

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, February 5, 2007

President Whowell called the monthly meeting of the Village Board to order at 5:18 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

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/Petersen 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 salaries, 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, and Chapter 19.85 (1) (g) Wis. Stats. to confer 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, specifically the WERC Claim filed by Mark Chalchoff, and the roll call vote followed:

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

Bidwill – Yes

Pollitt – Yes

Turner - Yes

Adjournment of Closed Session

Bromfield/O'Connell 2nd made a MOTION to adjourn the closed session at 6:02 pm, and to reconvene in open session after a five-minute recess, and the MOTION carried without negative vote.

President Whowell announced that the Village Board was in open session at 6:07 pm.

Also present: Ken Bell, Police Lt. Brad Buchholz, Rob Ireland, Library Director Nancy Krei, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Don Roberts, Police Officer Aaron Skinner, Director of Public Works Craig Workman

Visitors Heard

Presentation to Ken Bell

President Whowell presented a plaque of appreciation, "The Salty Dog Award," to Ken Bell for his many years of service to the Village of Fontana as a representative on the Geneva Lake Use Committee.

Announcements

Hayden-Staggs announced that CDA will hold its monthly meeting on Wednesday, February 7, 2007, at 6:00 pm; a Town Hall Meeting to introduce the Trustee candidates will be held Saturday, February 10, 2007, beginning at 9:00 am; the Spring Primary Election will be held Tuesday, February 20, 2007,

with polls open from 7:00 am to 8:00 pm; and the next Plan Commission meeting will be held Monday, February 26, 2007, at 5:30 pm. Hayden-Staggs stated that unlisted announcements include the public test of the electronic voting equipment on Wednesday, February 14, 2007, at 2:30 pm; and former Fontana Public Library employee Inger Fischer died Thursday, February 1, 2007.

Approval of Minutes

O'Connell/Bromfield 2nd made a MOTION to approve the minutes for meetings held January 3 and 9, 2007, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

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

Approval of Village and Utility Payables

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

Protection Committee – Trustee Bromfield

Operator's License Application Filed by Elizabeth H. McMillan (Abbey Springs)

Bromfield stated that Chief Olson conducted a background check on the application and there was nothing of concern noted.

Petersen/O'Connell 2nd made a MOTION to approve the Operator's License Application filed by Elizabeth H. McMillan, an employee at Abbey Springs, and the MOTION carried without negative vote.

Picnic Liquor License for St. Benedict Catholic Church February 17, 2007 Event

Bromfield stated that St. Benedict Catholic Church submitted the license application for a one-day fund-raising event to be held in the Parish Hall on February 17, 2007.

Petersen/Pollitt 2nd made a MOTION to approve the Picnic Liquor License application filed by St. Benedict Catholic Church, with the fee waived, and the MOTION carried without negative vote.

Bike Path/Lane Ordinance (Tabled 1/3/07)

Hayden-Staggs stated that following review at the staff level, the initially proposed ordinance language drafted by Chief Olson will be adequate to cover the Village's needs regarding riding bicycles on the pedestrian/bicycle paths. The ordinance states that the riding of bicycles shall be permitted upon the sidewalks that run parallel to State Highway 67, also known as Valley View Drive; however, any bicycle that is operated on the approved sidewalks shall be done so in compliance with State Statute 346.804 and with due care, and bicyclists have to yield to pedestrians.

Turner/Bromfield 2nd made a MOTION to approve Ordinance 020507-01 as presented, and the MOTION carried without negative vote.

Speed Limit Increase to 35 mph on Indian Hills Road

Bromfield stated that the Protection Committee reviewed the situation where many motorists have been receiving speeding citations and warnings on Indian Hills Road and the committee voted to recommend that the speed limit be increased from 25 to 35 miles per hour. Hayden-Staggs stated that following staff review, Chief Olson checked with the police officers for their input. Chief Olson stated that the officers have concerns about the topography of the road and the limited sight lines at some of the intersections, and the Police Department is in favor of leaving the speed limit set at 25 mph.

Petersen/O'Connell 2nd made a MOTION to leave the speed limit set at 25 miles per hour on Indian Hills Road for safety reasons, and the MOTION carried without negative vote.

Approve Officer Aaron Skinner Transfer from Part-Time to Full-Time

Bromfield stated that the Protection Committee recommended approving Chief Olson's recommendation to promote Officer Aaron Skinner from part-time status to full-time. Chief Olson stated that if approved as a full-time officer, Skinner will have to move within 20 miles of the Village limits within six months of the approval. After the Village Board approved a motion to appoint

Skinner as a full-time police officer, Martin administered the Oath of Office to Skinner. Petersen/Pollitt 2nd made a MOTION to approve the transfer from part-time to full-time for Village of Fontana Police Officer Aaron Skinner, and the MOTION carried without negative vote.

Plan Commission – President Whowell

Resolution Amending Mill Street Plaza Development PIP

President Whowell stated that the Plan Commission recommended approval of the amendment to the Precise Implementation Plan to address the slight relocation of the new commercial building. Hayden-Staggs stated that the amendment is necessary because once the Plan Commission and Village Board have approved a zoning plan, no changes can occur without the two groups amending their approval, with the exception that slight modifications can be approved by Village staff. Hayden-Staggs stated that the change resulted in locating the building where it needed to be and that the engineering for the plaza was prepared with the right information. Thorpe presented a resolution to amend the previously approved and previously amended precise implementation plan to address the actual location of the building.

Turner/Petersen 2nd made a MOTION to approve Resolution 02-05-07-01 as presented, and the MOTION carried without negative vote.

Abbey Springs PIP Amendment Resolution for Boat Storage Expansion Plan

Hayden-Staggs stated that Mac Niven requested that the matter be tabled because he was not able to submit prior to the meeting the planning documents requested by the Village staff and Plan Commission. Bromfield then made a motion to table the item, but the other Village Board members stated that they wanted to discuss the proposal. O’Connell stated that the Village Board should provide initial input to Abbey Springs on the boat expansion proposal so that expensive planning documents are not purchased if the proposal is going to be denied by the Village Board. O’Connell stated that she also would like to see the five-year phasing plan for the actual addition of 48 boats to the storage area, but first the Village Board members should state if they want to approve more boats for the storage area. Bidwill stated that the Wisconsin DNR recently indicated that Geneva Lake is the most dangerous lake in the state because of the watercraft traffic congestion. Bidwill stated that he does not think it’s a good idea to approve the addition of 48 more boats on the lake and the Abbey Springs should be held to the 158 total spaces that were approved when the Planned Development zoning documents were finalized two years ago. Turner stated that he does not favor the boat storage expansion proposal because it was indicated by Niven at the Plan Commission meeting that the Abbey Springs residents will slowly take up the additional boat storage space over a five-year period, so there isn’t a heavy demand for the 158 boat storage spaces that the Abbey Springs has at this time. Trustee Pollitt stated that Abbey Springs is asking for too many extra storage spaces, considering the ultimate impact on Geneva Lake. Pollitt stated that he may support the boat storage expansion proposal if the additional stalls were limited to 25, because that’s how many boats are proposed to be stored in the new underground area. O’Connell stated that the proposal should be referred back to the Plan Commission for consideration on the construction of the new boat storage facility without the addition of 48 stalls. Bromfield stated that he also opposes the addition of more boat storage stalls. O’Connell then made a motion to deny the proposed amendment, but Thorpe suggested tabling the matter since that was what the applicant requested. Following discussion, the Village Board was in consensus that Hayden-Staggs should contact Niven at Abbey Springs and inform him that the Board will deny the amendment if it calls for more boat storage spaces than the previously approved 158.

Bromfield/O’Connell 2nd made a MOTION to table the item and to direct Hayden-Staggs to contact Abbey Springs to communicate the direction provided by the Village Board with regard to the boat storage expansion proposal, and the MOTION carried without negative vote.

Announce February 26, 2007 Public Hearings:

President Whowell stated that the Plan Commission scheduled public hearings for its next monthly meeting for a CUP application filed by Michael Keefe, 1014 South Lakeshore Drive; a CUP application filed by Barton and Joan Love, 928B South Lakeshore Drive; a Petition to Amend the Zoning Map and CUP application filed by the Country Club Estates Property Owners Association; and a Petition to Amend the Zoning Map filed by the Lake Geneva Yacht Club, W4780 South Lakeshore Drive.

CDA – Trustee Turner

Board Member Appointments – Cindy Wilson and Gail Hibbard

Turner stated that McHugh researched the appointments for the CDA, and because the initial appointments were made in December, the Board had to approve the reappointment of Cindy Wilson and Gail Hibbard to the CDA Board. The CDA Board terms are four years for the resident positions.

Turner/O’Connell 2nd made a MOTION to approve the appointment of Cindy Wilson and Gail Hibbard to four-year terms on the CDA Board, and the MOTION carried without negative vote.

Geneva Lake Groundwater – Wells Impact Article

Turner stated that he had distributed to the Village Board members a newspaper article regarding Geneva Lake groundwater and the impact of high-capacity wells on the water table. Workman and Petersen stated that they have previously discussed the issue at meetings with Geneva Lake Environmental Agency Director Ted Peters, who has proposed a \$50,000 to \$60,000 project to develop and conduct a study of groundwater flow around the lake.

Turner/O’Connell 2nd made a MOTION to direct Hayden-Staggs to invite Ted Peters to attend the next monthly meeting of the Village Board to discuss the issue, and the MOTION carried without negative vote.

Highway 67 Landscaping Update

Turner stated that bids are being solicited and work is scheduled to begin in the spring. There will be some traffic disruption on Highway 67 while the trees are being planted and the irrigation system is being installed. Turner stated that part of the project includes the cleaning of the creek on the west side of the road. Because of FairWyn construction schedule considerations, the work on the Porter Court Plaza will not commence until next fall. McHugh stated that bids for the Highway 67 landscaping and irrigation project are due February 15, 2007.

Public Works – Trustee Petersen

Main Lift Station Update

Workman stated that all the pumps have been positively tested and the new station should be online by the beginning of next month. A generator test that was planned for that day was postponed because the company was busy with other weather-related emergency situations in other municipalities. Village of Fontana employees will be completing training sessions during the next month in preparation of the opening of the new main lift station. Workman stated that equipment and parts will be salvaged from the old main lift station, but there is no current plan for the use of the building. Turner stated that he was approached by the Abbey Resort management with regard to the possibility of the old lift station building being leased for use as a storage building for Dockominium owners. Workman stated that the building is in good shape, but it is odoriferous.

General Business/Administrator’s Report – President Whowell/Administrator Hayden-Staggs

2007 CDA and Utility Budgets

The CDA budget was presented to the Finance Committee, but the CDA Board was scheduled to act on the budget at its February 7, 2007 meeting. The Utility budget will be presented to the Finance Committee at its February 22, 2007 meeting. Both budgets will be brought back for Village Board consideration at its next meeting on Monday, March 5, 2007.

Pollitt/Petersen 2nd made a MOTION to table the 2007 CDA and Utility Budgets until the March 5, 2007 meeting, and the MOTION carried without negative vote.

Salary Resolution

The Village Board requested more information during a closed session so the final resolution was not ready for consideration.

Petersen/Bromfield 2nd made a MOTION to table the item until the March 5, 2007 meeting, and the MOTION carried without negative vote.

Lease Renewal for 208 Dewey Avenue

Hayden-Staggs stated that one-year lease for Nancy Krei to rent the Village owned residence at 208 Dewey Avenue expires March 1, 2007. Hayden-Staggs stated that staff recommended renewing the one-year lease for the same terms. Krei asked if the Board would consider eliminating a “no pets” clause from the lease because she would like to get a pet sometime this year. Following discussion, the Board directed Krei to come back to a future meeting if and when she decides what type of pet she would like. Petersen stated that he is opposed to allowing large dogs to reside at the residence. O’Connell stated that she would not be opposed to approving a limited sized dog.

Petersen/Bromfield 2nd made a MOTION to approve the renewal of the lease from March 1, 2007 to March 1, 2008 to Nancy Krei for the residence at 208 Dewey Avenue, and the MOTION carried without negative vote.

Condon Construction Tree Bond Transfer

Hayden-Staggs stated that the Village received a letter from the attorney representing Dennis Condon that requests the Village to return the remaining \$400 tree bond submitted by Condon Construction in exchange for a letter guaranteeing for two-years the replacement of the last tree in question on the lots in Condon’s Pottawatomie Drive development area. The letter from Paul Swartz Nursery and Garden Shop, Burlington, states that the tree planted on Lot 8 to replace a dead tree carries a two-year guarantee by Paul Swartz Nursery. The letter states that if the tree dies within two years, it will be replaced by Paul Swartz Nursery within 15 days of notification. Trustee Pollitt stated that the Village had an extreme amount of trouble dealing with Condon Construction and it would be nice to finally resolve all the issues. Petersen stated that he favored the release of the \$400 in exchange for the guarantee from Paul Swartz Nursery in order to resolve the Condon Construction issue.

Petersen/Pollitt 2nd made a MOTION to approve the release of the \$400 tree bond to Condon Construction in exchange for the two-year guarantee letter from Paul Swartz Nursery and Garden Shop, Burlington, and the MOTION carried without negative vote.

Appointment of Bill Morrison to Public Works Committee

President Whowell stated that Bill Morrison, a summer lakefront employee, volunteered to fill the open position on the Public Works Committee.

Petersen/Bromfield 2nd made a MOTION to approve the appointment of Bill Morrison to fill the open position on the Public Works Committee, and the MOTION carried without negative vote.

Appointment of Joseph McHugh to Library Board

President Whowell stated that the Library Board recommended the appointment of Joseph McHugh to fill the position formerly held by Inger Fischer, who died Thursday, February 1, 2007.

O’Connell/Petersen 2nd made a MOTION to approve the appointment of Joseph McHugh on the Library Board, and the MOTION carried without negative vote.

Referendum Questions Certification

Hayden-Staggs distributed copies of two referendum questions that staff recommended for the April 3, 2007 Spring Election. Hayden-Staggs stated that she sent the two preliminary questions to Steve Koch, the attorney representing FROG, in order to receive advanced approval for the questions – per the terms of an agreement entered into prior to the November 2006 election. Hayden-Staggs stated that the Board could vote to certify the questions that night if they were so inclined, and the FROG group and Bruce Jensen could approve the questions after the certification. Hayden-Staggs stated that the questions seeking approval to bury utility lines in the Village center and to erect a new fence along the border of the municipal beach were drafted in staff meetings in response to the VOF Newsletter questionnaires that were submitted by residents. Workman stated that the initial \$650,000 cost estimate for the proposed question to earn approval to complete the burial of overhead utilities in the Village center, including Third Avenue, Fontana Boulevard, Kinzie Avenue and Lake Street, is not correct, and the total cost will exceed \$800,000 according to new cost estimates to complete the utility burial east of Third Avenue to the intersection of Shabbona Drive. Workman stated that new engineering figures estimated by Alliant have increased due to inflation and because the utility burying project initially was planned to immediately precede the reconstruction of Third Avenue. Workman stated that since the Third Avenue project was not approved in the November 2006 referendum, that work will not be completed at the same time as the utility burial project. The initial

cost estimates for the utility burial did not include the requirements to restore and resurface the road, because that work was going to be completed with the Third Avenue reconstruction project. Workman stated that the new cost estimate does not include work to bury the cable and telephone utility lines. Hayden-Staggs stated that if the Board votes to certify a referendum question on the utility burial project, she would prefer that an accurate cost estimate is prepared. A referendum question has to be certified at least 42 days before the election, so the deadline for the April 3, 2007 election is February 20, 2007. Trustee Pollitt stated that maybe the Village should hold off until the fall to certify any referendum questions to make sure the cost estimates are accurate and that the issues are well explained to the voters. Bidwill stated that he agrees with Pollitt and there is no sense for the Village Board to shoot itself in the foot with bad cost estimate numbers. Bidwill stated that if the Village Board rushes an ill-advised referendum question to the voters, it will only create more animosity. Petersen stated that the longer the Village takes to approve the projects, the more money it will cost to complete them. Petersen stated that the utility burial project should put to a referendum after the staff secures the most accurate cost estimate possible at this time. Bromfield stated that the Village Board should move forward and certify the proposed questions. O'Connell stated that the Village Board should wait until September to certify the referendum questions. Turner stated that he initially was upset when the Village had to wait to undertake the Highway 67 construction project, but then the time passed by quickly. Turner stated that with regard to the proposed fencing question, the Village officials still have not reached a consensus on the style of fence to propose. Turner stated that as a compromise, he would support certifying the utility burial question and holding off on the beach fence question until the fall. Turner stated that the utility burial project sets the stage for the other projects on the TID Project Plan. Following a lengthy discussion, the Village Board was in consensus that the utility burial question should be certified at this time, and the fence question should be delayed. Workman was directed to contact the two other utility companies to solicit updated project estimates for the utility burial. Once a more accurate cost estimate is calculated, a special meeting of the Village Board will be called to certify the referendum question for the April 3, 2007 election. Hayden-Staggs asked the Village Board members if they had any other concerns with the proposed utility burial question as presented, other than the cost estimate. Petersen stated that the language should include a statement that the project will be funded with TID funding. Hayden-Staggs stated that she will amend the question to state: Shall the Village of Fontana on Geneva Lake be authorized to spend Tax Incremental District (TID) funds in an amount not to exceed (project cost estimate figure pending) to complete the burial of overhead utilities in the Village center, including Third Avenue, Fontana Boulevard, Kinzie Avenue and Lake Street? A special meeting of the Village Board will be called after Workman finalizes the total cost estimate.

Finance Committee – Trustee Pollitt
Municipal Budget Comparison

Trustee Pollitt stated that the Finance Committee held three meetings to compare the published municipal budgets of the Village of Fontana and the Village of Williams Bay, and the findings of the study were compiled in a document that was distributed. Pollitt stated that although the Village of Fontana's expenses are 54 percent greater than Williams Bay, the total revenue for the Village of Fontana is 58 percent greater than Williams Bay. The Village of Fontana also budgets for road maintenance and repairs, while Williams Bay does not have a budget line for the item. Pollitt stated that after reviewing the report, the Finance Committee is not willing to change any of its budgeting methods or propose any reductions in services. The Finance Committee determined that the additional expenses in the Village of Fontana budget are justifiable versus the level of services being provided in Williams Bay. The Village Board members stated that the Finance Committee did a great job and put a lot of work into preparing the report, which demonstrates that the Village of Fontana budgeting process is working well.

F/W WPCC-Trustee Petersen

Approval of Fee for Sanitary Sewer Extension Review

Petersen stated that the F/W WPCC Board established a \$300 service fee for extension review services. The Village of Fontana needs a review of the sanitary sewer extension that will attach the Tracy Development sewer system into the Village of Fontana's system.

Petersen/O'Connell 2nd made a MOTION to approve the payment of the \$300 to the

Fontana/Walworth Water Pollution Control Commission for the sanitary sewer extension review, and the MOTION carried without negative vote.

Approve First Amendment to Reciprocal Emergency Water Service Agreement with Village of Walworth

Petersen stated that the amendment is being proposed to simplify the administration of the agreement, which is for emergency situations only. The amendment takes the Fontana/Walworth Water Pollution Control Commission out of the agreement.

Petersen/Bromfield 2nd made a MOTION to approve the First Amendment to Reciprocal Emergency Water Service Agreement with Village of Walworth as presented, and the MOTION carried without negative vote.

Lakefront and Harbor - Trustee O'Connell

2007 Beach, Parking and Ramp Fees – No Change

O'Connell stated that the Lakefront and Harbor Committee recommended leaving the rates the same as last year.

2007 Commercial Launch Fees Resolution

O'Connell stated that the Lakefront and Harbor Committee recommended raising the fee for the first 100 commercial launches from \$700 to \$750 and from \$7.00 to \$7.50 each for every launch after the first 100. Following discussion on how the commercial launch revenue has been decreasing every year that the Village has increased the commercial launch rates, Turner suggested sending the matter back to the Lakefront and Harbor Committee for a second look. Following further discussion, the Board was in consensus that the Lakefront and Harbor Committee recommendation was appropriate.

O'Connell/Pollitt 2nd made a MOTION to approve Resolution 020507-02 establishing the commercial launch fee at \$750 for the first 100 launches and \$7.50 each for every launch after the first 100, and the MOTION carried without negative vote. President Whowell abstained.

GLLEA – Trustee Pollitt

Update

Trustee Pollitt stated that the Geneva Lake Law Enforcement Agency did not hold a meeting last month.

Park Commission – Trustee Bidwill

Tree Ordinance Revision Update

Bidwill stated that the Park Commission formed a subcommittee, which met to discuss the amendments delineated at the joint workshop meeting on January 9, 2007. Bidwill stated that Rick Treptow is working on a draft proposal of the suggested amendments, which will be presented at the next Park Commission meeting.

Pending Items for Future Agendas

1. Big Foot Recreation Annual Update
2. AFSCME Union Contract

Adjournment

Bromfield/Petersen 2nd made a MOTION to adjourn at 8:32 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: 03/05/07