

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, December 3, 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: Cindy Wilson, George Spadoni, Bill Gage, President Arvid Petersen, Tom McGreevy, Pat Kenny, Rick Pappas

Also Present: Jade Bolack, Sheree Carlson, Administrator/Treasurer Kelly Hayden, Merilee Holst, Ted Johnson, Mark Kennedy, Lynn Ketterhagen, Library Director Nancy Krei, Larry Larkin, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Mark Morien, Building Inspector Ron Nyman, Gerald Pepping, Mike Riedel, David Smith, Village Attorney Dale Thorpe, Tom Howell Public Works Director Craig Workman

Visitors Heard

Attorney Ted Johnson stated that he is representing Gerald Pepping with regard to a Lakefront and Harbor Committee directive to the village administrator to notify Pepping that he has been removed from the Village Mooring Waiting List for a pier slip space. At the monthly meeting of the lakefront committee held November 28, 2012 the committee was advised that Pepping and Mark Kennedy both used the same village parcel located at 182 St. Andrews Court with regard to Pepping's position on the waiting list and Kennedy's renewal of a pier slip lease agreement, which is contrary to the Village Board approved policy and ordinance. The committee directed the administrator to contact Pepping and notify him that Kennedy's use of the parcel to authorize his 2012 pier slip lease agreement nullified Pepping's standing on the waiting list because there is only one village mooring space allowed per parcel. Kennedy, who purchased a percentage of the 182 St. Andrews Court parcel in spring 2012, has since purchased another property in the village and has transferred his pier slip lease agreement to that address. Johnson stated that he is concerned that the committee approved a motion concerning the directive to the Village administrator under a non-specific agenda item that stated, "Village Mooring Waiting List." Johnson stated the Pepping should have been notified in advance of the committee meeting that Kennedy's use of the same address in spring 2012 was going to be discussed. Johnson stated that the Village does not have rules that state the committee has authority over the waiting list or that state co-owners of a property can't be on the waiting list. Johnson stated that Pepping has been on the list for 12 years and he should not be removed. Johnson requested that the Village Board approve a motion to table the matter, although there was not an agenda item for the meeting. Petersen responded that the administrator will postpone writing the letter to Pepping to notify him of the waiting list removal until after the Lakefront and Harbor Committee can again discuss at its next monthly meeting on Wednesday, January 23, 2013 the Village Board approved mooring lease agreement regulations and the waiting list policy, and the related issue of Kennedy's and Pepping's use of the same property address in spring 2012.

Announcements

1. Village Holiday Party at Gordy's – **Friday, December 7, 2012, 6:00 pm**
2. FW/WPCC Board Meeting – **Tuesday, December 11, 2012, 7:30 pm**
3. GLLEA Board Meeting – **Wednesday, December 12, 2012, 10:00 am**
4. CDA Meeting – **Wednesday, December 12, 2012, 6:00 pm**
5. Geneva Lake Environmental Agency Board Meeting – **Thursday, December 13, 2012, 7:00 pm**
6. Local Business Committee Meeting – **Tuesday, December 18, 2012, 5:00 pm**
7. Plan Commission Staff Meeting – **Wednesday, December 19, 2012, 1:00 pm**
8. Park Commission Meeting – **Wednesday, December 19, 2012, 6:00 pm**
9. Last Day for Incumbents to File Noncandidacy Notification – **Friday, December 21, 2012, 5:00 pm**
10. Quarterly Newsletter Article Deadline – **Friday, December 21, 2012, 4:00 pm**
11. Village Hall & Library Closed for Holidays – **Mondays and Tuesdays, December 24, 25 and 31, 2012, & January 1, 2013**
12. Plan Commission Monthly Meeting – **Thursday, December 27, 2012, 5:00 pm**

Approval of Village Board Minutes

Trustee Spadoni/Trustee Gage 2nd made a MOTION to approve the minutes for the meetings held October 19, 2012, and November 1, 5 and 12, 2012, as presented, and the MOTION carried without negative vote.

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

Trustee Kenny/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

Trustee Spadoni/President Petersen 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

Operator's License Application Filed by Laura A. Barkes-Nielsen, Park Place

The background check was not yet completed on the application that was filed November 30, 2012. Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Operator's License application filed by Laura Barkes-Nielsen, an employee at Park Place, with the condition that there are no concerns in the background check. The MOTION carried without negative vote.

Frog Makeover Recognition

Hayden stated that local contractor Stan Fairchild coordinated the efforts of some other local subcontractors to refurbish and paint the frog at the former miniature golf course on the Bob Hutchinson property at 543 Valley View Drive and they should be commended for their efforts. Hayden stated that Hutchinson worked with the local contractors and the improvements look great. Trustee Wilson/Trustee McGreevy 2nd made a MOTION to direct staff to send letters of commendation to Bob Hutchinson and Stan Fairchild for making the frog improvements, and the MOTION carried without negative vote.

DPW Director Schedule, Advertisement and Job Description

Mark Morien of Voorhees Associates, LLC was present to answer questions on the proposed recruitment schedule, the advertisement and the job description for the new director of public works to be hired to replace Craig Workman. Workman's last day with the Village of Fontana is Friday, December 7, 2012. Wilson asked to be involved with the interviewing process so that she can evaluate the applicants with regard to the Park Commission related duties that Workman used to handle. Pappas stated that he had some concern with the starting salary of \$65,000 in the job advertisement and maybe it should be a lower figure. Petersen stated that the advertisement states the starting salary is plus or minus \$65,000 depending on qualifications and experience.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the recruitment schedule, the advertisement and the job description for the new director of public works as presented, and the MOTION carried without negative vote.

Preauthorization for 2012 Expenses

Hayden stated that the Village Board preauthorizes the payment of budgeted invoices in December so that the checks can be issued prior to the end of the year. The Village Board will receive a report of the prepaid bills at the next monthly meeting.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to preauthorize the payment of 2012 budgeted expense invoices, and the MOTION carried without negative vote.

Tax Collection 2012/2013

Hayden stated that because of the holiday schedule, the only Saturday morning that Village Hall will have to be open for tax collection this month is December 29, 2012. The Village Hall also will be open from 10:00 am to noon on the four Saturdays in January 2013.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct staff to have Village Hall open for customer service on Saturdays, December 29, 2012, and January 5, 12, 19 and 26, 2013, from 10:00 am to noon. The MOTION carried without negative vote.

2013 Payroll Resolution Fire Officers

Hayden stated that the annual payroll resolution for exempt salaried and hourly nonunion personnel has the same wages as approved by the Village Board on November 5, 2012 with the exception that the increased wages that were approved for the Fire Department officers have been incorporated into the resolution. Hayden stated that it was up to the Village Board to determine if any other raises will be approved for 2013. The 2013 wage for the Director of Public Works was left blank until a new director is hired to replace Workman.

Trustee Gage/Trustee McGreevy 2nd made a MOTION to approve Resolution 12-03-12-02, amending Resolution 11-05-12-01 setting exempt salaried and hourly nonunion personnel rates for the 2013 calendar year, as presented, and the MOTION carried without negative vote.

Walworth County Emergency Government Natural Hazards Mitigation Plan

Hayden stated that the Walworth County Sheriff's Department Office of Emergency Management is requesting the Village to participate with the preparation of a five-year update to the Walworth County Natural Hazards Mitigation Plan. As well as endorsing the Village to participate in the planning, Hayden stated that the board also has to appoint a liaison to replace Workman. Hayden stated that more than one person can be appointed for the village, and Petersen nominated himself, Hayden, Police Chief Steve Olson and Trustee Wilson, who expressed an interest in the plan.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to endorse the Village of Fontana to participate in the five-year update of the Walworth County Natural Hazards Mitigation Plan, and to approve the appointment of President Petersen, Administrator/Treasurer Hayden, Chief Olson and Trustee Wilson as the Village of Fontana representatives for the planning meetings. The MOTION carried without negative vote.

Finance Committee – Trustee Kenny

2013 Utility Budget

Hayden stated that the Finance Committee recommended approval of the 2013 Utility Budget at its last monthly meeting. Hayden stated that the proposed capital projects are listed on pages 2 and 4.

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

2012-2013 Budget/Tax Comparison Report

Hayden stated that since the state reports were late this year, the 2012-2013 tax rate comparisons were not distributed at the annual budget hearing. Hayden stated that the comparison spreadsheet has been completed and distributed with the meeting packets for informational purposes.

Park Commission – Trustee Wilson

Fontana Fen Management Plan Draft – Geneva Lake Conservancy

Wilson stated following the recent inquiry and review of the Fontana Fen permanent deed restrictions that require the property to remain parkland in perpetuity, the Geneva Lake Conservancy Land Specialist Lynn Ketterhagen offered to draft a management plan document. Wilson stated that the document is just a “belt and suspenders” exercise as the Park Commission already has been following the management plan guidelines with the Fen and there are no proposed changes.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the Fontana Fen Management Plan drafted by the Geneva Lake Conservancy, as recommended, and the MOTION carried without negative vote.

Park Permit Application Filed by Andrea Downes, Reid Park Gazebo, June 8, 2013

There are no conflicts with the requested date and the Park Commission recommended approval.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Park Permit application filed by Andrea Downes, Des Plaines, IL, for the Reid Park Gazebo on Saturday, June 8, 2013, from 1:00 to 5:00 pm, as recommended, and the MOTION carried without negative vote.

Protection Committee – President Petersen

Full Time Versus Part Time Police Department Hire – Tabled 11/5/12

Spadoni stated that the item should be tabled until the Protection Committee has made a

recommendation.

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

Command Vehicle Update for the Three Departments – Tabled 11/5/12

Spadoni stated that the item should be tabled until the Protection Committee has made a recommendation.

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

Paratech Ambulance Service Contract Recommendation

Hayden stated that at the last committee monthly meeting, a proposed contract with Paratech Ambulance Service was discussed, and in particular, a provision that called for the Village to pay a fee to Paratech when a rescue call is cancelled. Hayden stated that on about half the calls for Paratech, they are canceled because the Fontana Rescue Squad is able to respond. Hayden stated that she proposed coming up with a time parameter in the contract that sets a deadline for the Village to cancel a rescue call to Paratech, and if that time has passed, Paratech cannot be cancelled. Hayden stated that further information will be presented at the next meeting of the Protection Committee.

Lakefront & Harbor – Trustee Pappas

Gage Marine Lease Renewal Recommendation

Pappas stated that the Lakefront and Harbor Committee approved a motion to recommend approval of the Finance Committee recommendation to increase the pier lease rent by 4 percent each year of a two-year contract renewal. Pappas stated that the lakefront committee also recommended that the lease area be changed to the first 60 feet on the north and south sides of the pier. Hayden stated that after the committee meeting there was a concern she received that the village could be giving up both sides of the pier at the deep end, and the lower Geneva Lake water level may eliminate some parking spaces for other boaters. Pappas stated that the pier location still allows for parking spaces for boaters after the first 60 feet on both sides of the pier and it should not be a concern.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to approve the two-year Gage Marine pier lease renewal as recommended, with 4 percent rent increases in 2013 and 2014 and with the lease area changed to the first 60 feet on the north and south sides of the pier. The MOTION carried on a 5-0 vote, with Trustee Gage and President Petersen abstaining.

Geneva Lake Level Corporation Joint Resolution on DNR Created Watershed Crisis

Larry Larkin of the Geneva Lake Level Corporation Board of Directors presented an update on the Geneva Lake water level crisis created by the Wisconsin DNR and its order to leave open the lake dam in the City of Lake Geneva. Larkin stated that the lake currently is 12-inches below the minimum optimum level, and the DNR has not responded to the Lake Level Corporation's proposal to release about half the volume of water that the DNR previously directed. Larkin stated that the only point of contention with the DNR is the condition of the White River from Center Street to the Burger King Restaurant property on Wells Street. On the other side of Main Street in Lake Geneva there is sufficient water seeping into the White River and the water being released over the dam has no impact. Larkin stated that the corporation is just trying to reach a middle ground with the DNR by providing enough water when the lake level is high enough, but conserving it for the benefit of the lake when the supply is low. Larkin asked the Village Board members to consider adopting a resolution that will be presented to the other lake municipalities for consideration to demonstrate that the concern is broad and the local officials and residents are united on the lake level crisis. At its November 28, 2012 monthly meeting, the lakefront committee approved a motion to recommend that the Village Board continue to financially support the Level Corporation with its battle against the DNR, and that it adopt a joint resolution to be presented for consideration to all the lake municipalities that calls attention to and outlines with accurate facts, documents and reports the disastrous effects of the misguided Wisconsin DNR directive that the Level Corporation leave open the Geneva Lake dam gates, which is contrary to a 2002 agreement between the Wisconsin DNR and the Level Corporation Board of Directors.

Trustee Gage/Trustee Kenny 2nd made a MOTION to approve Resolution 12-03-12-01 as presented, and the MOTION carried without negative vote.

Resolution and Ordinance Amendment to Section 74-51 for Trailer/Vehicle Parking on Beach During Winter

Pappas stated that the committee recommended approval of the resolution and ordinance amendment to authorize parking on the beach for winter sport participants for the day only, with overnight parking not allowed unless authorization for a special event is granted by the Village administrator or police chief.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to approve Resolution 12-03-12-03, authorizing winter parking on the beach with conditions for the ice boaters, as presented, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to approve Ordinance 12-03-12-01, amending Chapter 74-52 regarding vehicles in the park, as presented, and the MOTION carried without negative vote.

Ordinance & Mooring Lease Contract Amendment Recommendation for Section 54-49 Fueling Regulations

Pappas stated that the committee agenda item was initiated as a general safety concern regarding refueling boats while they are tied up or parked at village owned piers. Pappas stated that the committee members reached a consensus that the village owned piers are all open for public use and it is not safe for any type of refueling when there are unaware people in the area. Following the lengthy discussion at the November 28, 2012 monthly meeting, the committee approved a motion to recommend that the Village Board prohibit watercraft refueling by any method on the Village owned piers and moorings, and that the Village attorney be directed to draft an appropriate amendment to Section 54-49 of the Municipal Code and/or to the Village mooring lease agreement to prohibit the refueling. Pappas stated that proposed ordinance amendment language to Section 54-49 was in the meeting packets. David Smith stated that he is a partner of the business Dockside Fuel, which refuels boats on Geneva Lake from a barge. Smith stated that the gas tank on the barge is stainless steel and the boats that are refueled are tied up to docks, so the refueling operation is very safe. Mike Riedel stated that the Dockside Fuel business would like the Village Board to consider tabling the proposed ordinance amendment until the business owners can address the safety concerns. Riedel stated that an independent study could be conducted to demonstrate the unique boat refueling business provides a safe and valuable service. Petersen stated that the current Municipal Code has prohibited refueling of watercraft moored on the Village owned piers since July 2010. Petersen asked if the Dockside Fuel business owners were requesting the Village Board to rescind the entire fueling regulations section. Section 54-49 states, "No person shall fuel watercraft with gasoline by pouring gasoline from a portable can or container into the watercraft's fuel tank while being located at the village-owned lakefront or at any municipally owned pier in the village. Watercraft with on-board gasoline fuel tanks must be removed from the water for fueling or be fueled at a commercial gasoline facility. No person shall store, or leave unattended, portable gasoline cans or gasoline containers on village-owned piers or village-owned property. This section is adopted pursuant to the police power of the village and is designed to prevent hazardous and dangerous conditions that are created by persons fueling their watercraft with hand-held gasoline cans, thus exposing themselves to the presence of gasoline fumes and the potential for the pollution of Geneva Lake by the spillage of gasoline into the lake." The proposed amendment would delete, "with gasoline by pouring gasoline from a portable can or container into the watercraft's fuel tank" from the first sentence, and "that are created by persons fueling their watercraft with hand-held gasoline cans, thus exposing themselves to the presence of gasoline fumes" from the last sentence. Thorpe stated that the request from the business owners of Dockside Fuel is to table the item and to allow them to come back and make a case for rescinding the fueling regulations for gas barge businesses.

Trustee Pappas/Trustee Spadoni 2nd made a MOTION to table the item until the February 4, 2013 Village Board meeting, and to direct the owners of the Dockside Fuel business to again present their concerns to the Lakefront and Harbor Committee at its next monthly meeting. The MOTION carried without negative vote.

Public Works – Trustee McGreevy

Duck Pond Standpipe Painting Project Change Order

Workman stated that after some proposals went back and forth, the negotiations between the Village

and L.C. United Painting, Inc., the contractors for the Duck Pond standpipe painting project, resulted in a recommended total change order of \$12,000 to cover the additional work required to remove the interior coating of paint, which was much thicker than anticipated. Workman stated that the change order was anticipated during the project when it was realized the initial interior coating would require a lot more work to remove before the new coating could be applied.

Trustee Kenny/Trustee Pappas 2nd made a MOTION to approve the change order for an additional \$12,000 to be paid to L.C. United Painting, Inc., for the Duck pond Standpipe Painting Contract, as recommended, and the MOTION carried without negative vote.

Tarrant Drive/Shabbona Storm Sewer Project Pay Request

Workman stated that the \$412,793 Pay Request No. 4 submitted by S&L Underground and Trucking, Inc., Merrimac, for the Tarrant Drive/Shabbona Storm Sewer Contract takes into account Change Order No. 2, which calls for a \$21,742 increase in the contract. Workman stated that the village engineer reviewed the change order and the pay request and approval is recommended.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Change Order No. 2 calling for a \$21,742 increase in the Tarrant Drive/Shabbona Storm Sewer Contract, as recommended, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the \$412,793 Pay Request No. 4 submitted by S&L Underground and Trucking, Inc., Merrimac, for the Tarrant Drive/Shabbona Storm Sewer Contract, as recommended, and the MOTION carried without negative vote.

Big Foot Country Club Back 40 Pond

Workman stated that as part of the recent settlement agreement with the Big Foot Country Club, the village agreed to fund storm water management work for a new detention pond on the “Back 40” parcel. Workman stated that S&L Underground & Trucking quote of \$38,000 to complete the work with the Tarrant and Shabbona reconstruction project was reviewed by the Village engineer and the proposal is fair. Workman stated that the project could be put out for additional bids; however, because S&L is already working in the village, any other bids would likely be more expensive.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to approve the \$38,000 change order submitted by S&L Underground & Trucking for the Big Foot Country Club storm water detention pond construction, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Announce December 27, 2012 Abbey Resort Renovation Plan CUP Public Hearing

Spadoni stated that the hearing has been scheduled for Thursday, December 27, 2012 beginning at 5:00 pm to consider the use of vinyl siding and the replacement of signs for an exterior renovation project at the Abbey Resort.

GLEA Board – Trustee Kenny

Request for Report on Lake Level & Impact on Watershed

Hayden stated that the Lakefront and Harbor Committee discussed at its last monthly meeting the ongoing negotiations with the DNR, which has directed that the Geneva Lake dam stay open and has caused the subsequent lowering of the lake level since last summer. The committee approved a motion to recommend that the Village Board direct Geneva Lake Environmental Agency Director Ted Peters to write a report for submission to the DNR and the state legislature that outlines the devastating effects that the ongoing draining of the lake is creating for the entire Geneva Lake watershed and ecosystem.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to direct Geneva Lake Environmental Agency Director Ted Peters to write a report for submission to the Wisconsin Department of Natural Resources and the state legislature that outlines the devastating effects that the ongoing draining of Geneva Lake is creating for the entire Geneva Lake watershed and ecosystem, as recommended, and the MOTION carried without negative vote.

GLLEA Board – President Petersen

Update

Petersen stated that the Board has not met recently.

F/W WPCC – President Petersen

Update

Petersen stated that the operations are going well at the plant and the annual holiday luncheon is scheduled for December 7, 2012.

CDA – President Petersen

Signage for 138 Fontana Boulevard Site

Hayden stated that the CDA directed staff to purchase a double-sided, 4-by-4-foot sign stating “Develop This Site” and “Contact the Village of Fontana, 262-275-6139,” with a map graphic of the 138 Fontana Boulevard site that features the total lot dimension calculations

Increment Report for 2013

Hayden stated that the 2013 TID increment income worked out to be an increase of \$70,000 from last year, which is promising news for the general fund and the TID debt service situation.

Duck Pond Development Land Survey

Hayden stated that Gary Wapinski and Trustee Tom McGreevy presented at the last CDA meeting a preliminary concept for a senior housing development on the CDA’s Duck Pond site. Hayden stated that the buildable development site has been split off from the rest of the parcel that used to be dump site on a survey prepared by Ruekert-Mielke to facilitate the planning process.

Local Business Committee – Trustee Spadoni

Update

Spadoni stated that the committee met and began initial planning for some events to promote the local businesses, including a Christmas tree lighting event in November 2013 and a marketing promotion in March 2013. Spadoni stated that the committee also is planning other marketing events to coincide with the upcoming Easter Egg Hunt at the Duck Pond and the Lake Geneva Winterfest and snow sculpting competition.

Adjournment

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 6:51 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: 1/7/2013