

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

SPECIAL JOINT SESSION OF THE VILLAGE BOARD OF TRUSTEES  
with the CDA BOARD OF COMMISSIONERS

**Friday, June 3, 2005**

President Whowell called the special joint meeting of the Village Board and CDA to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Trustee absent:** Bromfield

**CDA Commissioners present:** Roll call vote: Chairman Turner, Petersen, Chanson, Bliss

**CDA Commissioners absent:** Hibbard, Koepsel, McHugh

**Also present:** CDA Attorney Hank Gempler, Village Administrator Kelly Hayden-Staggs, Jim Mann, Village Clerk Dennis Martin, Village Attorney Dale Thorpe, CDA Executive Director Cindy Wilson

**Announcement for Board of Trustees and CDA to Consider Going Into Closed Session -**

President Whowell

CDA Chairman Turner/Commissioner Petersen 2<sup>nd</sup> made a MOTION for the CDA to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats., for the purpose of “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” and the roll call vote followed:

Petersen – Yes

Chanson – Yes

Bliss – Yes

Turner – Yes

Trustee O'Connell/Trustee Petersen 2<sup>nd</sup> made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats., for the purpose of “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” and the roll call vote followed:

Larson – Yes

Pollitt – Yes

Turner – Yes

O'Connell – Yes

President Whowell – Yes

Petersen - Yes

**Adjournment of Closed Session**

CDA Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to adjourn the closed session of the CDA at 5:20 pm and to reconvene in open session, and the MOTION carried without negative vote.

Trustee O'Connell/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board at 5:20 pm and to reconvene in open session, and the MOTION carried without negative vote.

President Howell announced at 5:20 pm that the Village Board and CDA were in Open Session.

### **General Business**

#### **Village Board Consideration of Agreement Between the Village of Fontana Village Board and the CDA and the Abbey Ridge Condominium Association, Abbey Villas Condominium Association and Abbey Resort Condominium Association**

President Howell announced that the Village Board and CDA members reached a consensus on how to handle a proposed agreement and potential claim filed against the Village for the Abbey Ridge Condominium, Abbey Villas Condominium and Abbey Resort Condominium Associations.

Trustee O'Connell/Trustee Pollitt 2<sup>nd</sup> made a MOTION to authorize President Howell and CDA Chairman Turner to send the letter in exhibit to the Abbey Group clarifying certain activities of the CDA, instead of signing the Abbey's proposed agreement, and the MOTION carried without negative vote.

Trustee Pollitt/Trustee Larson 2<sup>nd</sup> made a MOTION to authorize its attorney to take all necessary legal action to protect its interests and the interests of the Village taxpayers if a May 31, 2005 letter from the Abbey Group, which threatens litigation and makes it impossible for the CDA to close its \$5,090,000 bond issue, is not withdrawn before 9:00 AM on Monday, June 6, 2005. The MOTION carried without negative vote.

#### **CDA Consideration of Agreement Between the Village of Fontana Village Board and the CDA and the Abbey Ridge Condominium Association, Abbey Villas Condominium Association and Abbey Resort Condominium Association**

CDA Commissioner Chanson/Commissioner Petersen 2<sup>nd</sup> made a MOTION to authorize President Howell and CDA Chairman Turner to send the letter in exhibit to the Abbey Group clarifying certain activities of the CDA, instead of signing the Abbey's proposed agreement, and the MOTION carried without negative vote.

CDA Commissioner Chanson/Commissioner Bliss 2<sup>nd</sup> made a MOTION to authorize its attorney to take all necessary legal action to protect its interests and the interests of the Village taxpayers if a May 31, 2005 letter from the Abbey Group, which threatens litigation and makes it impossible for the CDA to close its \$5,090,000 bond issue, is not withdrawn before 9:00 AM on Monday, June 6, 2005. The MOTION carried without negative vote.

### **Adjournment**

Trustee Pollitt/Trustee Larson 2<sup>nd</sup> made a MOTION to adjourn the Village Board at 5:47 pm, and the MOTION carried without negative vote.

CDA Commissioner Petersen/Chariman Turner 2<sup>nd</sup> made a MOTION to adjourn the CDA at 5:47 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 and CDA, the official minutes will be on file at the Village Hall.

APPROVED: 06/27/05