

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Tuesday, March 7, 2006

President Whowell called the meeting of the Village Board to order at 6:18 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Turner, O'Connell, Bromfield, President Whowell, Petersen, Larson, Pollitt

Also present: Cheryl Bartz, Village Administrator Kelly Hayden-Staggs, Mike Heckel, Library Director Nancy Krei, Lou Loenneke, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Lynne Novak, Police Chief Steve Olson, Arlene Patek, Treasurer Peg Pollitt, Don Roberts, Rick Rosenow, Bob Sandy, Paul Sloth, Village Attorney Dale Thorpe, Public Works Director Craig Workman, Patricia Yeager

Visitors Heard

President Whowell presented a Certificate of Recognition to Lake Geneva Fishing Club member Mike Heckel, who set an Inland State Record for the Rainbow Trout he landed in Fontana Waters. Heckel told his fish story to the audience and also was presented with a gift certificate from anonymous residents of the Village of Fontana and a stuffed fish from Trustee Pollitt. Heckel broke the Inland State Record by more than 2 pounds with the 7.65-pound, 25-inch Rainbow Trout that he caught while fishing from the shore at 10am on January 29, 2006.

Announcements

Hayden-Staggs announced that the monthly meeting of the CDA will be held Wednesday, March 8, 2006, at 6:00 pm; the Fontana Public Library Toddler Time program will be held Thursdays, March 9, 16 and 23, 2006, at 10:30 am; the Spring 2006 Newsletter article deadline is Monday, March 13, 2006; the Geneva Lake West Chamber of Commerce will sponsor a Candidate Forum on Thursday, March 23, 2006 at 7:00 pm at the Abbey Resort; the monthly Plan Commission meeting will include a joint session with the Joint ETZ Committee on Tuesday, March 28, 2006, at 5:30 pm; the Public Test for the Accu-Vote Optical Scan Device will be held Wednesday, March 29, 2006 at 2:00 pm; the next regular Village Board meeting will be held Monday, April 3, 2006 at 6:00 pm; the Spring Election on Tuesday, April 4, 2006, will feature a Referendum on the Main Lift Station and polls will be open from 9:00 am to 8:00 pm.

Approval of Minutes

Petersen/Bromfield 2nd made a MOTION to approve the minutes for meetings held February 7, 2006 and February 23, 2006, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/Pollitt 2nd made a MOTION to accept the Treasurer's Report for January 2006 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Bromfield/O'Connell 2nd made a MOTION to approve the payables as presented, and the MOTION carried without negative vote.

Public Works - Trustee Petersen

Grease Trap Ordinance Approval – Creation of Section 78-227

Workman stated that McCarthy drafted the proposed ordinance by using the Village of Walworth ordinance, and they tweaked it a little to bring it to its present form. Once the ordinance is finalized, it will be sent to the owners of restaurants and institutional buildings with kitchen facilities.

Petersen/O'Connell 2nd made a MOTION to approve Ordinance 03-07-06-01 as presented, and the MOTION carried without negative vote.

Reid Park Pavilion Contract Approval

Workman stated that the bids for the project came in above the engineer's estimate for the project. The low bid of \$430,000 was submitted by Magill Construction. The estimate provided by Strand Associates, Inc. totaled \$333,500 with a 15 percent contingency. Workman stated there are areas of the contract that could be negotiated in an effort to reduce the total amount. Trustee Pollitt stated that the bids were too expensive for a "restroom with an overhang." Pollitt stated that the Village should consider renovating the current bathrooms and explore other options. Pollitt also asked if TIF funding would be used to finance the project. McHugh stated that the matter was scheduled to be acted on by the CDA Board at its meeting March 8, 2006. Larson stated that the plan calls for more than a restroom and storage facility; it also will provide a shelter in Reid Park. Larson stated that it has been a goal of the Park Commission to have shelters developed in the village parks; however, the bids for the Reid Park restroom/pavilion came in significantly greater than the engineer's estimate. Petersen stated that the CDA has worked long and hard on the plan, and if developed as initially planned and approved, the Reid Park restroom/pavilion will be a world-class facility. Petersen stated that it was not a good idea to go back into the planning stages at this time, especially considering the park currently is dug up for other projects. Turner stated that he also feels the planning process is awfully far down the road to look at alternatives at this time. Turner stated that the building will serve as a restroom, a pavilion, a shelter and a shielding and storage facility for the new main lift pumping station. Turner suggested that the Village Board consider approving a motion to authorize Workman to negotiate with the low bidder to reduce the total cost of the project down closer to the engineer's estimate. Turner stated that Workman could negotiate with Magill and the contract could be brought back to the Board for approval. Turner stated that since TIF funds were being used on the project, the bids also would be reviewed by the CDA Board at its March 8, 2006 meeting. Turner then made a motion to authorize Workman to negotiate a reduced project contract with the low bidder and have the contract brought back to the Village Board for consideration at a future meeting, and the motion was seconded by O'Connell. President Howell stated that one of the money savings possibilities is contingent on coordinating the current construction projects in Reid Park, and one month's delay in approving the contract will hinder the efforts to finish all the projects and restore Reid Park by the end of June. Following discussion, Turner and O'Connell withdrew their initial motion.

Turner/O'Connell 2nd made a MOTION to authorize the finalization of a contract not to exceed \$400,000 with Magill Construction , with the condition that TIF funding is approved by the CDA Board. The MOTION carried on a 6-1 vote, with Trustee Pollitt opposed.

Highway 67 Update

Workman stated that the Highway 67 construction plans are complete and the project has been advertised for a public bid opening on March 14, 2006 in Madison. Construction on the project is anticipated to begin May 1, 2006. The first phase of the project will include closure of the highway from Fontana Boulevard to Wild Duck Road from early May until late June. The highway will be opened until the end of August, and then it will be closed from Fontana Boulevard to Dewey Avenue until the contract completion date in mid-November.

Fontana Boulevard Update

Workman stated that although Mann Brothers, the general contractor on the Fontana Boulevard project, had not been working on the project since late December, they are still on schedule after resuming work in late February. Workman stated that to date, all of the underground work between the lake and Douglas Street has been completed, including the sanitary sewer force main, water main and storm sewer. In addition, the gravity sewer between Highway 67 and Douglas Street has been completed. Remaining project elements include the storm sewer from Highway 67 to Douglas, the connections at Douglas and Fontana Boulevard, and the installation of the 72-inch and 24-inch gravity sewer mains. Workman stated that Mann Brothers ran into a problem during construction with the location of the existing sanitary sewer force main. Different piping will be necessary to run the new line under the sanitary sewer line. The new piping is not part of the initially approved contract, so a change order totaling \$14,600 was required.

Petersen/Pollitt 2nd made a MOTION to approve the Change Order with Mann Brothers, Inc., totaling \$14,600, subject to further negotiations by Workman on the responsibility of the change order expense, and the MOTION carried without negative vote.

Main Lift Station Update

Workman stated that work on the new Main Lift Pumping Station in Reid Park resumed in late February. Workman stated that to date the sheet piling has been installed and excavation activities and the installation of dewater wells have commenced. Workman stated that a second referendum question will be in front of voters regarding the main lift station on the April 4, 2006 ballot. The referendum is necessary to increase the \$2.6 million spending limit, which was approved in the September 2004 referendum. Workman stated that project costs have increased as a result of the delays that were incurred due to the restraining order, litigation and settlement with Robert Sandy and "FROG," and the addition of some necessary equipment and controls.

Abbey Harbor Bridge Update

Workman stated that at the January committee meeting the Public Works Committee decided to move forward with the flowable-fill project on the Abbey Harbor bridge. Workman stated that he has been in contact with Bollinger and Lach, who will be preparing a set of specs and cost estimates for the slurry project.

1022 Tarrant Drive Sewer Backup

Workman stated that the village was informed of a sewer backup at the residence of Joe Bidwill, 1022 Tarrant Drive, on Saturday, February 11, 2006. Workman stated that upon investigation, it was determined that the backup was a result of a failure at the Addition K Lift Station. A sewer back-up claim was filed with the Village's insurance provider, Midwest Claims, and it has been indicated they will be covering the homeowner's out-of-pocket expenses. Workman stated that the necessary maintenance completed on the lift station after the incident should prevent any reoccurrence.

General Business/Administrator's Report – President Howell/Administrator Hayden-Staggs

Non-Union Contracts Renewal (Tabled February 7, 2006)

Hayden-Staggs stated that she and Trustee Pollitt added proposed language to the contracts that reflects the Village Board's direction to have the employees pay a portion of their monthly health insurance premium. The proposed additional language in the contracts for Village Clerk Dennis Martin, Police Department Administrative Assistant Gail Nichols, Deputy Clerk/Treasurer Julie Olson, Treasurer Peg Pollitt, Library Director Nancy Krei, Assistant Library Director Jodie Porep, Police Lieutenant Brad Buchholz, Administrator Kelly Hayden-Staggs, Police Chief Steve Olson and Public Works Director Craig Workman states: "The Employee shall be responsible to contribute 5% of the monthly premium for the Village health insurance program (lowest qualified plan) commencing April 1, 2006, 10% of the monthly health insurance premium effective January 1, 2007 and 15% of said monthly premium effective January 1, 2008. The Village shall provide 100% of the premiums for dental and vision insurance. The policy shall consist of the current Village plan, as may be amended by the Village Board from time to time, for non-represented administrative employees." The insurance provisions already are part of the village's other two non-union employees, Building Inspector/Zoning Administrator Ron Nyman and Assistant Zoning Administrator Bridget McCarthy. Other proposed language changes include the extension of the contract terms through December 31, 2008 for Martin, Nichols, Julie Olson and Peg Pollitt. Also, the contract of Julie Olson was amended to state that the hours of work will include rotating Saturdays with an alternative half-day off versus the current language of every Saturday with alternative afternoon off. In response to a question from Bromfield, Hayden-Staggs stated that Saturday morning office hours are being handled on a rotating basis between Julie Olson, Martin and Peg Pollitt. Also, the contract of Peg Pollitt was amended to insert "Treasurer" where it currently states "Financial Assistant."

Turner/O'Connell 2nd made a MOTION to approve the Non-Union Contract amendments and extensions as presented, and the MOTION carried without negative vote. Trustee Pollitt abstained.

Municipal Code Amendment to Correct Section 42-7 (a)

Hayden-Staggs stated that the amendment is necessary to make a correction to the “open intoxicants in public places prohibited” section of the municipal code. Section 42-7 (a) incorrectly cites Chapter 18 as containing the section for alcoholic beverage service provisions. The correct section that delineates the alcoholic service provisions is Chapter 6.

Turner/Bromfield 2nd made a MOTION to approve Ordinance 03-07-06-02 as presented, and the MOTION carried without negative vote.

Municipal Code Amendment to Chapter 22 – Fontana Emergency Management

Hayden-Staggs stated that the amendment to Chapter 22 was never officially adopted by the Village Board. The amendment was initiated in 1999 to change the chapter from “Civil Emergencies” to “Fontana Emergency Management.” Although the amended chapter previously has been reviewed, endorsed and implemented by the Fontana emergency services departments, the ordinance was not prepared for Village Board consideration or officially adopted.

Turner/Bromfield 2nd made a MOTION to approve Ordinance 03-07-06-03 as presented, and the MOTION carried without negative vote.

Pheasant Ridge Parcel Annexation Ordinance Approval

Hayden-Staggs stated that the ordinance finalizes the annexation of the 0.6-acre parcel located on the northwest corner of the intersection of Indian Hills Road and County Highway B. The Village and the Pheasant Ridge Subdivision property owners purchased the former Visner lot in order to prevent any potential development proposal. The lot will remain vacant, with the exception of street signs and a Village of Fontana sign.

O’Connell/Larson 2nd made a MOTION to approve Ordinance 03-07-06-04 as presented, and the MOTION carried without negative vote.

Approve Extension of Resolution Establishing Moratorium on Issuance of Conditional Use Permits Pursuant to Sec. 18-151 (c)(2.) of the Village of Fontana Municipal Code

Hayden-Staggs stated that although a public hearing will be held before the Plan Commission on Tuesday, March 28, 2006 to consider amendments to Sec. 18.151 (c)(2.), the moratorium established September 12, 2005 expired and has to be reinstated. The proposed Resolution calls for extending the moratorium an additional 90 days or until such time as the Village Board has adopted a revision to Sec. 18-151 (c)(2.) of the Municipal Code.

O’Connell/Larson 2nd made a MOTION to approve Resolution 03-07-06-01 as presented, and the MOTION carried without negative vote.

Plan Commission – President Whowell

Approval of Preliminary Plat for Bear Trap Ridge Subdivision

Thorpe stated that the Plan Commission reviewed the submitted preliminary plat and percolation tests on the five proposed lots and recommended Village Board approval with conditions. The final plat also will have to be approved.

Turner/Bromfield 2nd made a MOTION to approve the preliminary plat as presented, with the conditions that prior to the consideration of Final Plat approval, the proposed Covenants and Association Documentation must be submitted for review and approval, that Outlot 1 shall remain a non-buildable lot and shall be so noted on the face of the CSM, that Outlot 1 shall only be used for the improvement of a private roadway, that a subdivision variance be granted to waive the cul-de-sac maximum length requirement, that prior to building permit issuance for development, the private roadway depicted in Outlot 1 shall be improved to acceptable private roadway standards, and that the Fire Department review the proposed cul-de-sac to make sure its is wide enough for their trucks to make turns and to be turned around. The MOTION carried without negative vote.

Announce Public Hearings for March 28, 2006 Plan Commission Meeting

1. Petition to Amend the Zoning Ordinance and Zoning Map of the Village of Fontana – Nonconforming Lots Ordinance Amendments
2. Conditional Use Permit Application Filed by David and Joanne Prudden, 150 Lake Street, Unit 2F, Fontana, WI 53125, for Tax Parcel No. SA 334600001, to renovate the existing building at 211 Third Avenue with a first-floor contractor’s office and a

- second-floor residential apartment
3. Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana, filed by Anthony E. and Diane K. Urlakis, 392 Lakewood Drive, Williams Bay, WI 53191, from C-2 to C-2 and C-3, for an approximate 10-acre parcel located on South Lakeshore Drive, Linn Township, to create two lots for single-family residences
 4. Petition to Amend the Zoning Ordinance and Zoning Map of the Village of Fontana, Chapter 17 Subdivision Ordinance—Lots abutting Private Streets

Amendments to the Dockominium Plat & Condominium Declarations for The Abbey Harbor Condominium

The proposal was tabled by the Plan Commission at a special meeting held prior to the Village Board meeting, so the item was taken off the agenda.

Protection Committee – Trustee Bromfield

Consideration of Operator’s License Applications Filed by Christopher M. Rosencrans and Deborha A. Sawtelle (Novaks’ Deli employees) and Mary E. Gygax, Angelina C. Kinney, Danielle Merritt, Tonya Cossman, Barry E. Girard, Patrick C. Yeager, William Yeager and Matthew J. Cioni (Park Place employees)

Prior to the meeting, Richard Rosenow, the agent for the liquor license for Park Place, withdrew the applications filed by Patrick C. Yeager, William Yeager and Matthew J. Cioni.

Bromfield/Turner 2nd made a MOTION to approve the issuance of Operator’s Licenses to Novaks’ Deli employees Christopher M. Rosencrans and Deborha A. Sawtelle, and the MOTION carried without negative vote. Trustee Petersen abstained.

Bromfield/Turner 2nd made a MOTION to approve the issuance of Operator’s Licenses to Park Place employees Mary E. Gygax, Angelina C. Kinney, Danielle Merritt, Tonya Cossman and Barry E. Girard, and the MOTION carried without negative vote. Trustee Petersen abstained.

Community Service Officer Hiring Process Status Report

Bromfield stated that the Protection Committee favorably reviewed the applications of two candidates for the CSO position, but the help-wanted advertisement is still being run. Bromfield stated that the responsibilities of the CSO may be changed in an effort to attract more candidates. The Protection Committee will act on recommending a final candidate for the CSO at its meeting on Saturday, March 25, 2006.

Finance Committee – Trustee Pollitt

2006 Utility Budget (Tabled February 7, 2006)

Trustee Pollitt stated that the 2006 Utility Budget was adjusted to take into account the preannexation agreement with the Tracy Group. After discussion, it was determined the revised utility budget was recommended for approval by the Finance Committee.

Pollitt/O’Connell 2nd made a MOTION to approve the 2006 Utility Budget as presented, and the MOTION carried without negative vote.

Resort Tax Update - Not Feasible for Fontana

Trustee Pollitt stated that he reviewed the guidelines for establishing a Resort Area Sales Tax and the Village of Fontana is nowhere near the minimum standard of 40 percent for resort-classified businesses as compared to total property value of a municipality. Pollitt stated that he will look into exceptions in the law that other municipalities such as Bayfield and Eagle River have used to establish a Resort Area Sales Tax.

GLLEA – President Whowell

Approve Appointment of Trustee Pollitt as VOF Representative on GLLEA Board

Pollitt stated that although he did not vote on any of the agenda items, the GLLEA Board members were receptive to the proposal that Pollitt replace President Whowell as the Village of Fontana’s representative on the Board. Pollitt stated that the Board members indicated they will consider ratifying the appointment at the next monthly meeting. Pollitt stated that he recommends not

authorizing the Village of Fontana's funding payment for the GLLEA at this time since the Village does not have an official voting member on the Board. Thorpe also pointed out that the DNR audit conducted on the GLLEA is not a financial audit, and the GLLEA Board still has never had a financial audit conducted on the agency. President Whowell stated that the Village of Fontana Municipal Code calls for the president or an appointed trustee to serve as the Village representative on the GLLEA Board.

Turner/Bromfield 2nd made a MOTION to approve the appointment of Trustee Pollitt as the Village of Fontana representative on the Geneva Lake Law Enforcement Agency Board of Directors, and the MOTION carried without negative vote.

Park Commission - Trustee Larson

Monthly Update

Larson stated that the spring and early summer planting plans will be discussed by the Park Commission with Agrecol at its next meeting. Larson stated that the Park Commission also will plan a tour of the new park areas for all of the Village Board members.

Lakefront and Harbor - Trustee O'Connell

Summer Employment Status Report

O'Connell stated that candidates have been interviewed and a decision should be made by March 15, 2006 on who will serve as the harbormaster this season. The Village also has been receiving applications for the beach, launch and boat parking lot seasonal employee positions.

F/W WPCC-Trustee Petersen

Monthly Update

Petersen stated that the F/W WPCC Board and administration received an unpleasant surprise when bids recently were opened for a wastewater treatment facility flume project. The bids came in about 50 percent higher than the estimate provided by the project engineers.

CDA – Trustee Turner

2006 Bonding Status Report

Turner stated that bonding decisions were delayed for 2006 until bids are opened for the Highway 67 construction project.

Commitment to Fund Storm Water Project for Grant Reimbursement in 2007 - \$9,000

McHugh stated that the terms of the DNR Grant Application require the Village Board to officially approve a commitment to fund the municipality's 20 percent of a matching fund grant.

Turner/Larson 2nd made a MOTION to approve the commitment to fund in the 2007 Village of Fontana municipal budget the required 20 percent of any DNR grant the Village of Fontana receives for the water project, and the MOTION carried without negative vote.

GLEA – Trustee O'Connell

Monthly Update

O'Connell stated that the GLEA Board did not meet last month.

Pending Item for Future Agendas

1. Chapter 54 Ordinance Revision (Waiting for Pier Permit Requirements)

Adjournment

Bromfield/O'Connell 2nd made a MOTION to adjourn 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 on file at the Village Hall.

APPROVED: 04/03/06