

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, January 7, 2008

President Pollitt called the monthly meeting of the Village Board to order at 5:17 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Spadoni, Kenny, Turner, O'Connell, President Pollitt, Petersen
Trustee late: Youngquist (arrived at 6:17 pm)

Also present: Village Administrator Kelly Hayden-Staggs and Village Deputy Clerk Julie Olson

Announcement for Board of Trustees to Consider Going Into Closed Session

O'Connell/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, and Chapter 19.85 (1) (e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require, specifically Non-union Employee Evaluations and Salaries/Benefits and the roll call vote followed:

Turner – Yes

O'Connell – Yes

President Pollitt – Yes

Petersen – Yes

Kenny – Yes

Spadoni - Yes

The MOTION carried on a 6-0 vote, with Trustee Youngquist absent.

Deputy Clerk Olson left the room during discussion on the non-union employee evaluations.

Adjournment of Closed Session

Petersen/O'Connell 2nd made a MOTION to adjourn the closed session at 6:10pm, and to reconvene in open session at 6:15 pm, and the MOTION carried without negative vote.

President Pollitt announced that the Village Board was in open session at 6:15 pm.

Also present: Allen Anderson, Jim and Megan Feeney, Rob Ireland, Cary Kerger, Don and Joe Ketterhagen, Library Director Nancy Krei, Diane Lewis, David Lindelow, Lou Loenneke, Jim Mann, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Mac Niven, Building Inspector Ron Nyman, Treasurer Peg Pollitt, Andrew Westbrook, Carol Whowell, DPW Director Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that the monthly meeting of the CDA Board will be held Wednesday, January 9, 2008 at 6:00 pm; the Park Commission Long-Range Planning Meeting will be held on Saturday, January 12, 2008 at 9:00 am, the Ad-Hoc Committee on Joint Services meeting with VOF Department Heads will be held at the Village Hall on Tuesday, January 15, 2008 at 1:00 pm; and the monthly meeting of the Plan Commission will be held on Monday, January 28, 2008 at 5:30pm

Approval of Minutes

Petersen/O'Connell 2nd made a MOTION to approve the minutes for meetings held December 3, 2007, and December 17, 2007, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

None

Approval of Village and Utility Payables

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

Plan Commission – Trustee Spadoni

Abbey Springs PIP Amendment Proposal for Clubhouse Renovation

Spadoni/O'Connell 2nd made a MOTION to approve Ordinance 01-07-08-01 amending Ordinance 12-15-04-01 and previous amendments thereto related to the PD Zoning for the Abbey Springs Development with the 9 conditions recommended by the Plan Commission: 1) The structure shall be constructed as depicted on the submitted construction plans. There shall be no modification of the construction plans, to include but shall not be limited to, overall size and height of the approved structure, 2) The structure shall not include any on-wall signage. Signage shall be limited to the depicted signage in the submitted plans, with the exception of signs #9, #10 and #11 which shall be relocated or removed prior to obtaining final occupancy of the Phase 1 portion of the building project or by May 15, 2008, whichever comes first, 3) Future proposed modification of signage shall be proposed and approved by the Village of Fontana, 4) Improved landscape plans are required depicting the inclusion of a rain garden at the north edge of the parking lot and increased natural landscaping to act as a buffer or screening from South Lakeshore Drive, 5) Details regarding the access drive shall be documented to the satisfaction of Staff prior to any building permit issuance, including, but not limited to: materials, signage, installation date, access control, removal date, and restoration plans, 6) Approval of this PIP amendment shall not alleviate the requirements of any other plans or documentation required for building and zoning permit issuance, 7) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction. PIP Amendment approval shall not alleviate the applicant from securing all required permits, 8) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed, and 9) All outstanding fees (i.e., re-inspection, cost recovery) shall be paid in full prior to occupancy issuance of each related construction phase, and the MOTION carried without negative vote.

Update of Lakefront Zoning Ordinance Amendments

Trustee Spadoni reported that the ordinance is still being worked on at Plan Commission level. Attorney Thorpe stated that an extension on the moratorium needs to be addressed at the February board meeting to push it out beyond the date of the public hearing.

Update on Par Development PIP Amendment

Hayden-Staggs reported that we are still waiting to hear back from Par concerning the final engineering on the retaining wall and the formalities on the developer's agreement.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs **Administrator Ordinance Revision**

Spadoni/O'Connell 2nd made a MOTION to adopt ordinance 01-0708-02 changing the administrator's authority to make purchases on behalf of the Village not to exceed \$500 instead of \$100, and the MOTION carried without negative vote.

Walworth County Intergovernmental Agreement-Intergovernmental Cooperation Council
Spadoni/Youngquist 2nd made a MOTION to participate in the newly formed Walworth County Intergovernmental Cooperation Council involving the sixteen towns, eight villages and four cities in the county and named President Pollitt as our representative, and the MOTION carried without negative vote.

Arrowhead Drive Petition to be One-Way

A petition was received by the Village of Fontana to make Arrowhead Drive in Country Club Estates a one-way street.

Spadoni/Petersen 2nd made a MOTION to send this petition to Protection and Public Works Committee for a recommendation and to decide on which direction the one-way street should go, and the MOTION carried without negative vote.

Software Purchase

Hayden-Staggs reported that Tyler Technologies, who the Village currently contracts with for software, is the choice for the new accounting software.

Spadoni/Petersen 2nd made a MOTION to approve the purchase of the new software from Tyler Technologies for a price not to exceed \$40,000.00, and the MOTION carried without negative vote.

Certification of April 1, 2008 Referendum Question

The deadline to have the referendum placed on the April 2008 ballot is around the third week of February.

Turner/Pollitt 2nd made a MOTION to approve the Third Avenue referendum sample question subject to final review by the FROG attorney, the CDA and Attorney Thorpe and the County for correct verbage, and the MOTION carried without negative vote.

Payroll Resolution for 2008

Spadoni/Petersen 2nd made a MOTION to approve Resolution 01-0708-02 amending Resolution 06-04-07-01 setting exempt salaried and hourly non-union personnel rates for the 2008 calendar year, and the MOTION carried without negative vote with President Pollitt abstaining.

Non-Union Employee Contract Amendment

Currently, all non-union employees have a seven and one-half percent contribution to the health insurance. When both of the union contracts were settled, their contribution was set at five percent. There was talk that when the union contracts were done, the language of the non-union contracts would be re-evaluated to make them compatible to the union contracts.

Spadoni/O'Connell 2nd made a MOTION to modify the non-union contracts to reflect the change for insurance contribution from seven and one-half percent to five percent, and the MOTION carried without negative vote.

NIMS Training Update

Hayden-Staggs updated the group on the NIMS online training. At this point, the only certificates she has received are from Trustee Kenny and President Pollitt. Hayden-Staggs asked for the status of the training from the rest of the group and if help was needed.

Fontana Corner Market Liquor License Approval

An original liquor license application has been received from Donald Ketterhagen, new owner of the Fontana Citgo/Rollette Oil Company, located at 286 Valley View Drive. The Village Board and audience welcomed the Ketterhagens and wished them well.

Petersen/O'Connell 2nd made a MOTION to approve the Class A Beer and Class A Liquor license as presented for Fontana Corner Market, and the MOTION carried without negative vote.

Protection Committee – President Pollitt

Temporary Liquor License for St. Benedict Mardi Gras Fund Raiser 2/2/2008

Turner/Youngquist 2nd made a MOTION to approve the temporary liquor license submitted by St. Benedict Church subject to Protection Committee approval, and the MOTION carried without negative vote.

Approve Ordinance Amendment Creating Section 74-342

Pollitt/Petersen 2nd made a MOTION to table the proposed ordinance amendment and refer the matter to the Protection Committee, and the MOTION carried without negative vote.

Appointment of New Member to Replace Ralph O'Connell

Petersen/Spadoni 2nd made a MOTION to table the appointment of a new Protection Committee member to replace Ralph O'Connell and refer the matter back to the Protection Committee, and the MOTION carried without negative vote.

Winter Parking Proposal Requested by James & Carol Whowell

Petersen/Spadoni 2nd made a MOTION to table the winter parking proposal from Jamie & Carol Whowell and refer the matter to the Protection Committee, and the MOTION carried without negative vote.

Approval of Rescue Squad Officers for 2008

Petersen/Spadoni 2nd made a MOTION to approve the rescue squad officers pending Police & Fire Commission approval, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Final Pay Request for Fontana Blvd Utility Contract

Petersen/Youngquist 2nd made a MOTION to approve the final pay request to Mann Bros, Inc. for the Fontana Blvd Utility Contract in the amount of \$5000.00, and the MOTION carried without negative vote.

2008 Road Salt Update

Workman stated that annually the Village uses 600-800 tons of salt. In the month of December 2007 alone, 580 tons were used. Our last load of salt came last week and there is now about 300 tons left. The Village will now be using a sand mixture. Salt will continue to be used on the heavily traveled roads.

Project Updates

Workman reported that 2007 projects are almost completed and everything is basically restored. With all of the rain today, Workman will check for erosion problems at these projects and also Wild Duck Road where there was significant run-off. The 2008 Porter Court project is due to start in a few weeks. Mann Bros will start with ditch work shortly. Preliminary engineering is due to start on Timber Trail Drive in Country Club Estates and Indian Hills Rd in February.

CDA – Trustee Turner

Approval of Fence Replacement Project Contract

There were three bids received for the beach fence replacement. The low bid was from Century Fence Company, Waukesha, for a total of \$180,149.50.

Spadoni/Petersen 2nd made a MOTION to accept the bid from Century Fence Company for \$180,149.50, and the MOTION carried without negative vote.

CDA 2008 Budget Update

The CDA budget will be presented at the next Finance Committee meeting.

Turner/Petersen 2nd made a MOTION to table the CDA 2008 budget to the February Village Board meeting, and the MOTION carried without negative vote.

Abbey Resort/Fontana Spa Renovation Project

Trustee Turner gave a brief history to the board about the documents already handed out from the CDA. At the last CDA meeting, the group approved a financing package for the Abbey for \$500,000.00 subject to review by Ehlers and the creation of an agreement by CDA Attorney Hank Gempler. The basics of the agreement is if the CDA gives anyone more than \$10,000.00, the CDA has to be assured that they will get the money back either in the form of a promissory note, a irrevocable letter of credit or both. Jim Mann from Ehlers gave an analysis based on the assumptions that the development incentive package would be \$500,000, the increment value guarantee would be \$1 million and that the security would be a letter of credit in the amount of the unpaid balance plus one years interest on the promissory note. Trustee Turner explained that this will be good for the Abbey and this is what other CDAs do. It is very common for CDAs to help businesses within the geographical area that they have circled for selected projects. Currently, the Abbey provides approximately \$40,000,000.00 of increment to the district but as the values of the

condo-hotel units go down, so does the increment. The occupancy rate for the Abbey is down about 20% which lowers the room tax revenue. The Abbey has made the argument that they need this complete renovation of the spa in order to increase their occupancy in the fall, winter and spring which are their tougher periods. Trustee Youngquist asked if the Abbey had explored other options other than coming to the Village for the money. Trustee Turner stated that they went to their bank, Park National, who was willing to loan the Abbey “so much”, the project itself is “so much” more, and the Abbey asked for the Village for the difference. Park National is the same bank that will give the Abbey their letter of credit. According to Ehlers, Park National has a very high rating. Attorney Thorpe stated that every subdivision that the Village has been involved in has required a letter of credit and it has worked out well. President Pollitt commented that the Abbey is a big part of the community and if we can help them, we would be benefitting the Village.

Turner/Pollitt 2nd made a MOTION to approve Resolution 01-0708-01 as presented, and the Roll Call vote followed:

Trustee Kenny – Yes

President Pollitt – Yes

Trustee Petersen – Yes

Trustee O’Connell – Yes

Trustee Spadoni – Yes

Trustee Turner – Yes

Trustee Youngquist – Yes

The MOTION carried on a 7-0 vote.

Fontana-Walworth Pedestrian Path

Turner/Petersen 2nd made a MOTION to accept the matching funds for the RTP Grant from the Wisconsin DNR in the amount of \$152,721.00, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O’Connell

Update

O’Connell stated that there was nothing to report at this time.

Finance Committee – President Pollitt

Update

Pollitt stated that there was nothing to report at this time.

Park Commission

Proposed Amendment to Sections 2-336 and 2-341

Spadoni/Turner 2nd made a MOTION to approve ordinance 01-0708-03 amending Sec. 2-336 to read that a village trustee shall be an ex-officio member of the park commission instead of the recreation director, and amending Sec. 2-341(b) to read that the primary duty of the commission is the planning of recreation, open space and park areas and the lakefront and beach areas located above the high-water mark as delineated by the Wisconsin Department of Natural Resources, and Sec. 2-341(d) to read that the park commission chairman shall be a voting member of the plan commission, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

Update

Petersen stated that there was nothing to report at this time.

GLLEA – President Pollitt

Update

President Pollitt stated that the Geneva Lake Law Enforcement Agency Board of Directors will not be meeting again until February 2008.

Pending Items for Future Agendas

1. Abbey Springs PIP Amendment for Boat Storage Plan (Tabled 2/5/07 & 3/5/07)
2. Fontana Fen Property Line Delineation
3. Extension of Ordinance 10-01-07-02 (moratorium on land divisions, subdivision)

applications & condominium plat applications for lakefront properties)

Adjournment

Spadoni/Youngquist 2nd made a MOTION to adjourn at 7:25 pm, and the MOTION carried without negative vote.

Minutes prepared by: Julie K. Olson, deputy 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: 02/04/08