village Board. The MOTION carried without negative vote.

Fireman's Ice Party Gone Wild Event – January 26, 2013 on Municipal Beach

Fire Chief Wolfgang Nitsch stated that the department is working with some of the local businesses to plan a fund-raising event, Ice Party Gone Wild 2013, for Saturday, January 26, 2013 beginning at noon on the municipal beach. Nitsch stated that as well as live entertainment and alcohol and food sales, proposed activities include frozen turkey bowling on the ice; kick ball, softball and volleyball tournaments; an ice fishing contest; hot air balloon, helicopter, hovercraft and ice boat rides; a bon fire; bouncy house for children; other assorted children and family games; an emergency equipment display area; raffles; and a silent auction. Nitsch stated that the Fire Department has groups that are willing to sponsor a Temporary Liquor License , but the department will have to use public property to host the event. Nitsch stated that the department was seeking approval from the Village Board to continue to plan the event and the Temporary Liquor License issues will be worked out.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the Fire Department to move forward with planning for the Ice Party Gone Wild Event on January 26, 2013 beginning at Noon at the Fontana Municipal Beach, and the MOTION carried without negative vote.

Park Commission – Trustee Wilson

Park Permit Application Filed by Big Foot High School Cross Country Team, Duck Pond

Recreation Area, Tuesday, September 24, 2013, 4:00 to 7:00 PM

Wilson stated the Park Commission recommended approval of the application for the annual middle school cross country meet that is hosted by the Big Foot High School cross country team coach.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the Park Permit application filed by the Big Foot High School Cross Country Team for the Duck Pond Recreation Area on Tuesday, September 24, 2013, from 4:00 to 7:00 pm, and the MOTION carried without negative vote.

Duck Pond Seed Sowing Event Saturday, November 10th

Wilson stated that Park Commission member Gail Hibbard has planned the annual seed sowing event for the native prairie restoration area at the Duck Pond for Saturday, November 10, 2012 beginning at 12:30 pm at the Village Hall with a hot dog and pizza luncheon.

Protection Committee – President Petersen

Resignation of Committee Member Patrick Kehoe

Patrick Kehoe submitted his resignation from the committee after about one month of service.

President Petersen/Trustee Pappas 2nd made a MOTION to accept the resignation of Patrick Kehoe from the Protection Committee, and the MOTION carried without negative vote.

Appointment of New Member to Replace Patrick Kehoe

President Petersen stated that Phillip Costa, 410 Hillcrest Drive, a retired member of the Northbrook Fire Department, Northbrook, IL, volunteered his services to the Protection Committee.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to appoint Phillip Costa to the open position on the Protection Committee, and the MOTION carried without negative vote.

Recommendation on Liquor License Outdoor Service Ordinance Review

Petersen stated that the Protection Committee recommended the extension of the ordinance authorizing outdoor service of alcohol to next year. The ordinance initially stated that a trial period would run until November 15, 2012. The proposed ordinance amendment states that "Said area(s) will be allowed to serve alcohol in the approved outdoor areas for the liquor license term." The only two establishments to apply and receive approval for outdoor liquor service to date are Gordy's for the front patio area and Chuck's for the front deck.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Ordinance 11-05-12-01, amending Section 6-21 (b) ix regarding outdoor service of alcohol, as presented, and the MOTION carried without negative vote.

Paratech Contract Update

The proposed contract with Paratech ambulance service provider will be presented for further review by the Protection Committee at its next meeting. Hayden stated that last month's authorization of a backup plan for emergency response service led to a request for a written policy and subsequently a contract. The point of contention in the proposed contract is a provision that calls for the ambulance company to charge the Village for a certain number of cancelled calls per month.

Command Vehicle Update for the 3 Departments

Rescue Squad Chief Jon Kemmett stated that the ongoing planning for the new command vehicle has centered on making the vehicle useful for all three emergency departments. Police Chief Steve Olson stated that the current layout for the interior of the vehicle is not really conducive for storing any police equipment, but the vehicle could be used for a gathering place for emergency site meetings. Petersen stated that it sounds like the vehicle needs to be further studied by the Protection Committee.

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

Full Time Versus Part Time Police Department Hire

Spadoni stated that Chief Olson requested that the item be tabled.

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

Call History Report and Graph Presentation

The reports and graphs were distributed for the Police Department and Fire Department calls. Spadoni stated that he also requested that Olson prepare a report of the towing policy incidents as compared to other local municipalities for review by the Protection Committee.

Finance Committee – Trustee Kenny

Announcement of 2013 Village Budget Public Hearing on Monday, November 12, 2012

Kenny stated that the public hearing and budget summary notice has been published and the hearing will commence at 6:00 pm on Monday, November 12, 2012. The next Finance Committee meeting is being scheduled for Monday, November 19, 2012 at 6:00 pm.

Lakefront & Harbor – Trustee Pappas

Water Safety Patrol Lifeguard Contract Renewal Recommendation

Pappas stated that the annual contract calls for a \$200 increase from last year, and the committee recommended approval. Gage asked questions about the lifeguard schedule for the early season. Trustee Pappas/Trustee Kenny 2nd made a MOTION to approve the Water Safety Patrol Lifeguard Contract for the 2013 season as recommended, and the MOTION carried without negative vote.

Report on Lake Level Corporation

Pappas stated that the committee received an update on the situation at its October 31, 2012 meeting because the committee had not met since August 29, 2012. Pappas stated that the committee recommended that the Village allocate up to \$5,000 annually to help the Geneva Lake Level Corporation Board of Directors fight the Wisconsin DNR and its order to leave open the Geneva Lake dam. The resulting drop in the level of Geneva Lake because of the DNR order is causing severe environmental and economic problems which will escalate if the situation is not corrected. Gage stated that the Lake Level Corporation Board of Directors was scheduled to meet later in the month and he will provide an update to the Village Board at its next monthly meeting.

Public Works – Trustee McGreevy

Recommendation for New Public Works Hire

Workman stated that after the initial person hired for the opening did not work out, the committee is now recommending the hiring of Daniel Gonzalez. Workman stated that there were no issues in the required background check. Petersen asked the Village Board members if they should wait to fill the open crew member position until Workman's replacement has been hired. Workman stated that a part-time position could be offered to Gonzalez until the new boss is hired. Spadoni stated that with the uncertainty of when a new Public Works Director will be hired, the Village needs to hire the new crew member to get him trained before winter. A lengthy discussion followed on the DPW union contract and if Gonzalez should be hired on a part-time basis. It was eventually explained that the union contract calls for a 12-month probationary period for newly hired employees, and Gonzalez could be fired without reason or repercussion anytime during the 12-month period. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the probationary hiring of Daniel Gonzalez as a Department of Public Works crew member, per the terms of the union contract, and the MOTION carried without negative vote.

Revised Truck Pricing

Workman stated that item should be taken off the agenda.

Duck Pond Standpipe Update

Workman stated that the painting project has been completed but the contractor is seeking approval of a change order to pay for additional time that was spent on the interior coatings. Workman stated that the contractor is seeking additional funds totaling about \$10,000, but the terms have to be negotiated by the Village engineer before it is presented for Village Board approval.

Tarrant Drive Pay Request #3

Workman stated that the \$189,922 pay request submitted by S&L Underground and Trucking, Inc., Merrimac, was reviewed by the Village engineer and approval is recommended. Workman stated that

the project is on schedule for the majority to be completed up to the binder surface layer by the middle of the next week and the entire binder surface to be completed by Thanksgiving. Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the \$189,922 pay request submitted by S&L Underground and Trucking, Inc., Merrimac, as recommended, and the MOTION carried without negative vote.

VPLE Status

Hayden stated that the Village has been notified that an additional \$3,000 is needed for the DNR to begin the review of the VPLE application for the former dump site at the Duck Pond. Hayden stated that before the Village Board decides if it wants to proceed with the application process, she could check with DNR Hydrogeologist Jeff Ackerman and inquire how much more funds will be required to complete the process.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to direct staff to proceed with the VPLE application process contingent on reviewing the estimated additional costs with Wisconsin DNR Hydrogeologist Jeff Ackerman. The MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Update on Stedronsky CSM Application

The applicant and his attorney received the following staff report on October 31, 2012: “On September 4, 2012 at the monthly meeting of the Village of Fontana Plan Commission it was noted that a portion of the above stated parcel was located in an environmental corridor (PEC). Because the delineation of the PEC needed to be completed by the Southeastern Wisconsin Regional Plan Commission (SEWRPC) and that a proposed restrictive covenant was to be submitted and reviewed, the approval of the proposed CSM was tabled. At the professional staff meeting held September 12, 2012, which was also attended by John Maier, attorney for Mr. Stedronsky, the proposed CSM was further discussed. It was determined by staff that the proposed Lot 2 would not meet the zoning requirements of the Lakefront Residential (LR-o) District for minimum lot area. The minimum lot size required in the LR-o is 40,000 square feet and the proposed lot area is 11,870 square feet. It was suggested to Attorney Maier that he discuss with his client this issue and that perhaps he should not pursue a division of his property. If the goal of the applicant is to have another home on his property he may wish to consider adding an ‘Accessory Dwelling Unit,’ which may be approved in the LR-o District with a Conditional Use Permit.”

GLEA Board – Trustee Kenny

2013 Budget

Kenny stated that the Geneva Lake Environmental Agency Board of Directors recommended approval of an annual budget that is the same as last year.

Trustee Kenny/Trustee Spadoni 2nd made a MOTION to approve the 2013 GLEA Budget as recommended, and the MOTION carried without negative vote.

GLLEA Board – President Petersen

IGA Recommendation

Petersen stated that the Board of Directors incorporated the changes recommended after the review of the updated IGA by the Village attorney’s office, and approval is recommended. In response to a question about the boat patrol officers, Olson stated that for the Village of Fontana, the GLLEA Board has to approve the officers, as well as the Fontana Police and Fire Commission. Gage stated that he has received complaints about the boat patrol officers being too strict and quick to write citations for minor boating violations, and they should be directed to take a more friendly and educational approach. Petersen stated that he will present the concerns to the GLLEA Board.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve the rewritten Intergovernmental Agreement to allow the Geneva Lake Law Enforcement Agency to employ certified police officers by the City of Lake Geneva, the Village of Fontana on Geneva lake, the Village of Williams Bay and the Town of Linn, as presented, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Update on Phosphorus Removal

Petersen stated that the board has been reviewing the new state standards and more information will be presented at an upcoming meeting.

Adjournment

Trustee McGreevy/Trustee Kenny 2nd made a MOTION to adjourn the Village Board meeting at 6:59 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: 12/3/2012