

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, October 1, 2007

President Pollitt 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: Spadoni, President Pollitt, Petersen, O'Connell

Trusteesabsent: Turner, Youngquist

Also present: Jim Celano, Jim and Megan Feeney, Village Administrator Kelly Hayden-Staggs, Robert Ireland, Nancy Krei, Lou Loenneke, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Arlene Patek, Rick Pappas, Village Attorney Dale Thorpe, Carol Whowell, Director of Public Works Craig Workman

Visitors Heard

Geneva Lake Conservancy Director Jim Celano stated the organization recently funded and carried out economic and ecological studies of the Geneva Lake watershed. Celano stated that the GLC also implemented a fund-raising initiative with regard to the watershed study that involves the selling of signage that delineates the watershed boundaries. Celano presented three 2-by-3-foot signs to the Village of Fontana that state, "Geneva Lake Watershed" and requested that the Village consider erecting the signs on Indian Hills Road, Willow Bend Road and Highway 67 between Cobalt Farms and Laser Electric. Frank and Colleen Yaccino presented a timeline of incidents and bills they received for an ongoing water flooding situation at their residence at 568 Sauk Trail. Colleen Yaccino stated that the heavy rain storms in August devastated their property, and there was never a drop of water that entered the residence prior to the water main break on January 23, 2007. Colleen Yaccino stated that the Village insurance provider settled the claim on or about May 29, 2007, when the carpeting and painting expenses were reimbursed. Colleen Yaccino stated that they did not know at that time that the problem still was not fixed, because the steps to the residence had not been pulled out at that time. Since the settlement, pot holes formed in the driveway and the porch and steps began to sink. Colleen Yaccino stated that the flooding continued throughout the winter and into the spring. President Pollitt stated that the item was not on the agenda, but the Village Board discussed the matter at the September 4, 2007 Village Board meeting. President Pollitt stated that the Village Board members all had copies of the documents submitted by the Yaccinos and they will take them into consideration. President Pollitt stated that at the September 4, 2007 meeting, it was reported that Midwest Claims Service, which administers the League of Wisconsin Municipalities Mutual Insurance Program, responded to the second claim filed by the Yaccinos in an August 23, 2007 letter that states: "Please be advised that we have investigated and settled this matter on or about May 29, 2007 with a check in the amount of \$8,597.89. ... Since this claim has been settled with you and a release signed, we will be unable to consider any additional claims with regard to this incident." At the September 4, 2007 meeting, Village Attorney Dale Thorpe stated that he agrees with the Midwest Claims response, and the Village should rely on the release signed by the Yaccinos.

Announcements

Hayden-Staggs stated that the CDA Board's monthly meeting will be held Wednesday, October 3, 2007, at 6:00 pm; Toddler Time is scheduled at the Fontana Public Library on Thursday, October 4, 11 and 18, 2007, beginning at 10:30 am; the Big Foot FFA Alumni 2 Mile Walk/Run at Big Foot High School will be held Saturday, October 13, 2007; a workshop meeting to draft proposed amendments to the Lakefront Zoning Ordinance will be held Saturday, October 20, 2007, at 11:00 am; the Village Board and Finance Committee will hold budget meetings on Monday, October 15, and Monday, October 22, 2007, at 5:00 pm; the Plan Commission's monthly meeting will be held

Monday, October 29, 2007, at 5:30 pm; and the next monthly meeting of the Village Board will be held Monday, November 5, 2007, at 6:00 pm. At the end of the meeting, Martin announced that the Village trick-or-treat hours have been scheduled for Wednesday, October 31, 2007, from 3:00 to 7:00 pm.

Approval of Minutes

Petersen/Spadoni 2nd made a MOTION to approve the minutes for the open and closed session meetings held September 4, 2007, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/Spadoni 2nd made a MOTION to accept the Treasurer's Report for August 2007 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Hayden-Staggs stated that the Fire Department submitted another bill that was not included in the list of payables distributed in the agenda packets. The Fire Department received a bill for \$178,848 for the new fire truck chassis. Hayden-Staggs asked if the Village Board would consider approving payment of the bill with the condition that it is reviewed and authorized by Fire Chief Jon Kemmett. Spadoni/Petersen 2nd made a MOTION to approve the Village and Utility Payables as submitted and including the \$178,848 bill for the new fire truck chassis, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Approval of Ordinance Amending Zoning Code for Wellhead Protection Ordinance Revision – Plan Commission Recommended Approval August 27, 2007

Spadoni stated that the Plan Commission recommended approval of the ordinance at its August 27, 2007 meeting. The ordinance revision was necessary to update the Village's current Wellhead Protection Plan. Now that the legal descriptions for the four wellheads have been updated and added to the Ordinance, it is ready to be approved.

Petersen/O'Connell 2nd made a MOTION to approve Ordinance 10-01-07-01 as presented, and the MOTION carried without negative vote.

Lakefront Zoning Ordinance Amendment Plan Commission Workshop Meeting Saturday, October 20, 2007, 11:00 am

Spadoni stated that the Plan Commission scheduled a very important meeting on Saturday, October 20, 2007, beginning at 11:00 am to discuss and draft proposed amendments to the lakefront zoning ordinance. Hayden-Staggs encouraged the Village Board members to attend the meeting.

B-2 ETZ Zoning Amendment – Update on Joint ETZ Committee Action

Thorpe stated that proposed zoning amendments to the Joint ETZ District can only be adopted by the Village Board if they receive favorable votes from the Joint ETZ Committee. Thorpe stated that the three Town of Walworth representatives all voted against the proposed amendment, and in essence vetoed the proposal, so no action was required on the agenda item.

Announce Public Hearing for October 29, 2007 Meeting

Spadoni stated that a public hearing has been scheduled for a Conditional Use Permit application filed by Country Club Estates Property Owners Association to amend the previously approved CUP it received for constructing a new storage building/bathroom in the association's lakefront parking lot. The amendment was filed to move the building by 5 feet from the previously location.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Appointment of Trustee to Complete Term of Former Trustee Bidwill

President Pollitt stated that he wanted to defer action on the agenda item until all of the Village Board members were present at the meeting. Spadoni stated he wanted to make a motion to appoint Patrick Kenny to fill the vacancy. President Pollitt stated that Spadoni was not recognized and his motion was out of order. President Pollitt stated that that the Municipal Code dictates that the Village President makes appointments and they are ratified by the Village Board. Thorpe stated that

the State Statutes are clear with regard to the appointment of Village Board members to fill vacancies, and the motion to appoint a candidate can be made by any member of the Village Board, or a special election can be scheduled. Thorpe stated that the State Statutes trump the Municipal Code. Petersen then seconded the motion made by Spadoni. President Pollitt asked Thorpe if Parliamentary Procedures allow Spadoni to make a motion without being recognized by the presiding officer of a government body. Thorpe stated that he would have to look over the Parliamentary Procedures to properly answer President Pollitt's question. President Pollitt stated that he initially was going to move onto the next agenda item; however, he would recognize the motion on the floor. Spadoni stated that Kenny is a well-qualified candidate who is committed to the community. Spadoni stated that Kenny and his family have lived in the Village for 20 years and he is confident Kenny will serve well. President Pollitt stated that he talked to all four of the candidates and they all would do good jobs. President Pollitt thanked all four candidates and stated that he hoped they would consider serving on one of the Village committees and commissions or consider running for election in the Spring.

Spadoni/Petersen 2nd made a MOTION to appoint Patrick Kenny to fill the vacancy left by the recently resigned Trustee Joseph Bidwill until the election on Tuesday, April 8, 2008, subject to a legal review by the Village Attorney, and the Roll Call vote followed:

Petersen – Yes

O'Connell – Yes

Spadoni – Yes

President Pollitt – No

The MOTION carried on a 3-1 vote, with Trustees Turner and Youngquist absent.

Approval of Village Clerk to Participate in US Census Bureau LUCA (Local Update of Census Addresses) Program

President Pollitt stated that the Village received from the US Department of Commerce and the US Census Bureau a request for the Village to participate in the LUCA Program for the 2010 Census. The LUCA program provides the opportunity for designated representatives to review the addresses contained in the Census Bureau's confidential mast address file.

Spadoni/Petersen 2nd made a MOTION to authorize Village Clerk Dennis Martin to participate in the US Census Bureau Local Update of Census Addresses Program, and the MOTION carried without negative vote.

Approval of Ordinance Extending Moratorium on Lakefront Proposals

The initially approved Ordinance the established a moratorium on the acceptance, review and approval of land divisions and subdivision applications and condominium plat applications for lakefront properties called for the moratorium to end on October 2, 2007. The proposed ordinance extends the moratorium to February 5, 2007, unless extended or rescinded by action of the Village Board. A workshop meeting has been scheduled for Saturday, October 20, 2007, beginning at 11:00 am to discuss and draft proposed amendments to the lakefront zoning ordinance. A public hearing will have to be held before the Plan Commission makes a recommendation to the Village Board on the proposed amendments to the Zoning Code.

Petersen/O'Connell 2nd made a MOTION to approve Ordinance 10-01-07-02 as presented, and the MOTION without negative vote.

Ad Hoc Joint Emergency Services Committee with Village of Walworth – Status Report

Hayden-Staggs stated that she will attempt to facilitate the scheduling of a meeting date with the representatives from the Village of Walworth.

NIMS Training for Village Board and Staff

Hayden-Staggs stated that the training is required for the NIMS requirements. The training is required for all Village staff members and the elected officials. Hayden-Staggs stated that Fire Chief Jon Kemmett is authorized to conduct the training session, which will last about 45 minutes. Following discussion, it was determined that the training should be scheduled for a Monday evening beginning at 5:00 pm, before a monthly meeting of the Village Board.

Rental Properties – 182 Second Avenue Raze Proposal & 208 Dewey Water Damage Claim

Hayden-Staggs stated that the Village has not been able to secure a tenant for the residence at 182 Second Avenue since the property was purchased one year ago. Hayden-Staggs stated that the Village could raze the residence and keep the detached garage standing. Hayden-Staggs stated that the Village has received inquiries about just renting the two-car garage. Workman stated that the Village could enter into a time and materials based contract with Robert Stewart Excavating, Inc. to have the residence razed and the foundation filled. Workman stated that the Public Works Department could finish off the site restoration work. Stewart Excavating submitted an estimate of \$6,800 to raze the residence, fill in the foundation and raze the garage and garage slab. Following discussion, the Board was in consensus that since the property was purchased for future parking lot expansion needs, the residence should be razed at this time.

President Pollitt/Petersen 2nd made a MOTION to authorize the razing of the residence at 182 Second Avenue, with a time and materials based contract to be negotiated with Robert Stewart Excavating, Inc., and the MOTION carried without negative vote.

Hayden-Staggs stated that following a report of water leaking into the bathroom window at the Village residence at 208 Dewey Avenue, the window was replaced and severe water damage was noted. Hayden-Staggs stated that the Public Works Department crew found extensive water damage in the entire exterior wall on the backside of the residence. Hayden-Staggs stated that the entire exterior wall has to be replaced. Workman stated that an initial estimate for the repair work totaled \$17,000. Hayden-Staggs stated that the village insurance company has been contacted, but the claims adjuster has not yet made a final determination. Hayden-Staggs stated that the Village should receive some reimbursement from the insurance policy. In response to a question from O'Connell, Workman stated that the damage was caused by the extensive rain the area received in August and because of a portion of the gutter that was pulled off from the roof of the structure. Workman stated that the water got behind the siding and saturated the wall. President Pollitt stated that the Village Board has to determine if the structure should be repaired, or if repairing the damage will be too cost prohibitive and the residence should be razed. President Pollitt stated that if the Village Board decides to raze the residence, the tenant will have to be given notice and a time period to vacate the premises. Petersen then made a motion to raze the residence. Hayden-Staggs stated that the Village Board should consider tabling the proposal until more information is received with regard to the insurance claim and repair cost estimates. Petersen then withdrew his motion.

O'Connell/Petersen 2nd made a MOTION to table consideration on the razing or repairing of the Village owned residence at 208 Dewey Avenue, and the MOTION carried without negative vote.

CWD Hunting Resolution

Hayden-Staggs stated that there are two new parcel owners who requested to be added to the annual resolution authorizing village property owners to participate in the DNR's Chronic Wasting Disease Eradication Hunt. Hayden-Staggs stated that the Village also has not received confirmation from the Belvidere Park Association if the association wants its property included, and the Country Club Estates Association also has not yet approved inclusion of its property in the resolution. O'Connell asked if the Village needed to have the CWD hunt this year. Spadoni stated that he thinks the Village needs to participate if the deer population is increasing. O'Connell stated that the Village has not received a count on how many deer have been killed in the Village during the last two years and there has been no indication from the DNR with regard to extending the hunt another year. O'Connell stated that the Village has had some problems with the hunting during the last two years and she suggested adopting a one-year moratorium on adopting the resolution approving participation in the DNR's Chronic Wasting Disease Eradication Hunt.

Petersen/O'Connell 2nd made a MOTION to establish a one-year moratorium on the adoption of the Resolution authorizing specific Village property owners to participate in the DNR's Chronic Wasting Disease Eradication Hunt, and the MOTION carried without negative vote.

Geneva Lake Use Committee

Update from VOF Representative Lou Loenneke

Loenneke stated that the committee held its budget meeting September 18, 2007, and no big expenses are anticipated. Loenneke stated that the committee's bylaws were amended to better define the organization's activities. Loenneke stated that the committee members are disappointed that the four Geneva Lake municipalities did not unanimously support authorizing the Geneva Lake Law

Enforcement Agency to issue fines to boaters who violated the temporary “slow no-wake order” in late summer.

Protection Committee – President Pollitt

Operator’s License Applications Filed by Kristy J. Firm (Novaks), Jeri L. Graunke (Gordy's), Brett A. VonBergen (Abbey Springs), and Ryan Halsted (Rollette Oil)

There were no issues for three of the operator’s license applications; however, Chief Olson requested that the application filed by Brett A. VonBergen be referred to the Protection Committee for review and a recommendation.

Petersen/O’Connell made a MOTION to approve the Operator’s License applications filed by Kristy J. Firm, an employee at Novaks Deli, Jeri L. Graunke, an employee at Gordy’s, and Ryan Halsted, an employee at Rollette Oil, and to refer the application filed by Brett VonBergen, an employee at Abbey Springs, to the Protection Committee for review and a recommendation, and the MOTION carried without negative vote.

Approve Fire Department Officers for Remainder of 2007 and for 2008

Fire Chief Jon Kemmett requested that the Village Board approve the Fire Department Officers for the remainder of 2007 and for 2008.

Petersen/O’Connell 2nd made a MOTION to approve the Fire Department officers Fire Chief Jon Kemmett, Assistant Chiefs Wolfgang Nitsch and Tom Westphal, Captains Kyle Ketterhagen, Scott Peterson, Greg Christenson and Beth Shodeen, and Secretary/Treasurer Beth Shodeen, for the remainder of 2007 and for 2008, and the MOTION carried without negative vote.

CDA – Trustee Turner

Porter Court Plaza Update

McHugh stated that the DNR’s Chapter 30 permit for the project has been applied for and the notice and posting requirements currently are being carried out. McHugh stated that once the permit is secured, construction will commence on the project.

Wild Duck Road & Pedestrian Path Update

Workman stated that the trees have been cleared, grading work has commenced and the footings for the pedestrian underpass have been poured. The precast overpass structure is scheduled to be delivered later in the week, at which time a crane will be used to place the structure in its proper location. Once the bridge is in place, the road will be milled, graded and paved. The project is still on schedule for the first layer of asphalt to be laid by the first week of November.

Chuck’s Lakeshore Inn Facade Improvement Plan Proposal

McHugh stated that the proposed renovation plan for Chuck’s Lakeshore Inn was approved for the Facade Improvement Plan by the CDA Board, and the Park Commission endorsed the plan.

McHugh stated that the CDA recommended approval of the plan with the condition that the necessary building permits are acquired from the Building and Zoning Department. During discussion, Carol Whowell stated that a new survey of the lot is being prepared by Farris, Hanson & Associates, Inc., Elkhorn.

Petersen/Spadoni 2nd made a MOTION to approve the proposal as presented, with the condition that the necessary building permits are acquired from the Village of Fontana Building and Zoning Department, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O’Connell

Fee Increase Proposal for Slips, Buoys and Ramps for 2008

O’Connell stated that the Lakefront and Harbor Committee recommended approval of a 4 percent increase in the rates.

Spadoni/Petersen 2nd made a MOTION to approve Resolution 10-01-07-01 as presented, and the MOTION carried without negative vote.

Commercial Launch Fee

O’Connell stated that the Lakefront and Harbor Committee recommendation for the Commercial Launch Fee required further information to be considered at the next monthly meeting.

O'Connell/Petersen 2nd made a MOTION to table the proposed increase in Commercial Launch Fees, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

Approval of O&M Budget

Petersen stated that the annual budget for the wastewater treatment facility was approved by the Fontana/Walworth Water Pollution Control Commission Board after a public hearing on September 11, 2007.

Petersen/O'Connell 2nd made a MOTION to approve the 2008 O&M Budget as presented, and the MOTION carried without negative vote.

Final Pay Request for Sewer Metering Manhole Project

Petersen stated that the final pay request for the project has been reviewed and approval has been recommended. The Village of Fontana portion of the bill totals \$1,983.15.

Petersen/Spadoni 2nd made a MOTION to approve the final pay request submitted by Odling Construction, Inc., for the Sewer and Metering Manhole Additions project, as submitted, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Fontana Boulevard Water Main Project Pay Request Submitted by Mann Brothers

Workman stated that the pay request already has been approved and the agenda item was an error.

Lower Gardens Change Order and Final Pay Request

Workman stated that the project was successful and approval was recommended for the change order and final pay request totaling \$12,617.04.

Petersen/Spadoni 2nd made a MOTION to approve the change order and final pay request totaling \$12,617.04 as submitted by Great Lake TV Seal, Inc., for the Lower Gardens Sanitary Sewer Rehabilitation project, and the MOTION carried without negative vote.

Castle Terrace Avenue and Arrowhead Drive Project Update

Workman stated that Globe Construction is working on the projects. On Castle Terrace Avenue, the new water main has been installed and patched into all but one of the residences. Storm sewer construction will begin this week and street reconstruction is on schedule to commence in the next week or two. The Arrowhead Drive project also is on schedule to be completed by the first week of November.

Main Lift Station Final Change Order and Final Pay Request

Workman stated that the new lift station is operating smoothly and approval is recommended for the change order and final pay request totaling \$71,535.68. With the change order, the total contract price is \$2,767,742.06. Petersen stated that it has taken seven years to finally complete the project, from the initial discussions on the need to replace the former Main Lift Station.

Petersen/Spadoni 2nd made a MOTION to approve the final change order and final pay request totaling \$71,535.68 as submitted by Kovilic Construction Company, Inc., and the MOTION carried without negative vote.

Fall Leaf and Brush Collection Update

Workman stated that the curbside leaf vacuum service will commence the week of October 22, 2007 and will continue through approximately December 7, 2007, or until the first snowfall. Workman stated that the entire village will be covered on a weekly basis starting at the northern Village limits, progressing through downtown and Country Club Estates, and finishing along South Lakeshore Drive at the eastern Village limits. Workman stated that because of the unpredictability in leaf volume, it is impossible to schedule a specific day each week for a particular street or subdivision. Workman stated that property owners must rake the leaves no farther than 5 feet from the street, but not on the pavement. Any leaves that are not picked up because they are outside the 5-foot area should be raked to within the area for collection the following week. The leaf service does not include the collection of grass clippings. Curbside chipping services will be conducted during the last week of each month, with the exception of December, January and February, when chipping services

will be conducted as necessary. The Village does not handle brush from any lot clearing activities. No tree material that is larger than 6 inches in diameter will be accepted for chipping, and piles that contain non-recyclable materials will not be handled. All materials to be chipped must be stacked with the butt ends facing the street. A fee of \$2.50 per minute will be charged after the first 15 minutes of each month, or for any pile that is too large to chip within 15 minutes.

Update Compost Price List to Include “Compost in a Pail”

Workman stated that the Department of Public Works has been selling compost for \$10 per yard. Workman stated that he would like to receive authorization to use the large stock of empty chloride tablet pails that Village has been accumulating to sell compost in a pail for \$5 per pail. Workman stated that the Village could raise extra revenue to fund the rental of the tub grinder, and it will be a method to get rid of the empty pails.

Spadoni/O’Connell 2nd made a MOTION to authorize the Department of Public Works to sell compost in a pail for \$5 per pail, and the MOTION carried without negative vote.

Park Commission

Summer Breeze Statue Update

The Park Commission approved a motion at its monthly meeting September 19, 2007 to direct Workman to work with Jay Brost and Tom Cook to have the Summer Breeze statue erected in the triangle area at the lakefront near the original site at the most appropriate time before the next summer season and in the most appropriate place.

O’Connell/President Pollitt 2nd made a MOTION to approve the Park Commission recommendation to direct Workman to work with Jay Brost and Tom Cook to have the Summer Breeze statue erected in the triangle area at the lakefront near the original site at the most appropriate time before the next summer season and in the most appropriate place, and the MOTION carried without negative vote.

Finance Committee – President Pollitt

2008 Budget Update

President Pollitt stated that Finance Committee has been busy meeting with the department heads to put the preliminary 2008 budget together. After the preliminary budget is drafted, it will be reviewed one more time by the Finance Committee at a meeting scheduled for October 11, 2007.

GLLEA – President Pollitt

Update

President Pollitt stated that he will be unable to attend the next meeting of the Geneva Lake Law Enforcement Agency, at which the 2008 budget will be discussed.

Pending Items for Future Agendas

1. Abbey Springs PIP Amendment for Boat Storage Plan (Tabled 2/5/07 & 3/5/07)
2. Maximum Boat Length for Village Launch (Tabled 9/04/07)
3. State Health Insurance Plan Resolution – Deductible Plan (Tabled 9/4/07)
4. Adult Business Regulations
5. Fontana Fen Property Line Delineation

Adjournment

Spadoni/Petersen 2nd made a MOTION to adjourn at 7:25 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: _____