

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, December 4, 2006

President Whowell called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Announcement for Board of Trustees to Consider Going Into Closed Session

Bromfield/Bidwill 2nd made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically employee insurance rates and non union contract and AFSCME contract negotiations, and pursuant to Chapter 19.85 (1) (e) Wis. Stats. to deliberate or negotiate the purchase of public properties, invest public funds, or conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically AFSCME Union Negotiations, and the roll call vote followed:

Turner – Yes

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

Bidwill – Yes

Pollitt - Yes

Adjournment of Closed Session

Bromfield/O'Connell 2nd made a MOTION to adjourn the closed session at 5:58 pm and to reconvene in open session, and the MOTION carried without negative vote.

President Whowell announced that the Village Board was in open session at 6:03 pm.

Also present: Steve Beers, Skip Bliss, Police Lt. Brad Buchholz, Mark Chalchoff, Megan and Jim Feeney, Patti Goff, Walworth County Sheriff David Graves, State Senator Neal Kedzie, Library Director Nancy Krei, State Representative Tom Lothian, Roy Lucke, CDA Executive Director Joseph McHugh, Gail Nichols, Peter Novak, Building Inspector Ron Nyman, Police Chief Steve Olson, Treasurer Peg Pollitt, Don Roberts, Lisa Seiser, Michele Teale., Carol Whowell, Director of Public Works Craig Workman

Visitors Heard

State Legislature/Village of Fontana Recognition of Walworth County Sheriff's Department Officers and U.S. Deputy Marshalls for James Colwell Arrest in Costa Rica

President Whowell presented background information on the conviction and attempt to flee justice by former Village of Fontana and church official James Colwell and then introduced Walworth County Sheriff David Graves. Sheriff Graves stated Colwell was tracked down in Costa Rica and extradited thanks to the cooperative efforts of the Walworth County and Waukesha County Sheriff's Departments and the U.S. Marshall's Office. Graves stated that the officers kept working together for more than a year before they were able to locate Colwell in Costa Rica. Deputy U.S. Marshall Paul Koenig stated that it took about one year to complete the extradition process after they located

Colwell. Senator Neal Kedzie and State Representative Thomas Lothian presented resolutions from the State Legislature commending the officers for their cooperative efforts, and Village President Whowell presented the officers with plaques of appreciation from the Village of Fontana. The officers who received recognition were Walworth County Sheriff Graves, Undersheriff Kurt Picknell, Captain Scott McClory, Deputy Gibby Maas, Deputy Tim Ruskiewicz and Deputy Tim Rumer, and Deputy U.S. Marshalls Koenig and Christopher Clifford. After the plaques were presented, Senator Kedzie, Representative Lothian, the officers and their friends and family members left the meeting. Carol Whowell stated that she was concerned that the sidewalks along Lake Street and the beach parking lot were not shoveled all weekend, making it difficult for people who had to walk through the snow to get down to the lakefront. Carol Whowell asked if the snow removal policy had been changed or if it was just a problem because of the large amount of snow that fell. Workman apologized and explained that the Department of Public Works crew worked about 16 hours plowing and shoveling the snow on Friday, December 1, 2006, and then they were off for the rest of the weekend. Workman stated that the beach parking lot and lakefront sidewalks were oversights on his part, and they should have been cleared before he released the crew. President Whowell stated that on a whole, the DPW crew did an amazing job clearing the Village streets, especially the main thoroughfares.

Announcements

Hayden-Staggs announced that a Board of Appeals hearing will be held Wednesday, December 6, 2006, at 4:00 pm; the CDA Board monthly meeting will be held Wednesday, December 6, 2006, at 6:00 pm; the quarterly Village of Fontana Newsletter article deadline is Friday, December 8, 2006; the Village of Fontana Christmas party will be held at Novak's on Monday, December 11, 2006, at 6:00 pm; Accurate Appraisal will conduct office hours at the Village Hall on Friday, December 15, 2006, from 10:00 am to 2:30 pm; the Fontana Public Library will host a Holiday Open House on Friday, December 15, 2006, from 10:00 am to 3:00 pm; the next monthly meeting of the Plan Commission will be held Monday, December 18, 2006, at 5:30 pm; the last day in 2006 to pay real estate taxes in person at the Fontana Village Hall will be Saturday, December 30, 2006, from 8:00 am to noon; and Village Hall will be closed during the holiday season on Monday and Tuesday, December 25 and 26, 2006, and January 1 and 2, 2007. Following discussion, it was determined that the next monthly meeting of the Village Board will be held Wednesday, January 3, 2007, beginning at 6:00 pm..

Approval of Minutes

Petersen/Bromfield 2nd made a MOTION to approve the minutes for the meetings held November 6 and 20, 2006, and the MOTION carried without negative vote.

Village Treasurer's Report

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

Approval of Village and Utility Payables

Bromfield/Pollitt 2nd made a MOTION to approve the Village and Utility Payables as submitted, and the MOTION carried without negative vote.

Protection Committee – Trustee Bromfield (Joint Meeting with Village Board)

Roy Lucke Report on Police Staffing

The Protection Committee was not convened because only Patti Goff and Trustee Bromfield were able to attend the meeting. Committee members Mike Van Dyke, Hal Grabow, Roger O'Brien, David Eshoo and Bob Allen were absent. Lucke presented the Draft Final Report of his assessment of the Village of Fontana Police Department's staffing needs. Lucke stated that his report was prepared with information he gathered through interviews and from other area police departments. Lucke stated that his report does not take into account the contributions of Chief Olson and Lt. Buchholz with regard to patrolling duties. Lucke stated that his report determined that the Village of Fontana Police Department needs the equivalent of five full-time patrol officers in some format to cover the calls and patrolling requirements for the Village. Lucke stated that his report determined that the Village of Fontana is understaffed with its three full-time patrol officers and two administrative officers, compared to police departments in other area municipalities. Chief Olson

stated that he reviewed the Draft Final Report and he agrees with its findings. Olson stated that a report prepared by Lt. Buchholz came up with the same results. Olson stated that the department could use two more full-time officers, but one more will bring Fontana up to a level where quality policing services can be guaranteed. Olson stated that the report prepared by Lucke also was a learning tool for the department with regard to documenting calls in a more detailed manner. Beers asked Lucke if his report takes into account the difference between the number of full-time and part-time residents in the Village of Fontana. Lucke stated that the staffing recommendation averages out the patrol needs for the whole year and the use of LTE (limited time employee) officers. Lucke stated that three LTE officers is equivalent to 1.2 full-time patrol officers. Trustee Pollitt stated that considering the current roster of LTE and part-time officers, the Fontana Police Department really needs just one more full-time officer to reach the staffing level recommended in Lucke's report. Trustee Pollitt stated that the Finance Committee provided for an additional full-time officer in the budget. In response to a question about the amount of funds the Village spends on over-time pay for the current officers, Lucke stated that Fontana is a little higher than the state average. Bliss asked if Lucke looked at criminal trend statistics and what types of crimes are being committed in the Village. Lucke responded that he looked at the number of calls for service and the general crime patterns; however, criminal activity doesn't really drive the model for determining the desired police staffing needs in the Village of Fontana. Bliss asked Lucke if it was a fair expectation for the Village residents that the chief and lieutenant should be handling some of the patrolling duties as well as their administrative and supervisory duties. Lucke stated that the Village of Fontana has the same number of supervisory officers as other area departments, and with the fixed administrative load, the supervisory officers have time available to perform patrol duties. In response to a question from Don Roberts, Lucke stated that he did take into account the time of the calls and the average amount of time spent on each call. Teale asked if Lucke compared his report to a study prepared by Lt. Buchholz, and he responded no. Buchholz confirmed Chief Olson's earlier comment that his study came up with equivalent results.

Dale Thorpe left the meeting at 6:45 pm.

In response to a question, Lucke stated that he could gather more information from area municipalities on what percentage of time their supervisory officers spend on patrolling duties, but that information is not included in the Draft Final Report. President Whowell asked the Village Board members if they wanted to refer the draft report to the Protection Committee for a recommendation, or if there were further revisions desired. Hayden-Staggs stated that the Draft Final Report is a good step in determining the future staffing needs of the department and recommended that the Village move forward with the hiring process. Teale stated that it was her understanding that the Protection Committee already voted to accept the results of Lucke's report as presented, so the Village Board should authorize the hiring of another officer that night. Trustee Pollitt stated that Village Board could make an educated decision from Lucke's draft report. Lucke stated that a summation of his findings is that the department is understaffed and the Village has to determine what type of duties should be performed by the administrative officers. Bidwill stated that the draft report findings show the need for another full-time officer and there are funds in the budget, so he made a motion to authorize the hiring of another full-time police officer and to follow the hiring procedure to select the candidate. The motion was seconded by Trustee Pollitt and discussion on the hiring process and the officer candidate eligibility list followed. Olson stated that a part-time officer can be promoted to full-time because the part-time officers already went through the eligibility list process. Olson stated that the Village will have to fill open part-time positions, and the new candidates will have to go through the Police and Fire Commission's eligibility list process. Following discussion, the Board was in consensus that there is a need for one more full-time officer and the Village should move forward with the hiring process to fill the position. Olson stated that he has interviewed four of the Village's part-time officers with regard to the full-time position, and he is ready to make a recommendation to hire one of the officers with the provision that the candidate moves within 20 miles of the Village of Fontana. Bliss stated that the Village Board should be cautious about moving too fast, especially considering the report submitted by Lucke was just a draft. Bliss stated that before approving the hiring of another full-time officer, the Village should receive assurance that the overtime hours for patrolling will be significantly reduced. Turner stated that the draft final report looks accurate to him and it matches the information he received from the late Bob

Sandy regarding the staffing level when Sandy served as the police chief. Turner stated that the study confirms what the Village Board has been asking for and he agrees one more full-time officer should be hired. O'Connell stated that she also approves of the report and would vote in favor of the motion on the floor. Bromfield stated that he has no problem voting to approve the motion on the floor. Petersen stated that he had nothing further to add to the comments already made by the other Village Board members.

Bidwill/Pollitt 2nd made a MOTION to approve the hiring of one more full-time police officer and to initiate the hiring process, and the MOTION carried without negative vote. President Howell abstained.

Operator's License Applications Filed by Adrian Mora and Jamie L. Virzi (Abbey Springs)

Bromfield stated that Chief Olson signed off on the application filed by Jamie L. Virzi and he submitted a letter regarding the application filed by Mora. After a motion to approve both applications received a split vote from some of the trustees, the motion was removed from the floor and separate motions were made.

Bromfield/Pollitt 2nd made a MOTION to approve the Operator's License application filed by Jamie L. Virzi, and the MOTION carried without negative vote.

Bromfield/Pollitt 2nd made a MOTION to approve the Operator's License application filed by Adrian Mora. The MOTION carried on a 4-2 vote, with Trustees Bromfield, Bidwill, Pollitt and Turner voting yes, Trustees Petersen and O'Connell voting no, and President Howell abstaining.

Bike Path/Lane Ordinance (Tabled 11/06/06)

President Howell stated that the proposed ordinance has not been amended with regard to concerns stated at the November 6, 2006 meeting. President Howell stated that since the bike path lanes are covered with snow at this time, time is not a factor.

Bromfield/Petersen 2nd made a MOTION to table the matter, and the MOTION carried without negative vote.

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

Abbey Resort Pigeon Eradication Approval – One-Year Review

President Howell stated that the Village Board established a one-year review period last year when it voted to approve pigeon hunting on the property. President Howell stated that the resort management has indicated that they still need to combat the pigeon infestation with pellet guns and they would like approval for another year. Chief Olson stated that there have been no problems reported with regard to the pigeon eradication on the Abbey property.

Bromfield/Pollitt 2nd made a MOTION to extend the pigeon eradication authorization for one year, and the MOTION carried without negative vote.

Abbey Resort Ice Skating Rink Proposal

President Howell stated that the Abbey Resort has upgraded its proposal to erect an ice skating rink at the site of the event tent and the CDA may be able to provide some funding for a joint venture. Turner stated that the rink would be open for public use at no cost and he will propose to the CDA Board a cost sharing proposal under the CDA Façade Improvement Program. Turner stated that additional items, such as a heater and benches, have been added to the rink proposal and the total cost is estimated between \$10,000 and \$15,000. Hayden-Staggs stated that if the project is expanded to more than simply erecting a rink, the project may require review by the Building and Zoning Department. Following discussion, the Village Board was in consensus that the proposal should be approved with the conditions that it is approved by the CDA Board and that it is reviewed for conformity by the Building and Zoning Department staff.

Bromfield/Turner 2nd made a MOTION to approve the ice skating rink joint venture with the Abbey Resort with the conditions that the funding is approved by the CDA Board and that the final proposal is reviewed by the Village of Fontana Building and Zoning Department, and the MOTION carried without negative vote.

Election Inspector Two-Year Appointments

Martin stated that because of a new state law, the Election Inspector two-year appointments that

historically have been made in April are now mandated for a term from January 1 of odd numbered years to December 31 of even numbered years. Martin stated that he received a letter dated November 19, 2006 from Walworth County Democrats Chair Mark Pienkos that requests the appointment of Kathie Walsh to replace Todd Sammons as the party's poll worker representative in the Village of Fontana. Martin asked the Village Board to approve the appointment of Alternate Chief Election Inspector Rick Treptow and Election Inspectors Jacqueline Berg, Laurie Larson, Dixie McConnell, Genie Murphy, Allison Murray, Sharon O'Brien, Diane Rinaldi, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Kathie Walsh and Karen Varhula.

Petersen/Bromfield 2nd made a MOTION to approve the two-year appointments of Alternate Chief Election Inspector Rick Treptow and Election Inspectors Jacqueline Berg, Laurie Larson, Dixie McConnell, Genie Murphy, Allison Murray, Sharon O'Brien, Diane Rinaldi, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Kathie Walsh and Karen Varhula, and the MOTION carried without negative vote.

Board of Appeals Appointment – Diane Lewis to Replace David Stout

President Whowell stated that he was seeking approval of Diane Lewis to replace David Stout on the Board of Appeals. Stout requested that he be replaced on the Board.

Bromfield/Petersen 2nd made a MOTION to approve the appointment of Diane Lewis to replace David Stout on the Board of Appeals, and the MOTION carried without negative vote.

Novak CWD Hunt Permit Status/CWD Resolution Amendment

President Whowell stated there was a recent gun incident on the Novak property and following a staff meeting with the Chief Olson it was determined that the CWD Hunt Permit for the property should be suspended and the issue brought before the Village Board for consideration. The staff recommendation was to revoke the CWD Hunt Permit in lieu of issuing fines for up to three municipal violations. Novak requested that the suspension be lifted and his permit area be amended to allow for gun hunting as well as bow hunting. Chief Olson stated that on November 18, 2006, the department received a complaint that a shot was heard in the area by a person working on the roof of a home. A shell was later found on the roof by investigating officers, who found Novak walking in the area with a loaded gun and carrying ammunition that matched the shell found on the roof of the residence. Chief Olson stated that Novak was found with the gun on the property after the approved CWD hunting hours, which are delineated in the approved Resolution. Turner then made a motion that was seconded by Pollitt to lift the CWD Hunt Permit suspension and allow for only bow hunting on the Novak property under all the rules and regulations posted in the Resolution, and that the request for gun hunting will be considered next year. Petersen stated that Novak's hunting permit should be suspended for the rest of the season, or he should be issued the municipal citations for hunting with a gun and for hunting after the allowable hours. Chalchoff stated that the Village Board should keep in mind the fact that Novak committed a very unsafe act in the Village and he did not abide by the regulations established for the CWD Hunt. Following discussion, the Board was in consensus that the CWD Hunt Permit should be suspended for the remainder of this season in lieu of issuing Novak municipal citations for the incident. Turner and Pollitt then agreed to remove their motion and second from the floor.

Petersen/Turner 2nd made a MOTION to approve Resolution No. 12-04-06-01 amending Resolution No. 10-02-06-01 to suspend the CDW Hunt Permit for the Novak property for the remainder of the season, to not issue municipal citations to Peter Novak for the November 18, 2006 incident, and to consider the request to allow gun hunting on the property next year. The MOTION carried without negative vote.

Trustee Pollitt, Hayden-Staggs and Workman left the meeting at 7:39 pm to attend an AFSCME Union contract negotiation meeting.

Employee Christmas Bonus

President Whowell stated that the Village Board has traditionally approved a \$50 gift certificate for Village of Fontana employees as a Christmas bonus.

Petersen/Bromfield 2nd made a MOTION to approve a \$50 gift certificate from Sentry Foods as a Christmas bonus for all Village of Fontana employees, and the MOTION carried without negative vote.

Plan Commission – President Whowell

Toledo Petition to Amend Zoning Ordinance from A-1 ETZ to A-4 ETZ

President Whowell stated that the Plan Commission and Joint ETZ Committee voted unanimously to recommend approval of the zoning ordinance amendment and approved an associated Conditional Use Permit application with the condition that the zoning amendment received Village Board approval.

Bromfield/Turner 2nd made a MOTION to approve Ordinance 12-04-06-01, approving the Petition to Amend the ETZ Zoning District filed by Manuel and Kris Toledo, W6189 N. Walworth Road, from A-1 ETZ to A-4 ETZ as presented, and the MOTION carried without negative vote.

Announce December 18, 2006 Plan Commission Meeting Public Hearing – Conditional Use Permit Application Filed by Michael Raymond Custom Homes, LLC, 2000 W. Main Street, Suite E, St. Charles, IL 60174 to Cut Down More Than 30 percent of the Trees on a 0.24-Acre Site of a Proposed Single-Family Residence at 89 Medinah Lane in the Abbey Springs Planned Development District

President Whowell announced the public hearing and encouraged the officials to take a tour of the site.

Schedule Tree Ordinance Revision Workshop with Park Commission, Plan Commission and Village Board

The Park Commission selected three possible dates for the joint meeting – Saturday, January 6, 2007, at 9:00 am; Tuesday, January 9, 2007, at 5:30 pm; or Saturday, January 20, 2007, at 9:00 am. Following discussion, the Village Board was in consensus that the meeting should be scheduled for Tuesday, January 9, 2007 beginning at 5:30 pm. President Whowell encouraged the Village Board members to attend the joint workshop meeting.

CDA – Trustee Turner

Duck Pond Master Plan Approval

Turner stated that the CDA approved the conceptual master plan for the Duck Pond Area projects. Turner stated that more detailed plans for the specific projects will be presented for review and approval to the CDA, Plan Commission and Park Commission at a later date. Turner stated that the vast majority of the area will be preserved for recreational uses, and the land that encompasses the former dump and garage sites will be reclaimed; the Public Works area will be rationalized; and development areas will be created in the north corner of the site and at the 5-acre site of the “Old Barn” for the Public Works Department. A commercial mulching operation is being proposed for the north corner of the site, and there are no plans at this time for the “Old Barn” site. O’Connell asked if the Village could construct a new Safety Building at the site, and Turner responded the Village can propose any type of development it desires for the “Old Barn” site.

Turner/Bromfield 2nd made a MOTION to approve the conceptual master plan for the Duck Pond Area as presented, and the MOTION carried without negative vote.

Monthly Update

Turner stated that as the initial CDA projects are being finished, residents are responding more favorably.

F/W WPCC-Trustee Petersen

Monthly Update

Petersen stated that the underground work on the Beloit Road project has been completed, but the restoration work won’t be done until spring. Petersen stated that the line currently is useable, but there still is more work to complete.

Public Works – Trustee Petersen

Magill Pay Request for Reid Park Pavilion

Petersen stated that the pay request was reviewed and approval was recommended.

Petersen/Bromfield 2nd made a MOTION to approve the \$71,118.50 pay request submitted by Magill Construction, and the MOTION carried without negative vote.

Kovilic Pay Request No. 10 for Main Lift Station

Petersen stated that the pay request was reviewed and approval was recommended.

Petersen/Bromfield 2nd made a MOTION to approve the \$150,472.40 pay request submitted by Kovilic Construction, and the MOTION carried without negative vote.

Mill and Main Street Final Pay Requests

Petersen stated that the projects have been completed, the final pay requests for the two projects were reviewed and approval was recommended.

Petersen/Turner 2nd made a MOTION to approve the final Mill Street project pay request totaling \$23,002.60 to Oddling Construction, and the MOTION carried without negative vote.

Petersen/Bromfield 2nd made a MOTION to approve the final Main Street project pay request totaling \$10,108.50 to Mann Brothers, and the MOTION carried without negative vote.

Lower Gardens Sewer Project Update

Petersen stated that project has been sent out for bids.

Construction Project Updates

Petersen stated that the generator has been delivered and set in place at the Main Lift Station and installation work has commenced. The staircase to the lower level is scheduled to be completed this week. Petersen stated that the new Main Lift Station will be operable soon; however, the Village will wait until after the holiday season before it is put online. Petersen stated that all of the lights have been installed along Highway 67, and one old pole will remain at its site adjacent to Fontana Boulevard until this spring when electrical work will be completed. Petersen stated that the old light bulb will be removed from the pole.

Finance Committee – Trustee Pollitt

Tax Bill Expected Delivery Date, Monday, December 11, 2006

Treasurer Pollitt stated that all of the tax information has been submitted to Walworth County and the bills are scheduled to be delivered on December 11, 2006. Volunteers will help with stuffing the bills into envelopes and preparing the mailing.

Next Meeting Date January 18, 2007

Treasurer Pollitt stated that the next meeting of the Finance Committee will be held January 18, 2007.

Lakefront and Harbor - Trustee O'Connell

Sherin Boat Damage

O'Connell stated that the Lakefront and Harbor Committee recommended that the Village offer to waive the fee for the lease of a buoy to the Sherins to settle a boat damage incident. The Sherin's boat sustained extensive damage when the buoy chain broke loose and the boat drifted into the shoreline, and the Sherins requested that the Village pay the \$1,225 deductible on their insurance policy. O'Connell stated that the committee recommended offering the free buoy lease in lieu of the paying the deductible. The buoys are installed by Austin Pier Service. O'Connell stated that Austin Pier Service will reimburse the Village for the rental fee.

O'Connell/Petersen 2nd made a MOTION to approve the settlement offer as recommended by the Lakefront and Harbor Committee, and the MOTION carried without negative vote.

GLLEA – Trustee Pollitt

Update

President Whowell stated that Trustee Pollitt left the meeting to attend an AFSCME Union contract negotiation meeting; however, the GLLEA Board of Directors has not met since the last Village Board meeting.

Park Commission – Trustee Bidwill

Status of Landscaping Project – Reid Park Restroom/Pavilion

Bidwill stated that the preliminary landscaping plan has not been presented to the Park Commission.

Donated Tree Status — Gerdes Nursery

Bidwill stated that the Village received a donation of 107 trees from Gerdes Nursery. The trees have been planted and Gerdes Nursery will be recognized in the Village Newsletter.

Tree City USA Recertification

Bidwill stated that the Park Commission has the paperwork and will be making its annual application to be recertified as a Tree City USA.

Update on Reid Park Landscaping

The agenda item was repeated because of a typo.

Pending Items for Future Agendas

1. Big Foot Recreation Annual Update
2. 2007 Salary Resolution
3. AFSCME Union Contract

Adjournment

Bromfield/Bidwill 2nd made a MOTION to adjourn the meeting at 8:01 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: 01/03/07