

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Tuesday, September 4, 2007

President Pollitt called the monthly meeting of the Village Board to order at 5:04 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: O'Connell, Spadoni, President Pollitt, Petersen, Turner

Trustee late: Youngquist (arrived at 5:55 pm)

Trustee absent: Bidwill

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Police Chief Steve Olson (arrived at 5:30 pm), Village Attorney Dale Thorpe (arrived at 5:17 pm), Director of Public Works Craig Workman (arrived at 5:57 pm)

Announcement for Board of Trustees to Consider Going Into Closed Session

Petersen/Pollitt 2nd made a MOTION for the Village Board to go into closed session pursuant to 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 claims filed by BZA and Peter Novak, 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 WPPA contract negotiations and a proposed amendment to the Strand Associates contract, and the roll call vote followed:

President Pollitt – Yes

Petersen – Yes

Turner – Yes

O'Connell – Yes

Spadoni – Yes

The MOTION carried on a 5-0 vote, with Trustee Youngquist still not present at the meeting.

Adjournment of Closed Session

Petersen/Spadoni 2nd made a MOTION to adjourn the closed session at 6:04 pm, and to reconvene in open session after a short recess, and the MOTION carried without negative vote.

President Pollitt announced that the Village Board was in open session at 6:06 pm.

Also present: Skip Bliss, Lee Eakright, Jim Feeney, Rob Ireland, Library Director Nancy Krei, Laurie Larson, CDA Executive Director Joseph McHugh, Harbormaster Bill Morrison, Building Inspector Ron Nyman, Treasurer Peg Pollitt, Dennis West

Visitors Heard

None

Announcements

Hayden-Staggs stated that PAR Development has commenced construction on its Cliffs of Fontana project; the CDA Board monthly meeting will be held Wednesday, September 5, 2007, at 6:00 pm; the 18th annual Triathlon will be held Saturday, September 8, 2007; the Village of Fontana beach fence referendum will be held Tuesday, September 11, 2007, with the polls open from 7:00 am to 8:00 pm; the Village of Fontana Newsletter article deadline is Thursday, September 13, 2007; the Walworth County Clean Sweep Program will be held Saturday, September 22, 2007; and the monthly meeting of the Plan Commission will be held Monday, September 24, 2007, at 5:30 pm. Later in the meeting, Turner stated that he wanted to address the comments the Village has been receiving with

regard to the Par Development project at the abandoned site of the former quarry. Turner stated that the two-year approval process began when the CDA hired a land consultant from the University of Wisconsin to calculate the appropriate angle of repose for the slopes left by the former owners of the abandoned quarry. Turner stated that by today's standards, a quarry site could not be left with the severe slopes that are currently being recreated by Par Development. Turner stated that the new slope will be seeded, planted and stabilized by the developers of the single-family-home subdivision.

Approval of Minutes

O'Connell/Spadoni 2nd made a MOTION to approve the minutes for meetings held August 6 and 23, 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 July 2007 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

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

Protection Committee – President Pollitt

Operator's License Applications Filed by Sarah V. Reszler (Rollette Oil), Katherine L. Pauly (Lake Geneva Yacht Club), and Adrian Mora (Abbey Springs)

There were no issues found during the background checks for the operator's license applications filed by Sarah V. Reszler, an employee at Rollette Oil, Katherine L. Pauly, an employee at the Lake Geneva Yacht Club, and Adrian Mora, an employee at Abbey Springs.

Spadoni/O'Connell 2nd made a MOTION to approve the Operator's License applications filed by Sarah V. Reszler, an employee at Rollette Oil, Katherine L. Pauly, an employee at the Lake Geneva Yacht Club, and Adrian Mora, an employee at Abbey Springs, and the MOTION carried on a 5-1 vote, with Trustee Petersen voting no.

Park Commission

Reid Park Ball Field Recommendation

The Park Commission unanimously approved a motion at its last meeting to recommend that the Reid Park ball field be left in its current condition for the time being because there is no reason to change the limestone infield material to grass at this time.

Appointment of New Members (Tabled 08/06/07)

President Pollitt stated that at the direction of the Park Commission, he met with Sarah Lobdell and Sharon O'Brien to select two candidates to fill the open position on the Park Commission. President Pollitt stated that the two candidates selected by Lobdell and O'Brien that he is nominating for approval are Nancy Krei and Dan Green, a local resident who served on the VOF Fire Department.

Spadoni/O'Connell 2nd made a MOTION to approve the appointment of Nancy Krei to the Park Commission, and the MOTION carried without negative vote.

O'Connell/Youngquist 2nd made a MOTION to approve the appointment of Dan Green to the Park Commission, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Accept Resignation of Trustee Joe Bidwill – Potential Appointment of Trustee to Complete Unexpired Term

Trustee Bidwill submitted his resignation from the Village Board because he is moving to the Town of Linn. President Pollitt stated that he would like to solicit for candidates to be appointed to complete the unexpired term of Bidwill. Bidwill's two-year term ends April 15, 2008. President Pollitt stated that he would like to have interested candidates submit letters of interest and fill out informational forms on their interests, qualifications and related background experiences. President Pollitt stated that the deadline for submitting letters of interest and the form will be Monday, September 17, 2007. President Pollitt stated that he would like to nominate a replacement for Bidwill at the next monthly meeting on Monday, October 1, 2007.

President Pollitt/Spadoni 2nd made a MOTION to accept the resignation of Trustee Joe Bidwill, and the MOTION carried without negative vote.

Accept Resignation of Police and Fire Commissioner Joseph Haughey

Haughey is moving to Washington, D.C. so he submitted a letter of resignation from the Police and Fire Commission. Youngquist stated that Haughey is a great person and he did a wonderful job for many years while serving on the Police and Fire Commission. Haughey's position on the PFC will be filled by Allen Kaminski, who received approval at last month's meeting.

Spadoni/O'Connell 2nd made a MOTION to approve the resignation of Joseph Haughey from the Police and Fire Commission, and the MOTION carried without negative vote.

Ordinance Amendment to Ban Smoking on Beach, Little Foot Playground

The proposed ordinance amendment was redrafted at the direction of the Village to add the municipal beach to the Little Foot Playground as the two areas where smoking is banned. The redrafted amendment also removes references to wood chips and wooden constructed equipment.

Turner/Petersen 2nd made a MOTION to approve Ordinance 09-04-07-01 as presented, and the MOTION carried on a 5-1 vote, with Trustee Youngquist voting no.

Antique Boat Show Parking – September 29 and 30, 2007

Hayden-Staggs stated that the organizer of the annual Antique Boat Show has again requested to use the Village parking lot for event parking. Hayden-Staggs stated that in previous years, the Village has discounted the event parking at \$2 per vehicle; however, \$5 is the fee charged for all other events. The fee helps the Village to recoup some of the costs of staffing the lot for the special event.

Spadoni/Youngquist 2nd made a MOTION to approve the use of the Village parking lot for Antique Boat Show event parking, at a rate of \$5 per vehicle, and the MOTION carried without negative vote.

State Health Insurance Plan Resolution – Deductible Plan

Hayden-Staggs stated that the State has not yet posted the 2008 premium rates for the Wisconsin Department of Employee Trust Fund health insurance program, so the necessary information to make a decision is not available. When the new rates are posted, Hayden-Staggs stated that she will complete a cost analysis to determine if the Village should pursue switching the plan option to a premium rate scale that includes a deductible. The Village would reimburse the employees for the deductible level if the current plan is changed. If the deductible option is pursued, the Village Board would have to adopt a Resolution to make the change from the current ETF health plan.

Spadoni/Youngquist 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Report From President's Breakfast Meeting

President Pollitt stated that he, Hayden-Staggs and Workman discussed village issues with representatives from the homeowner associations at the annual President's Breakfast meeting on Saturday, August 25, 2007. One of the main topics of discussion was the proposed 14-foot clearance recommendation on private and public roadways that was forwarded by the Protection Committee. President Pollitt stated that the association representatives indicated that they would prefer the Village Board to adopt the road restriction on an individual basis, not on a village-wide basis, and make the approvals specific to the individual associations if requested. President Pollitt stated that representatives of the Abbey Ridge, Abbey Condominiums and Abbey Dockominiums stated they have complaints with regard to an agreement with the CDA. Turner stated that he and McHugh reviewed the agreement, and all of the terms have been fulfilled. President Pollitt stated that the Abbey associations also have complaints with the new intersection of the driveway that leads from the Abbey entrance onto Highway 67. The construction plan was negotiated with the CDA and the Abbey representatives and subsequently approved by the Wisconsin DOT prior to the Highway 67 reconstruction project. Turner stated that the CDA will discuss the intersection again with the Abbey representatives.

CDA – Trustee Turner

Porter Court Plaza Update

Turner stated that construction on the approximate 1-acre parcel at the corner of Porter Court and Highway 67 was delayed because of a resolved permitting issue with the Wisconsin Department of Natural Resources. Turner stated that even with the delay, the construction still should be completed by the end of the year.

Wild Duck Road & Pedestrian Path Update

Turner stated that construction on the new pedestrian and bicycle path from Highway 67 to the athletic fields at the Duck Pond Recreation Area has commenced. The construction of the new path necessitated the cutting down of the trees in the “triangle” parcel at Duck Pond Road and Highway 67. Turner stated that the plan includes planting many more trees than were cut down. Temporary erosion control measures have been installed; tree clearing and grubbing is ongoing and is scheduled to be completed by September 5, 2007; and private utility relocations are ongoing. Mann Brothers is scheduled to begin grading work after the first week of September.

Duck Pond – STS Consultants Update

Turner stated that STS Consultants has been retained by the CDA to study the 7-acre site of the former Village garbage dump at the Duck Pond. Turner stated that the study is the first step for the Village to determine the best method to clean up the former dump site. A project scope checklist and guidelines for possible TID projects will be discussed at the monthly meeting of the CDA Board on Wednesday, October 3, 2007.

Public Works – Trustee Petersen

Construction Project Updates

Workman stated that in addition to the ongoing CDA projects, there are two road projects that have commenced in the Country Club Estates subdivision – Arrowhead Drive and Castle Terrace Avenue. Workman stated that the contractor currently is working on the water main replacement on Arrowhead Drive and is working with a subcontractor to coordinate a water main replacement project on the Country Club Estates golf course. The projects are on schedule to be completed by November 2007.

Yaccino Claim

Workman stated that following the settlement and signed release on a claim filed by Frank and Colleen Yaccino for their residence at 568 Sauk Trail, the Yaccinos have filed another claim with regard to a January 23, 2007 water main break. 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.” Thorpe stated that he agrees with the Midwest Claims response, and the Village should rely on the release signed by the Yaccinos.

Plan Commission – Trustee Spadoni

Petition to Amend Zoning Ordinance for Conditional Use Permits and Building, Site and Operational Plans to be Referred to Village Board for Final Action

Spadoni stated that following a public hearing, the Plan Commission unanimously approved a motion to recommend Village Board approval of the proposed ordinance amendment to make all Conditional Use Permit applications and Building, Site and Operational Plans referred by the Plan Commission to the Village Board for final action. In response to a question from Turner, Spadoni stated that the proposal was advanced in order to give the elected Village Board members the final decision on CUP applications and BSOPs.

President Pollitt/Turner 2nd made a MOTION to approve Ordinance 09-04-07-02 as presented, and the MOTION carried without negative vote.

Petition to Amend the Zoning Code Section 18-278, to Insert B-4 ETZ Highway Business District

The proposed amendment adds the zoning district language to the ETZ Ordinance because the language was inadvertently left out of the initially adopted ordinance. There are currently two

properties in the ETZ District that are zoned B-4. Hayden-Staggs stated that the language is identical to the language in the Walworth County code, with the exception that adult oriented businesses are an allowable use with conditions in the county code, and they are a conditional use in the language proposed for the ETZ Ordinance. Spadoni stated that the Joint ETZ Committee and the Village of Fontana Plan Commission approved a motion to recommend Village Board approval of the proposed ordinance amendment as presented.

O'Connell/President Pollitt 2nd made a MOTION to approve Ordinance 09-04-07-03 as presented, and the MOTION carried without negative vote.

Announce Public Hearing for September 24, 2007 Joint ETZ Committee Meeting

Spadoni stated that a Petition to Amend the Zoning Ordinance for Chapter 18-278, to consider a proposed amendment to the B-2 ETZ General Business District, regarding maximum height limit, will be presented at a public hearing before the Joint ETZ Committee on Monday, September 24, 2007, beginning at 6:00 pm.

Lakefront and Harbor – Trustee O'Connell

Maximum Boat Length for VOF Launch

O'Connell stated that the Lakefront and Harbor Committee approved a motion at its last meeting to recommend that the Village Board uphold and enforce the current Village of Fontana Municipal Code that states: "No watercraft equipped with propulsion machinery as its primary source of propulsion over 30 feet in length shall be allowed to use the village launch access facilities at any time." O'Connell stated that the committee members would like the ordinance enforced as written. Hayden-Staggs stated that there currently is one person who has a season launch pass for a boat that is more than 30 feet in length. The man uses a semi to pull the boat trailer and he has no problem maneuvering the semi or the trailer and boat when he uses the Village launch. Hayden-Staggs stated that the commercial operations in the Village also use the launch for boats that are more than 30 feet in length. Hayden-Staggs stated that the length of the boats that are more than 30 feet does not pose a problem with the actual launching of the boats, the problem is if the boat owners want to park a vehicle and trailer for a boat in excess of 30 feet in length in the Village lot. President Pollitt stated that the boat launch personnel should be directed to adhere to the ordinance and restrict the launch for only boats that are 30 feet in length or shorter. Spadoni stated that the boat launch personnel should be instructed to begin enforcing the ordinance as written next season. Harbormaster Bill Morrison stated that the man with the 33-foot boat that is launched with a semi is the Village's best customer. The man gets his boat in and out of the water very rapidly and he parks the semi and boat trailer in the Village of Walworth. Morrison stated that the boats over 30 feet in length mainly pose a problem in the parking lot; commercial launchers and the man with the semi do not cause any problems at the launch. Youngquist stated that the Lakefront and Harbor Committee should revisit the whole issue and consider reducing the total number of stalls in the boat launch parking lot down from 50 to 20. Youngquist stated that the 30 foot maximum for boat length was established several years ago for many reasons. President Pollitt stated that the Lakefront and Harbor Committee also could take into account other considerations when reviewing the ordinance. O'Connell stated that she feels the Village should enforce the 30 foot limit as dictated in the Municipal Code. President Pollitt asked if the Village Board wanted to consider directing the staff to enforce the 30-foot limit, but allowing the man with the season pass to continue to launch for the rest of the season since he was already allowed to purchase the pass. Petersen stated that there is only about four more weeks remaining in the season, and the situation should be addressed after the season. Turner and O'Connell stated that they feel the ordinance should be enforced immediately. Petersen, Spadoni and Youngquist stated that the ordinance should be studied after the current season ends, and the staff should continue to allow boats to be launched even if they are longer than 30 feet.

Spadoni/Petersen 2nd made a MOTION to table the matter and refer the issue back to the Lakefront and Harbor Committee for further consideration, and the MOTION carried on a 4-2 vote, with Trustees Turner and O'Connell voting no.

Finance Committee – President Pollitt

2008 Lakefront Fees

President Pollitt stated that the Finance Committee and Lakefront and Harbor Committee recommended some changes in the parking and beach fee schedules. Spadoni stated that he is

opposed to the proposal to no longer allow Big Foot High School District residents to purchase Village parking stickers. Spadoni stated that high school students are more apt to not drink alcohol or smoke if they go to the beach, so the parking stickers should still be made available to residents of the Big Foot High School District. Spadoni stated that he would rather increase the parking meter fees from 50 cents to 75 cents per hour in order to increase revenue. The Finance Committee also recommended an increase in the daily parking fees for automobiles with a trailer from \$10 to \$15, for recreational vehicles from \$10 to \$20, and for commercial busses and vehicles from \$15 to \$30. The Finance Committee recommended limiting resident beach passes to 12 passes per parcel, to no longer allow nonresident Fontana Elementary School students to be eligible for the \$3 season passes, to make season beach passes \$30 each for Big Foot High School District residents and eliminate the children, adult and family categories, and to make season beach passes for nonresidents \$60 each and eliminate the children, adult and family categories. The Lakefront and Harbor Committee agreed with the Finance Committee on all the recommended changes with the exception that the Lakefront and Harbor Committee members wanted to make Big Foot High School residents and nonresidents ineligible for beach passes.

President Pollitt/Spadoni 2nd made a MOTION to approve the Finance Committee recommendation for 2008 Lakefront and Beach fees as presented in Resolution 09-04-07-02, and the Roll Call vote followed:

Youngquist – Yes

Turner – Yes

O’Connell – Yes

Spadoni – No

President Pollitt – Yes

Petersen – Yes

The MOTION carried on a 5-1 vote.

Credit Card System Proposal

Treasurer Pollitt stated the Village receives many requests from property owners for their ability to submit payments with credit cards and electronic checks. The Finance Committee directed Treasurer Pollitt to research the companies that provide the service for no charge to the municipality. Treasurer Pollitt stated that two companies provide the service at no cost to the municipality by charging a convenience fee to the credit card and electronic check users. The Finance Committee recommended approval of an agreement with Official Payments Corporation because it charges less expensive fees to the users than the other company that offers the service. Treasurer Pollitt reported that currently, only the Village of Fontana Police Department accepts credit cards and the Police Department budget pays the approximate \$3,000 per year in fees. This proposal would eliminate the Police Department budget expense and provide an optional credit card/electronic check payment service for Village customers.

President Pollitt/Turner 2nd made a MOTION to approve the credit card and electronic check payment system agreement with Official Payments Corporation as presented, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

Letters from Linn Sanitary District and Linn Town Chairman – Sewer Line Proposal

Petersen stated that the Village received letters from Linn Sanitary District President Ted Peters and Linn Town Board Chairman David Bollweg requesting the Village of Fontana work with the Linn Sanitary District to improve the condition of the Village’s south shore wastewater sewer line. The Town of Linn would like to enter into an agreement with the Village to access the sewer line. The letters state that the proposal would allow the Village to repair and upgrade the sewer line with some assistance from the Town of Linn and/or the Linn Sanitary District. Petersen stated that there are no current plans to have the south shore sewer line replaced; repairs are being scheduled as needed. Petersen stated that it would not be fiscally prudent for the Village to replace the current line and to extend it into Linn Township because the project would be very costly. The entire line would have to be replaced in order to have it extended. The Village Board members were in consensus that if the Town of Linn and the Linn Sanitary District would be willing to fund the entire project cost to upgrade the current line and extend it into the township, they would be willing to consider the proposal.

Petersen/O'Connell 2nd made a MOTION to direct Hayden-Staggs and President Pollitt to write a letter from the Village Board indicating the reasons why the Village does not want to pursue a repair and extension project on the south shore sewer line at this time, and to have the letter reviewed by Trustee Petersen, and the MOTION carried without negative vote.

Resolution Approving Sewer Use Rate Increase Proposal

Petersen stated that after a six-year period of no increase in the sewer user rates, the Fontana-Walworth Water Pollution Control Commission Board of Directors approved a 12 percent increase. Petersen stated that he and other members of the board would have preferred to have the rate increase spread out over a six-year period; however, that was not done. Spadoni stated that he wanted to see figures that provide the estimated total cost increase for residential customers versus commercial customers.

Petersen/O'Connell 2nd made a MOTION to approve Resolution 09-04-07-01, adopting new customer user rates, as presented, and the MOTION carried on a 5-1 vote, with Trustee Spadoni voting no.

Farm Lease Renewal

Petersen stated that the proposed Fontana-Walworth Water Pollution Control Commission lease renewal with Ronald Ellis of Ellis Farms, Inc., calls for an increase in rent from \$106.09 per acre to \$115 per acre.

Spadoni/Petersen 2nd made a MOTION to approve the proposed lease renewal with Ronald Ellis of Ellis Farms, Inc., as presented, and the MOTION carried without negative vote.

GLLEA – President Pollitt

Update

President Pollitt stated that the next meeting of the Board of Directors of the Geneva Lake Law Enforcement Agency is scheduled for September 5, 2007, and there is nothing new to report since the last Village Board meeting.

Pending Items for Future Agendas

1. Abbey Springs PIP Amendment for Boat Storage Plan (Tabled 2/5/07 & 3/5/07)

Adjournment

Spadoni/O'Connell 2nd made a MOTION to adjourn at 7:40 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: 10/01/07