

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, February 4, 2008

President Pollitt called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Petersen, Kenny, Youngquist, Turner, Spadoni, President Pollitt

Trustee absent: O'Connell

Also present: Joe Abell, Steve Beers, Carl Bergeson, Joel Bikowski John Bromfield, Jack Brown, Bob Chanson, Tony Coletti, Jim and Megan Feeny, Village Administrator Kelly Hayden-Staggs, Dale and Janice Johnson, Fire Chief Jon Kemmett, Library Director Nancy Krei, Lou Loenneke, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Police chief Steve Olson, John O'Neill, Andy Pearce, Treasurer Peg Pollitt, Village Attorney Dale Thorpe, Andrew Westbrook, Carol Whowell

Visitors Heard

Lakeland Animal Shelter Manager Kristen Perry stated that she wanted to present an overview of the services provided by the shelter and update the Board members and audience about ongoing fund-raising programs. Perry stated that the shelter was incorporated as a nonprofit organization in 1968. The shelter provides county-wide animal control services, takes in surrendered animals, serves as the humane officer, assists local agencies with animal related incidents, provides humane education to groups and individuals, and offers a spay and neuter program. Perry stated that the shelter takes in 1,800 cats, 800 dogs and 30 to 50 miscellaneous animals per year. Perry stated that the Walworth County Board only provides a small portion of the shelter's \$600,000 annual budget, so fund-raising initiatives play a large role in funding the shelter. Perry stated that in 2007 the shelter also initiated a capital campaign to help fund a new facility. Perry stated that the goal is for the new shelter to be constructed by 2012. Perry stated that the current facility is more than 30 years old and a new shelter is needed. Perry stated that the Lakeland Animal Shelter Board has proposed to the County Board that a new shelter be constructed on 15 acres of land on County Highway NN that used to house the Walworth County Farm. Perry stated that the capital campaign is ongoing and she requested support and input from the Village officials. President Pollitt stated that Lakeland Animal Shelter provides a great service, including a microchip program for pet dogs, and he encouraged residents to support the capital campaign. Turner stated that the Village should incorporate a link on its website to the Lakeland Animal Shelter's website and help promote the capital campaign.

Announcements

Hayden-Staggs stated that CDA monthly meeting will be held Wednesday, February 6, 2008 at 6:00 pm; the test of electronic voting equipment for the Presidential Primary Election will be held Wednesday, February 13, 2008, at 2:30 pm; the Presidential Preference Primary Election will be held Tuesday, February 19, 2008, with polls open from 7:00 am to 8:00 pm; the monthly meeting of the Park Commission will be held Wednesday, February 20, 2008, at 6:00 pm; the monthly meeting of the Plan Commission will be held Monday, February 25, 2008 at 5:30 pm; and the next monthly meeting of the Village Board will be held Monday, March 3, 2008 at 6:00 pm.

Approval of Minutes

Petersen/Spadoni 2nd made a MOTION to approve the minutes for meetings held December 5, 2007, and January 7, 2008, 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 December 2007 as

presented 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 presented, and the MOTION carried without negative vote.

Park Commission – Trustee Youngquist

Approval of Big Foot Lions Club Summer Events

Big Foot Lions Club members Joe Abell and Andy Pearce stated that they were seeking approval of the club's annual summer events in Reid Park. Abell stated that the concession stand plan for the Fourth of July is the same as previous years. The Park Commission recommended approval of both events as presented.

Petersen/Kenny 2nd made a MOTION to approve the plans for the Big Foot Lions Club Fourth of July concession stand as presented, and the MOTION carried without negative vote.

Pearce stated that the Lobster Boil/Steak Fry plans are the same as last year, with the exception that the club is seeking an extension of the ending time for the band from 11:00 pm to 11:30 pm on Saturday, July 26, 2008. In response to a question from Turner, Chief Olson stated that the noise ordinance does not have any provisions with regard to a stated ending time for outdoor music. The Village Board did establish an ending time for outdoor music at the Abbey Resort when it approved the outdoor event tent. Pearce stated that the event still will be shut down by midnight as in previous years. Chief Olson requested that Pearce meet with him to coordinate door personnel for the beer tent.

Petersen/Spadoni 2nd made a MOTION to approve the plans for the Big Foot Lions Club Lobster Boil/Steak Fry on Saturday, July 26, 2008 as presented, with the extension of the ending time for the band from 11:00 pm to 11:30 pm, and the MOTION carried without negative vote.

Update on Little Foot Park Renovations

Youngquist stated that the Park Commission has a preliminary plan for renovating and upgrading the playground equipment at Little Foot Park. Youngquist stated that the Park Commission subcommittee will be presenting the plan to the CDA Board at its March 2008 meeting to request funding support.

Update on Frisbee Golf Course

Youngquist stated that the Park Commission approved the development of a nine-hole disc golf course at the Duck Pond Recreation Area using temporary baskets for the hole locations, which will be laid out in the unused areas of the park. Youngquist stated that the course will not interfere with the other playing fields at the park. The temporary baskets cost \$60 each and Wally Bullard will charge a \$100 fee for designing the nine-hole course and assisting with the development of the holes.

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

Big Foot Lions Club Temporary Liquor License for Lobster Boil
The club submitted the annual application for a Temporary Class "B" beer and wine license for the Lobster Boil/Steak Fry on Saturday, July 26, 2008.

Spadoni/Petersen 2nd made a MOTION to approve the application for the Temporary Class "B" beer and wine license as submitted, and the MOTION carried without negative vote.

Approval of Resolution Certifying April 1, 2008 Referendum Question

The State Elections Board was contacted with regard to using bullet points within a referendum question, and informed the Village that bullet points cannot be used. The question also was reviewed and approved by Bruce Jensen to fulfill the terms of a settlement agreement between the Village and F.R.O.G.

Turner/Petersen 2nd made a MOTION to approve Resolution 02-04-08-01 certifying the referendum question for the April 1, 2008 Spring Election, and the MOTION carried without negative vote.

Third Avenue Project Clarification

Hayden-Staggs stated that the initial design for the proposed Third Avenue reconstruction plan called for two-way traffic from Reid Street to the lakefront, but the plan called for a turn-around in

Pioneer Park. Hayden-Staggs stated that since the turn-around portion of the proposal has been removed, the traffic pattern will remain one-way from Reid Street to the lakefront and the Village Board may want to eliminate bump-outs from the parking stalls area on the north side of the road. Spadoni/Petersen 2nd made a MOTION to have the initial engineered construction plans for the Third Avenue reconstruction proposal amended to remove the bump-outs from the north side of the road and to provide for one-way traffic signage, and the MOTION carried without negative vote.

Adult Oriented Business Ordinance Amendment

Thorpe stated that he and his firm researched the request of Trustee Turner to expand the required setback distance for adult oriented businesses and to increase the fee for the required license. Thorpe stated that the Village could increase the setback distance from 500 to 1,000 feet, but he does not recommend increasing the fee from the initially approved ordinance.

Turner/Spadoni 2nd made a MOTION to approve Ordinance 02-04-08-01 as presented, and the MOTION carried without negative vote.

Verify Quorum for March 3, 2008 Meeting

President Pollitt stated that he wanted to guarantee that the Village Board would have a quorum for the monthly meeting Monday, March 3, 2008, because he and Trustee O'Connell will not be able to attend. None of the other Board members have a conflict, so a quorum should not be an issue.

Plan Commission – Trustee Spadoni

Approve Ordinance Extending Lakefront Zoning Moratorium

The ordinance establishing a temporary moratorium on the acceptance, review and approval of land divisions and subdivision applications and condominium plat applications for lakefront properties was scheduled to expire this month. With the public hearing to present the proposed zoning code amendments scheduled for the Monday, April 28, 2008 Plan Commission meeting, the moratorium had to be extended until after the Village Board's monthly meeting on Monday, May 5, 2008. Thorpe stated that the currently proposed amendments do not address the issues of lot density and lot width requirements. The amendments scheduled to be considered at the April 28, 2008 public hearing also do not include a preliminary proposal to adopt a conditional use permit requirement for the development of caretaker's quarters or a guest house.

Petersen/Kenny 2nd made a MOTION to approve Ordinance 02-04-08-02 extending the temporary moratorium until May 7, 2008 as presented, and the MOTION carried without negative vote.

Love CUP Application and Condominium Plat Amendment Approval

Spadoni stated that the Plan Commission recommended approval of the amendments to the Conditional Use Permit and the condominium plat for the former Westgate estate property at 928 South Lakeshore Drive with 13 conditions. Coletti stated that his clients will have no problem fulfilling the conditions for approval. Coletti stated that in finalizing the permanent conservation easement for the entire parcel with the Geneva Lake Conservancy, there were some minor amendments required to the condominium plat. Coletti stated that the construction plans for the future residence of Barton and Joan Love also required an adjustment to extend the lot line for Unit 1 by 6 feet toward Unit 3 to meet a setback requirement for the new residence. Coletti stated that the plat amendment will result in less impervious surface than the initially approved plan. The CUP amendment was filed in order to accommodate the removal of the entrance pillars from the western driveway during the construction period, to resolve a water service easement issue, and to consolidate the lake path access points and reduce the public right of way area in the conservation easement.

Spadoni/President Pollitt 2nd made a MOTION to approve the condominium plat amendment and Conditional Use Permit application as submitted with the following 13 conditions:

- 1.) All original approval contingencies, conditions, requirements and restrictions, as set forth in Resolution 05-29-07-01, dated 5/29/07, shall remain in full effect. In the event any contingency, condition, requirement or restriction in this proposed CUP amendment approval is found in conflict with the original, the more recent dated approval shall govern.
- 2.) Note 1 on the revised 11/8/2007 site plan shall be corrected to read "... to 35 feet in width..."

- 3.) The development shall be constructed as proposed on the revised 11/8/2007 site plan, with the exception of the driveway located on the east side of the property which shall not be expanded.
- 4.) The driveway entrance located to the west of the property may be expanded no more than a total of 8 feet through the removal of appropriate portion(s) of the existing wall; however, the driveway must be restored to the original width and the wall restored to the original length in such a way that it most closely resembles the existing wall, no later than ninety (90) days of issuance of an occupancy permit for the final residence on the property, or, no later than September 30, 2010 if occupancy has not been issued, whichever is soonest.
- 5.) The construction of three (3) entry pillars may be constructed (as depicted in Attachment 1) but shall in no case exceed an overall height of 6-feet-4-inches as measured from grade, nor interfere with the restoration of the overall original wall length, nor shall the pillars include any lighting or illumination. The pillars shall be constructed no later than ninety (90) days of issuance of an occupancy permit for the final residence on the property, or, no later than September 30, 2010 if occupancy has not been issued, whichever is soonest.
- 6.) Building and zoning permits are required prior to the construction of new entry way pillars. CUP approval shall not alleviate the applicant from the responsibility of obtaining proper permit issuance.
- 7.) The applicant shall locate all utilities that provide service to adjacent properties prior to issuance of any building and zoning permits. Such utilities must be protected during construction to ensure functionality.
- 8.) The applicant shall install a new water service and curb stop, which will extend from the water main on South Lakeshore Drive, for each newly constructed home prior to the issuance of occupancy permit.
- 9.) The applicant shall provide separate water shut off valves for the two adjacent homes that are supplied water service through the property in question prior to the issuance of any occupancy permit.
- 10.) The applicant shall abandon all yard hydrants and ensure that all water is metered prior to the issuance of any occupancy permit.
- 11.) The applicant shall acknowledge that the entire water line from the street is considered private and not public prior to issuance of any building and zoning permits.
- 12.) The applicant shall provide an easement for new water lines out to the road for the two existing homes that have current services running through the property (Suppes-STFV 00094 and Vigilante-STFV 00093) prior to the issuance of any occupancy permits.
- 13.) Building separation within each Unit is subject to the terms and conditions of the Fontana Municipal Code.

The MOTION carried without negative vote.

Petition to Amend Zoning Ordinance – C-4 Commercial District

The proposed amendment expands the minimum setback requirement subsection of the C-4 Zoning District to include all residentially zoned districts, not just limited to R-1 districts. In response to an initial concern of the Plan Commission that the Abbey Resort be contacted for input, Cary Kerger was contacted by the Building and Zoning Department and Kerger stated that Abbey Provident Venture, LLC does not have an objection to the amendment as proposed.

President Pollitt/Spadoni 2nd made a MOTION to approve Ordinance 02-04-08-03 amending the C-4 Resort Commercial District as presented, and the MOTION carried without negative vote.

Third Amendment to Par Development Cliffs of Fontana PIP

Thorpe stated that all the issues raised by Village staff and the developers have been addressed and if desired, the Village Board could approve motions to give final approval of the proposed third amendment to the precise implementation plan for the Par Development Cliffs of Fontana Planned Development. The Plan Commission recommended approval of the amendment with the condition that the documents be finalized by Thorpe. Thorpe stated that the three issues worked out between Village staff and the developers include that documentation will be added that states Par will maintain the portion of the pedestrian path on their property that leads to the Duck Pond Recreation Area, documentation will be added to the amendment that states Par will also maintain the pedestrian path on their property that leads to the public sidewalk, and documentation will be added that states

Par will allow for pedestrians to walk on the Cliffs of Fontana subdivision roads and common elements that lead to and from the path to the Duck Pond Recreation Area. Thorpe stated that one other condition for approval should be final attorney review of the documents prior to execution. Spadoni/Petersen 2nd made a MOTION to approve the third amendment to the precise implementation plan and developer's agreement for the Par Development Cliffs of Fontana Planned Development as presented with the conditions that Par will maintain the portion of the pedestrian path on their property that leads to the Duck Pond Recreation Area, Par will maintain the pedestrian path on their property that leads to the public sidewalk, Par will allow for pedestrians to walk on the Cliffs of Fontana subdivision roads and common elements that lead to and from the path to the Duck Pond Recreation Area, and the final documents will be reviewed by the Village attorney, and the MOTION carried without negative vote. Spadoni/President Pollitt 2nd made a MOTION to approve Resolution 02-04-08-02 as presented, and the MOTION carried without negative vote.

BSOP for Beautiful Me Hair and Wig Salon, 531 Valley View Drive

Spadoni stated that Dale and Janice Johnson, the owners of the new business Beautiful Me Hair and Wig Salon, 531 Valley View Drive, worked with Village staff to complete the BSOP application and the Plan Commission recommended approval with conditions. The Village Board welcomed the Johnsons and wished them good luck with their business. Spadoni stated that the Johnsons should talk to the CDA about possible incentive programs to assist their business since it's located in the TIF District.

Spadoni/Youngquist 2nd made a MOTION to approve the Building, Site and Operational Plan as recommended by the Plan Commission, with the following five conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved signage, and/or any interior remodeling or modifications normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits. Signage shall be constructed and located in accordance with the approved BSOP.
- 2) BSOP signage approval is being sought as a combined agreement between two separate businesses located at 531 Valley View Drive. To that end, this BSOP approval and all conditions described herein shall pertain to the property as a whole and shall not be considered specific to any one particular business use area.
- 3) Approved signage shall only consist of one (1) LED "OPEN" sign, not to exceed 10-inches-by-16-inches, and one (1) on-wall "BEAUTIFUL ME HAIR & WIG SALON 262-275-5000" sign, not to exceed 144-inches-by-20 inches.
- 4) Any future proposed modifications of this approved BSOP, including, but not limited to signage, shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
- 5) 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.

The MOTION carried without negative vote.

Protection Committee – President Pollitt

Operator's License Application Filed by Timothy Voskuil (Fontana Corner Market)

Chief Olson conducted the background check on the Operator's License application filed by Timothy Voskuil, an employee at Fontana Corner Market.

Spadoni/President Pollitt 2nd made a MOTION to approve the Operator's License application filed by Timothy Voskuil, an employee at Fontana Corner Market, and the MOTION carried without negative vote.

Fire Truck Delivery Update

Chief Kemmett stated that anticipated delivery date for the truck is 90 days behind schedule.

Proposed Surveillance Cameras

President Pollitt stated that the receipt of a U.S. Department of Homeland Security Commercial Equipment Direct Assistance Program grant totaling \$11,500 to purchase XOA Series Portable

Video Surveillance equipment was discussed by the Protection Committee at its last meeting. Chief Olson stated that one of the locations discussed by the committee members for placement of a video surveillance camera was Lake Street. Olson stated that placement of video cameras on Lake Street and Third Avenue was discussed by the Protection Committee at its August 19, 2006 meeting, when a motion was approved to seek bids for the proposal. Olson stated that he also informed the Protection Committee that he submitted the federal grant application to the U.S. Department of Homeland Security. Olson stated that when he was informed that the Village was awarded a grant, the Lake Street area was included as a location to deploy the new equipment. Olson stated that the Lake Street area has a lot of incidents and disturbances in the summer and a video camera would be useful for investigations. Olson stated that Gordy's already has a surveillance camera mounted in the area, and signage could be erected to warn pedestrians of a Village surveillance camera. Olson stated that the officers will have to be trained first before the cameras are deployed, and training is not available until July or August. Olson stated that a camera on Lake Street would help prevent criminal activity. Carol Whowell stated that when she first learned of the proposed surveillance camera in a story published in the Lake Geneva Regional News, her first concern was that the Homeland Security grants should be used to protect municipal wells, schools and playgrounds, and other government property. Carol Whowell stated she was offended to read in the paper that Lake Street is considered a high crime area. President Pollitt stated that all that the Protection Committee did was receive from Chief Olson an update on the receipt of the grant and discuss possible uses for the equipment. Carol Whowell stated that Chief Olson stated earlier in the meeting and in the newspaper article that Lake Street was selected as a location for a surveillance camera, and the business owners and residents do not want a video camera and "under surveillance" warning signs erected along the lakefront. Carol Whowell stated that erecting a video surveillance camera would send the incorrect message to visitors that the Village of Fontana is a high crime area like a big city. Carol Whowell stated that the Village should be promoting the nice atmosphere that characterizes the Village. Carl Bergeson stated that he agrees 100 percent with Carol Whowell's statements on the issue. Bergeson stated that the Village of Fontana and outlying areas are not high crime areas. Bob Chanson stated that he agrees that the Village of Fontana is not a high crime area and he reminded the Village Board members that all government funds are derived from taxes. Chanson stated that the Patriot Act authorized federal funding of programs needed for high risk areas for terrorism. Chanson stated that the possibility of the Village of Fontana and the lakefront in particular to be targeted for terrorism is so remote that the thought is absurd. Chanson stated that the Village officials should not authorize the erection of video surveillance cameras, which would place a limitation on the personal freedoms of residents and visitors. Skip Bliss stated that he agrees with all the previous statements opposing the plan to erect a video surveillance camera on Lake Street. Bliss stated that the grant comes from the U.S. Department of Homeland Security and Lake Street is not a high risk area for terrorism. Bliss stated that the thought of the novel "1984" and Big Brother being present in the Village of Fontana is offensive. Steve Beers stated that he wanted to reiterate all the good points made with regard to the inappropriateness of erecting a video surveillance camera on Lake Street. Beers stated that the equipment should be donated to a community that could use it. Spadoni stated that he wanted to make a motion to refer the grant back to the U.S. Department of Homeland Security for use in a high crime area in the country, not in the Village of Fontana. Spadoni stated that he researched the issue and according to the grant application, the specific critical infrastructure/key assets cited are State Highway 67, the communications tower on Duck Pond Road, the railroad line that traverses through part of the jurisdiction, the water line and the public safety building. Spadoni stated that there is nothing in the application about Lake Street or that the equipment can be put "anywhere you want." Spadoni stated that the Village would be wasting federal funds if it accepts the grant. Turner stated he did not know anything about the grant and that all grant applications should be presented to the Village Board for approval prior to being submitted. Turner stated that if a committee wants to have a grant application submitted, it should come to the Village Board first. Turner stated that the Village of Fontana does not need video surveillance cameras on Lake Street. Youngquist stated that he agrees with Turner and he is flabbergasted that the issue has even come up in the Village of Fontana. Youngquist stated that it is important that the Village Board members remember that the Village of Fontana is a very special place because of its small town charm. Youngquist stated that the Village of Fontana does not need the U.S. Department of Homeland Security grant and it would not be right to accept it. Youngquist stated that he and the many residents who have contacted him are very offended and disturbed that the proposal came up. Petersen stated that the Village does not

need a video surveillance camera erected on Lake Street, but there are some important infrastructure facilities – such as the new main lift station, the water system and the wastewater treatment facility – that would be appropriate locations for surveillance cameras. President Pollitt stated that he is not offended by the issue or the receipt of the grant. President Pollitt stated that all municipalities have to take precautions following the terrorist attacks on September 11, 2001. President Pollitt stated that the U.S. Department of Homeland Security has made the funds and cameras available, and they will help deter terrorism. The Village Board directed Martin to place an item on the agenda for the next monthly meeting to consider the adoption of a policy that dictates all grant applications must be submitted to the Village Board for approval prior to submission.

Spadoni/Youngquist 2nd made a MOTION to refer the grant back to the federal government for use in a high crime area to protect our country, not in the Village of Fontana, and the Roll Call vote followed:

Kenny – Yes

Youngquist – Yes

Turner – Yes

Spadoni – Yes

President Pollitt – No

Petersen – No

The MOTION carried on a 4-2 vote, with Trustee O’Connell absent.

Recommendation to Change Arrowhead Drive to One Way

The Protection Committee and the Public Works Committee recommended approval of the proposal to change Arrowhead Drive to a one-way street. The proposal was initiated in a petition to the Village from the property owners on Arrowhead Drive. Hayden-Staggs stated that Public Works Director Craig Workman and the Fontana Post Office determined that the appropriate direction of the one-way traffic should be clockwise from the northwest intersection of Arrowhead Drive and Hillcrest Drive to the southeast intersection of Arrowhead Drive and Hillcrest Drive.

Petersen/Spadoni 2nd made a MOTION to approve Ordinance 02-04-08-04 as presented, and the MOTION carried without negative vote.

Appointment of New Member to Replace Ralph O’Connell

President Pollitt stated that he sent out letters of inquiry to possible candidates to fill the position and he is recommending the appointment of Eugene Dymek, 610 Middleton Drive. President Pollitt stated that Dymek has been a property owner in the Village of Fontana since 1952. Prior to his retirement, Dymek was the director of Life Safety and Insurance at Cornell University, Ithaca, NY, and previously served as a fire inspector and a volunteer firefighter.

President Pollitt/Turner 2nd made a MOTION to approve the appointment of Eugene Dymek to complete the term of Ralph O’Connell on the Protection Committee, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Salt Update

Petersen stated that the Village already has used as much salt this winter season as was used for the entire season in previous years. Petersen stated that the Department of Public Works crew is using a mixture of salt and sand in some locations, but straight salt still is being used on steep hills. Petersen stated that the Village was contacted by the Walworth County Public Works Department that its salt inventory was depleted and salt is unavailable in this region of the country. Out-of-state providers for salt were sought, and the county obtained salt for \$76 per ton, which is up from the previous price of \$33 per ton. According to the January 22, 2008 letter to the Village, the county is attempting to secure more salt at a better price.

Arrowhead/Castle Terrace Change Order No. 1

The Village engineering firm recommended approval of a \$1,930 change order submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Road construction project. The total contact price with the \$1,930 change order is \$661,909.

Spadoni/President Pollitt 2nd made a MOTION to approve Change Order No. 1 submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Road construction project as recommended, and the MOTION carried without negative vote.

Arrowhead/Castle Terrace Pay Request No. 3

The Village engineering firm recommended approval of Pay Request No. 3 totaling \$21,754 submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Road construction project.

Spadoni/President Pollitt 2nd made a MOTION to approve Pay Request No. 3 totaling \$21,754 submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Road construction project as recommended, and the MOTION carried without negative vote.

Groundwater Study Update and Payment

Petersen stated that the Public Works Committee received an update on the groundwater study and the Village has paid half of its committed funds for the project. The study is scheduled to be completed in May 2008.

Walworth Water Bill

Hayden-Staggs stated that Village of Walworth has not paid an outstanding bill for the 7,000,000 gallons of water that was provided by the Village of Fontana as part of the Reciprocal Emergency Water Services Agreement. Hayden-Staggs stated that the approved agreement clearly states that each municipality will be billed for water provided by the other municipality. Hayden-Staggs stated that the Village of Walworth could reduce the total amount it owes the Village of Fontana if the Village of Walworth would bill Fontana for the 1,000,000 gallons of water provided to Fontana in an emergency situation by the Village of Walworth. Petersen stated that it was the initial intent of the two municipalities to exchange water for water, but the Public Service Commission indicated that the water must be billed for at the municipal rate. Petersen stated that the Village Board needs to address the problem that the Village of Fontana water rate is more expensive than the water rate in the Village of Walworth. The Village Board directed the staff to submit the bill again to the Village of Walworth and to explore other avenues to resolve the problem created by the different water rates.

CDA – Trustee Turner

Porter Court Plaza – Change Order No. 1

Turner stated that the change order was required to change the completion date in the initial contract to May 15, 2008.

Turner/Petersen 2nd made a MOTION to approve Change Order No. 1 submitted for the Porter Court Plaza contract with Mann Brothers, Inc., as submitted, and the MOTION carried without negative vote.

Duck Pond Gateway Triangle Landscaping Project – Bid Recommendation & Contract Award

Turner stated that Prairie Tree Landscaping submitted the low bid of \$84,431 for the Duck Pond Gateway Triangle landscaping project. Turner stated that approval should be subject to final verification that all the specifications in the bid are accounted for, and if the proposal is not complete, the contract should be awarded to the next lowest bidder. Turner stated that approval also should be subject to approval by the CDA Board.

Turner/Spadoni 2nd made a MOTION to approve the low bid of \$84,431 submitted by Prairie Tree Landscaping for the Duck Pond Gateway Triangle landscaping project, with the conditions that all the specifications in the bid are accounted for by Prairie Tree, and if the proposal is not complete, the contract should be awarded to the next lowest bidder, and that the bid is reviewed and approved by the CDA Board. The MOTION carried without negative vote.

Fontana Boulevard Water Main Extension Change Order and Pay Request

The Village engineering firm recommended approval of the change order submitted by Mann Brothers, Inc. for the Fontana Boulevard water main extension contract. The change order decreases the initial contract amount by \$6,397.

Turner/Petersen 2nd made a MOTION to approve the change order submitted by Mann Brothers, Inc. for the Fontana Boulevard water main extension contract calling for a \$6,397 decrease in the contract, subject to approval by the CDD Board, and the MOTION carried without negative vote. The Village engineering firm recommended approval of the third and final pay request totaling \$3,626 submitted by Mann Brothers for the Fontana Boulevard water main extension contract. Turner/Petersen 2nd made a MOTION to approve Pay Request No. 3 totaling \$3,626 submitted by Mann Brothers, Inc. for the Fontana Boulevard water main extension contract, subject to approval by the CDA Board, and the MOTION carried without negative vote.

Approve Reappointment of Robert Chanson

Turner stated that Bob Chanson's four-year appointment to the CDA Board expired in December 2007, and he recommended reappointing Chanson to another four-year term.

Turner/Youngquist 2nd made a MOTION to approve the reappointment of Bob Chanson to a four-year term on the CDA Board, and the MOTION carried without negative vote.

Borrowing of \$500,000 to Finance the Abbey Project

Hayden-Staggs stated that the State Pool has received the application from the Village to borrow \$500,000 for the financing agreement between the Village and the Abbey Resort for its Spa renovation project. Hayden-Staggs stated that borrowing will be finalized in March 2008, when the funds will be needed. Hayden-Staggs stated that the State Pool indicated the interest rate has dropped from the initial estimate and it will most likely drop slightly lower by the March 3, 2008 Village Board meeting.

STS Proposal

Turner stated that following the joint meeting of the Village Board and the CDA on December 5, 2007, STS finalized their initial proposal. Turner stated that the next step is for the Village to ascertain what the problems are at the old garbage dump site at the Duck Pond Recreation Area. Turner stated that there is no question that the Village needs to know if the ground water is being contaminated by the old dump site. The proposal from STS will cost an estimated \$63,000. Five wells will be drilled on the site to conduct the study.

Turner/President Pollitt 2nd made a MOTION to approve the \$63,000 proposal submitted by STS for professional environmental and engineering services and groundwater investigation at the former garbage dump site with the conditions that STS provide additional details and verification to CDA Executive Director Joseph McHugh and Director of Public Works Craig Workman regarding drilling costs, that McHugh discuss the mediation location clause with STS, and that the proposal is approved by the CDA Board. The MOTION carried without negative vote.

2008 CDA Budget

Turner stated that the 2008 CDA operating budget is based on the approved CDA work plan. McHugh stated that \$4 million to \$5 million of the budget is for capital projects. Turner asked the Village Board members to review the proposed budget during the next month so it can be approved at the next monthly meeting on Monday, March 3, 2008. Turner also asked Treasurer Peg Pollitt to provide an accounting statement of the TID to ensure that the increment level is viable for the proposed projects.

Wild Duck Erosion Control Bill – Prairie Tree

Turner stated that the bill will be further investigated by Workman and Ruckert-Mielke prior to consideration by the Village Board. The bill was derived from an erosion problem on Wild Duck Road by the new bridge that was caused by heavy rain in January 2008.

Turner/Petersen made a MOTION to table the item, and the MOTION carried without negative vote.

Dade/Wild Duck Change Order No. 2

The Village engineering firm recommended approval of the change order submitted by Mann Brothers, Inc. for the Dade Road and Wild Duck Road reconstruction contract that calls for a \$2,340 decrease in the contract.

Turner/Petersen 2nd made a MOTION to approve Change Order No. 2 calling for a decrease of \$2,340 in the Dade Road and Wild Duck Road reconstruction contract with Mann Brothers, Inc., as submitted, subject to approval by the CDA, and the MOTION carried without negative vote.

Dade/Wild Duck Pay Request No. 3

The Village engineering firm recommended approval of the \$89,507 Pay Request No. 3 submitted by Mann Brothers, Inc. for the Dade Road and Wild Duck Road reconstruction contract.

Turner/Petersen 2nd made a MOTION to approve payment of the \$89,507 Pay Request No. 3 as submitted by Mann Brothers, Inc. for the Dade Road and Wild Duck Road reconstruction contract as presented, subject to approval by the CDA, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O’Connell

Ordinance Amendment to Section 2-63

Hayden-Staggs stated that the Lakefront and Harbor Committee reviewed the proposed amendment that delineates the jurisdictional boundaries for the Lakefront and Harbor Committee and the Park Commission at the beach.

Petersen/Spadoni 2nd made a MOTION to approve Ordinance 02-04-08-05 as presented, and the MOTION carried without negative vote.

Austin Pier Repair Proposal

Hayden-Staggs stated that the Lakefront and Harbor Committee recommended approval of the proposal submitted by Austin Pier Service, Inc. to repair Village piers for \$4,778.

Petersen/Turner 2nd made a MOTION to approve the \$4,778 proposal submitted by Austin Pier Service, Inc. to repair Village piers, and the MOTION carried without negative vote.

Boat Trailer Parking Lot Configuration

Hayden-Staggs stated that the Lakefront and Harbor Committee recommended having the Department of Public Works restripe the boat trailer parking lot this season with only 30 parking stalls, down from 48. The committee members want to reduce the total parking stalls to determine if it will have a positive impact on lakefront traffic congestion problems.

Youngquist/Turner 2nd made a MOTION to approve the boat trailer parking lot restriping plan as presented, and the MOTION carried without negative vote.

Fontana Shores Condominiums DMA Agenda Item

Martin inadvertently left the item off the agenda; however, the proposal was distributed with the meeting packets. The Fontana Shores received approval from the Lakefront and Harbor Committee for its proposal to replace two wave-runners shore-stations and replace them with boat one shore station. Hayden-Staggs stated that the item could be put on the next agenda for consideration at the March 3, 2008 meeting. Hayden-Staggs stated that DNR approval is not required for the proposal. Youngquist stated that he had a copy of the initial Designated Mooring Area agreement for Fontana Shores and the area has been significantly modified since 1993, and the entire DMA should be addressed by the Lakefront and Harbor Committee.

Youngquist/President Pollitt 2nd made a MOTION to refer the Fontana Shores Condominiums DMA amendment proposal and the 1993 DMA agreement back to the Lakefront and Harbor Committee for further consideration, and the MOTION carried without negative vote.

Finance Committee – President Pollitt

Approve RFP for Computer Support Services

President Pollitt stated that the Finance Committee recommended approval of the bid submitted by the Village’s current service provider, THz3, Chicago, IL.

President Pollitt/Spadoni 2nd made a MOTION to approve the proposal as submitted by THz3, and the MOTION carried without negative vote.

Approve RFP for Recyclable Collection Service Contract

President Pollitt stated that the only bid submitted for the recyclable collection service contract was by the current provider, John’s Disposal Service Inc., Whitewater.

Spadoni/Petersen 2nd made a MOTION to approve the proposal as submitted by John's Disposal Service, and the MOTION carried without negative vote.

PSC Rate Increase Update

Hayden-Staggs stated that she has been working with the Public Service Commission and the final water rate increase will be set by the PSC. For the Village of Fontana to receive a 6.5 percent rate of return, the water rate increase would have to be 24 percent. For the Village of Fontana to receive an 8.3 percent rate of return, the rate increase would have to be 30 percent. Hayden-Staggs stated that the person who she has been working with is not sure of the process; however, the Village will receive the final determination from the PSC two or three weeks prior to the public hearing. Hayden-Staggs stated that the Village may provide feedback to the PSC, but the final rate increase is their decision. Hayden-Staggs stated that the Finance Committee recommended adopting the greatest rate increase possible. Spadoni and Turner stated that they would have to know what the average dollar increase would be for residential customers. Spadoni stated that he would like to know what the average water bill is for a residential customer. Spadoni stated that the Village recently increased all the fees it charges and the Board should be careful setting a rate increase for water. Spadoni stated that the Village should keep the rate increase as minimal as possible, or spread the rate increase out over several years. Petersen stated that he also thinks the rate increase should be spread out over several years. Jim Feeney stated that the Finance Committee recommended the highest rate increase possible in order to get the water utility back on solid financial ground. The water utility has been losing money for several years. Youngquist stated that with taxes escalating substantially every year, the Village should increase the water rate as little as possible and the rate increase should be spread out over several years. President Pollitt stated that the Village Board has to keep up with infrastructure maintenance and the funds have to be derived either from the utility bills or from property taxes. Turner then made a motion to direct staff to request the lowest rate increase possible and to spread the increase over several years, and the motion was seconded by Spadoni. Hayden-Staggs stated that the PSC will only accept input and the final decision on the recommended rate increase will be made by the PSC, and the PSC does not allow the rate increase to be spread out over several years. Turner stated that if it was not the Village Board's decision then the discussion was a waste of time, so he withdrew his motion and made a motion to adjourn the meeting. Spadoni stated that he wanted to withdraw his second on the initial motion and he seconded the motion to adjourn the meeting.

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. Approve Ordinance Amendment Creating Section 74-342 (Tabled 12/3/2007)

Adjournment

Turner/Spadoni 2nd made a MOTION to adjourn at 8:09 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: 03/03/08