

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, March 5, 2007

President Whowell called the monthly meeting of the Village Board to order at 5:05 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Trustee absent: Bromfield

Also present: Village Administrator Kelly Hayden-Staggs, Jeff Koepke, Library Board President Genie Murphy, Village Clerk Dennis Martin, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

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) (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, specifically the AFSCME Union contract negotiations, and the roll call vote followed:

Bidwill – Yes

Pollitt – Yes

Turner – Yes

O'Connell – Yes

President Whowell – Yes

Petersen – Yes

Adjournment of Closed Session

O'Connell/Turner 2nd made a MOTION to adjourn the closed session at 6:25 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 6:30 pm.

Also present: Joe Abell, Cheryl Bartz, Police Lt. Brad Buchholz, Rob Ireland, Library Director Nancy Krei, Art Larson, Lou Loenneke, CDA Executive Director Joseph McHugh, Peter Novak, Building Inspector Ron Nyman, Police Chief Steve Olson, Arlene Patek, Andy Pearce, Ted Peters, Treasurer Peg Pollitt, Don Roberts, Police Officer Aaron Skinner, Mara Spring, Tim Swatek

Visitors Heard

None

Announcements

President Whowell stated that the announcements were printed on agenda and posted on the Village website. The CDA will hold its monthly meeting on Wednesday, March 7, 2007, at 6:00 pm; the VOF newsletter deadline is Friday, March 16, 2006; Fontana Elementary School District Board of Education will hold an enrollment situation forum on Monday, March 19, 2007, beginning at 6:30 pm; the Geneva Lake West Chamber of Commerce will hold a candidate's forum at the Abbey Resort on Thursday, March 22, 2007; and the next Plan Commission meeting will be held Monday, March 26, 2007, beginning at 5:30 pm.

Approval of Minutes

Petersen/Pollitt 2nd made a MOTION to approve the meeting minutes for open and closed sessions held February 5, 2007, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/O'Connell 2nd made a MOTION to accept the Treasurer's Report for January 2007 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

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

Public Hearing

Published Original Alcohol Beverage License Application Filed by Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks', ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Peter Novak, 731 Arrowhead Drive, Fontana, WI

President Whowell opened the public hearing at 6:48 pm. Attorney Mara Spring stated she was representing Peter Novak. Spring stated that her letter and the application dated February 16, 2007 proposed to have the current license surrendered and an original license issued to the same LLC, with Peter Novak as the agent. Thorpe stated that state statutes dictate that when a LLC holds a liquor license, all of the officers of the limited liability corporation must be listed on the license application. When the current license was issued to Novaks', Peter Novak was removed from the LLC because a background check could not be completed. Now that the background check issue has been cleared for Peter Novak, the application was filed to have the license issued with Peter Novak the agent. Spring stated that Novak also plans to have Novaks' of Fontana, LLC amended so that Peter Novak is the only officer. Martin stated that although the liquor license application includes the outdoor patio in the serving premises area, the Building Inspector and Chief of Police did not approve the area because it does not conform to the regulations of the zoning code. Martin stated that other than the outdoor patio area, the premises passed all the required Village inspections and the LLC is in good standing with the Wisconsin Department of Revenue. President Whowell closed the public hearing at 6:52 pm.

O'Connell/Bidwill 2nd made a MOTION to approve the Original Alcohol Beverage License Application filed by Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks', ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Peter Novak, 731 Arrowhead Drive, Fontana, WI, excluding the outdoor patio from the premises serving area, with the condition that the license currently issued to Novaks' of Fontana, LLC is surrendered, and the MOTION carried without negative vote.

Protection Committee – Trustee Bromfield

Community Safety Net Solicitors Permit Approval

Chief Olson stated that the Community Safety Net program solicited donations from local business owners without the proper municipal permit in November 2006. The program solicited donations for an anti-drug book that was going to be distributed to students at Fontana Elementary School. Olson stated that the company took orders and has the books ready to be distributed to the students; however, the company is waiting to receive approval for the solicitor's permit after the fact before it distributes the books. Olson stated that the Village could have municipal citations issued, or the proper permit could be issued after the fact. President Whowell stated that the Village received complaints from some business owners who were approached for donations and the amounts being requested seemed very excessive. The Village Board was in consensus the approving the permit after the fact is a better alternative than issuing municipal citations.

Turner/Petersen 2nd made a MOTION to approve the solicitor's permit and directed Chief Olson to make sure the books are distributed to the students, and the MOTION carried without negative vote.

Park Commission – Trustee Bidwill

Big Foot Lions Club Summer Events

Big Foot Lions Club members Andy Pearce and Joe Abell presented the plans for the club's annual

events in Reid Park. Abell stated that the Fourth of July concession stand will be operated in the same location adjacent to the beach parking lot by the gazebo and with the same setup and take down details as last year. Bidwill stated that the Park Commission approved the park use permits for both events.

Petersen/Pollitt 2nd made a MOTION to approve the plans for the Big Foot Lions Club Fourth of July fund-raising concession stand in Reid Park as presented, and the MOTION carried without negative vote.

Pearce stated that the Lions Club would like to use the entire Reid Park and Lake Street for its 24th annual Lobster Boil/Streak Fry on Saturday, July 28, 2007. There are a few minor layout changes planned for this summer because the park pavilion/restroom building will be open and the entire park will have grass. Pearce stated that Lions Club members setup the entire event and clean up the park the following day without assistance from the Village of Fontana Department of Public Works employees.

Pollitt/Petersen 2nd made a MOTION to approve the Big Foot Lions Club Lobster Boil/Steak Fry plan as submitted, and the MOTION carried without negative vote.

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

Wells Impact on Geneva Lake Groundwater Presentation – Ted Peters, GLEA

President Whowell stated that the Village Board invited Peters to attend the meeting to discuss the recent report calling attention to the negative impact large capacity wells are placing on the Geneva Lake watershed. Peters presented a history of the recently completed study and stated that he will provide a written summary of the study's findings to Hayden-Staggs for distribution to the Village Board members. Peters stated that the groundwater level is dropping and he has proposed another study be completed to provide answers to questions regarding its effects on the lake. Peters stated that the Geneva Lake groundwater situation is not the same as the problem that Waukesha County is facing. Peters stated that he would like to hire an intern to start the follow-up study this summer and the final report could be completed by May 2008. Peters stated that the study will cost about \$44,000; however, he will solicit other possible funding sources and put together a cost proposal. Peters stated that the study will probably cost each lake municipality \$5,000 to \$8,000 if approved. Peters stated after he has a specific financial proposal, he will approach each lake municipality for approval. In response to a question from Hayden-Staggs, Peters stated that the funds could be paid in 2008 after the project has been completed. Turner asked Peters if municipalities should export water, and Peters responded no, not outside of the water basin. Peters stated that it would be a good idea for Fontana to have some of the water treated at the Fontana/Walworth Water Pollution Control Commission's treatment facility piped back into filtration ponds within the Geneva Lake water basin. The treated water would be filtered as it reenters the watershed. Turner stated that it was the Wisconsin DNR that recommended the Village construct the wastewater treatment facility outside of the watershed. Following discussion on the possibility of piping some of the treated wastewater back into filtration ponds within the watershed, and how other local municipalities are contributing the groundwater concerns, Peters stated he will be back within the next few months with a specific proposal for the next study.

2007 CDA and Utility Budgets - (Tabled 2/5/07)

Turner stated that the CDA budget is a working document because there are some projects that may or may not be completed this year. Turner stated that there are also unknown projects, such as a recently suggested project to improve the connection area of Kinzie Avenue at its intersection with Highway 67. The Kinzie Avenue road project can be funded by the TIF District because the project is a completion and a direct result of the Highway 67 project; however, the proposal is only at the conceptual stage at this time. Turner stated that the budget is approved because there has to be a working document in place to track the CDA projects.

Turner/Petersen 2nd made a MOTION to approve the 2007 CDA budget as presented, and the MOTION carried without negative vote.

Hayden-Staggs stated that the utility budget will be presented to the Finance Committee at its March 23, 2007 meeting and requested that the item be tabled.

Petersen/Turner 2nd made a MOTION to table the utility budget, and the MOTION carried without negative vote.

Salary Resolution – (Tabled 2/5/07)

Hayden-Staggs stated that the draft resolution distributed at the closed session will have to be amended per the Village Board directive to reflect 3 percent wage increases for all nonunion employees, with the exception of the elected municipal judge position and the election inspectors. The wage for the judge position will remain \$6,250, and the hourly wage for election inspectors will be increased from \$7.00 per hour up to \$8.50 for the chief election inspectors and \$8.00 for election inspectors. The only salary amendment from last year for seasonal employees is the harbor master position at \$13,500 for the season, and the assistant harbor master position was reduced from \$15.00 per hour down to \$12.00 per hour. Hayden-Staggs stated that the resolution also includes the one-time payment for an insurance premium adjustment previously approved by the Village Board in closed session. Hayden-Staggs stated that the CDA Executive Director position also is listed on the resolution; however, that salary is set by the CDA Board. Turner stated that the contract for the CDA executive director runs from September through August of the following year, and the CDA Board will consider the annual salary at that time.

O’Connell/Petersen 2nd made a MOTION to approve Resolution 03-05-07-01 as presented, and the MOTION carried without negative vote. Trustee Pollitt abstained.

Sewer Backup \$225 Claim, 91 Medinah Lane

Hayden-Staggs stated that more information is required before the item is ready to be considered by the Village Board.

Petersen/O’Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Highway 67 Landscaping and Irrigation Project Bids

Workman stated that the Village received five bids for the project, and the low bid of \$127,460 was submitted by Prairie Trees Science Landscaping, Inc. Workman stated that the preliminary budget for the project is \$160,000.

Turner/Pollitt 2nd made a MOTION to approve the low bid submitted by Prairie Tree Science Landscaping, Inc. totaling \$127,460, subject to approval by the CDA Board, and the MOTION carried without negative vote.

Referendum Certification – Update

Hayden-Staggs stated that she wanted to update all of the Village Board members with regard to the decision to not certify a referendum question for the April 3, 2007 ballot. Hayden-Staggs stated that the Village Board preliminarily decided at its last meeting to certify a referendum question with regard to the proposal to bury the utility lines in the Village Center; however, the estimated construction cost numbers were a little sketchy and the Board directed Workman to prepare a complete estimate. Hayden-Staggs stated that Workman’s estimate came back outlandishly high compared to the initial cost estimates for the project. Hayden-Staggs stated the a majority of the Village Board members were uncomfortable putting the cost estimate to a referendum, and there weren’t two trustees who wanted to sign off on the calling of a special meeting of the Village Board, so the meeting was cancelled and no question was certified for the April 3, 2007 election.

Building and Zoning Cross-Connection Control Program Approval

Hayden-Staggs stated that Assistant Zoning Administrator Bridget McCarthy did a nice job drafting the proposed Cross-Connection Control Program, which will bring the Village into compliance with Wisconsin DNR regulations. Hayden-Staggs stated that the Village Board should act on a motion to officially notice the establishment of the program for the Village of Fontana and the Village of Walworth. Nyman stated that the required inspections protect the municipal water system from any potential back flow problems.

Petersen/Turner 2nd made a MOTION to approve the Cross-Connection Control Program as presented, and the MOTION carried without negative vote.

Porter Court Plaza Meeting

Turner stated that the preliminary cost estimates for the plan approved by the Park Commission for the Porter Court Plaza are over the initial budget of \$240,000. A special meeting was going to be

proposed to discuss the situation and possibly approve more funding; however, following discussion, Turner stated that the CDA will work with the engineers and architects to keep the project within the initial budget. Turner stated that if necessary, the item will be brought back for Village Board consideration. Hayden-Staggs encouraged the Village Board members to attend the next meeting of the CDA Board on March 7, 2007, when the engineers and project architects will discuss the project.

Plan Commission – President Whowell

Abbey Springs PIP Amendment Resolution for Boat Storage Expansion Plan - (Tabled 2/5/07)

Hayden-Staggs stated that Mac Niven requested that the item remain tabled until further notice. The Plan Commission recommended approval of the proposal with conditions at its January 29, 2007 meeting, but the Village Board tabled the proposal when a majority of the members stated that they opposed any increase to the total number of boats being stored at the Abbey Springs.

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

Approval of Preannexation Agreement & Petition to Amend Zoning From B-3 (Town of Linn) to Planned Development, Filed by Lake Geneva Yacht Club, Inc., W4780 South Lakeshore Drive, Fontana, WI, Contingent on Approval of Proposed Annexation of Property, for Continued Use as Yacht Club and Sailing School

Thorpe stated that the proposed preannexation agreement uses the same language as the recently approved document for the Tracy Group Highlands of Fontana development. Thorpe stated that the preannexation agreement protects both parties until the annexation petition has been filed and approved. Thorpe stated that liquor license language that he removed by mistake should be reinserted in the proposed agreement. Attorney Tim Swatek, representing the Yacht Club, stated that the liquor license language indicates that the Village will not object to the transfer of a state issued Sportsmen Liquor License or the issuance of a Class A beer and wine license to be issued by the Village. In response to a question from Trustee Pollitt, Swatek stated that the Yacht Club is seeking annexation in order to connect to the Village sewer and water systems in exchange for an easement that gives the Village future access if desired to accommodate an upgrade of the lift station adjacent to the Yacht Club property. Trustee Pollitt stated that since the proposal will not cause an impact on the current capacity of the village sewer and water systems, it appears to be a win-win situation.

Hayden-Staggs stated that Thorpe also submitted for preliminary review the annexation ordinance that will have to be approved to complete the process.

Turner/Pollitt 2nd made a MOTION to approve the preannexation agreement as presented, with the condition that the paragraph stating, “Approval of the Class ‘B’ and ‘Class C’ licenses, subject to the requirements of law as relate to such licenses,” is reinserted on page 3 of the agreement. The MOTION carried without negative vote.

Approval of Petition to Amend Zoning From RS-3 (Single-Family Residential District) Parking Overlay to RS-1 (Single-Family Residential District), filed by Country Club Estates Property Owners Association, PO Box 341, Fontana, WI, to Accommodate CUP for Construction of Storage Building With Unisex Toilet Room in the Association’s Lakefront Parking Lot

President Whowell stated that the Plan Commission voted to recommend approval of the Petition to Amend Zoning, and the Conditional Use Permit application was approved by the Plan Commission with one of the conditions being that the Village Board approved the zoning amendment. O’Connell stated that she still has safety concerns with regard to the proposal to construct the new storage shed/family bathroom building in the northeast corner of the parking lot, five feet from the north lot line and seven feet from the east lot line. O’Connell stated that she does not like the proposed location in the corner, and the Plan Commission should have followed through with its directive for the applicants to relocate the building to meet the offsets delineated in the RS-1 Zoning District. Thorpe stated that the applicants indicated at the public hearing that the funds for constructing the new building will require approval from the association, following Village approval.

Petersen/Turner 2nd made a MOTION to approve Ordinance 03-05-07-02 approving the Petition for Amendment of the Zoning Ordinance and Zoning Map from RS-3 (Single-Family Residential District) Parking Overlay to RS-1 (Single-Family Residential District) filed by the Country Club

Estates Property Owners Association, PO Box 341, Fontana, WI, to accommodate the CUP approved for the construction of a storage building with a unisex toilet room in the Association's lakefront parking lot, and the MOTION carried without negative vote. Trustee O'Connell abstained.

Adult Oriented Business Regulations

Hayden-Staggs stated that the item was referred to the Village Board by the Plan Commission because it was determined that the best approach to supplement the Village's current ordinance is to establish a licensing procedure.

Petersen/O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Announce March 26, 2007 Public Hearings:

President Howell stated that the Plan Commission set two public hearings for its next monthly meeting scheduled for Monday, March 26, 2007 beginning at 5:30 pm. A Conditional Use Permit Application was filed by M. Bruce Wilkinson to remove in excess of 30 percent of the existing protected trees on Lot 49 in the Country Club Estates Subdivision, and a Petition for Amendment of the Zoning Ordinance has been filed by the Village of Fontana to amend Section 18-28, *Natural resource conservation ordinance (Tree Ordinance)*, of the Municipal Code.

Announce April 30, 2007 Public Hearing:

President Howell stated that the Plan Commission set a public hearing for the April 30, 2007 meeting in order to have adequate time to publicize the proposed amendment, which has been posted on the Village website and will be published in the Spring 2007 Newsletter. The Village filed a Petition for Amendment of the Zoning Ordinance to Amend Section 18-27 (f)(1), *Fences and Decorative Posts*, of the Municipal Code.

CDA – Trustee Turner

Update

Turner stated that all of the current CDA items were covered under other agenda items.

Public Works – Trustee Petersen

Main Lift Station Update

Workman stated that the opening of the new lift station did not occur last month because of a minor setback. Workman stated that all of the pumps have now been positively tested and the new lift station is scheduled to be started up on March 7, 2007.

Hillcrest Final Change Order and Pay Request

Workman stated that the Hillcrest project was approved in 2005 and completed in 2006. Workman stated that the final change order and pay request totaling \$103,808 had to be calculated under the "time and materials" parameters of the contract. The initial bids for the project came in at \$1.2 million, which was twice as much as the initially budgeted estimate. The Village Board authorized Workman to negotiate a contract that included "time and materials" language. With the final change order, the total cost of the project was \$683,656. Workman stated that he will provide a final report on the project which included 2,000 feet of street, sewer and water construction. Petersen stated that the Village Board should keep in mind that Workman's efforts resulted in the Village only spending \$683,656 on the project and the initial bids came in at \$1.2 million.

Petersen/O'Connell 2nd made a MOTION to approve the final change order and pay request totaling \$103,808 for the Hillcrest Drive construction project as presented, and the MOTION carried without negative vote.

Fontana Boulevard Watermain Project Update

Workman stated that the Village received four bids for the project, and the low bid of \$276,000 was submitted by Mann Brothers, Elkhorn. The project will replace the existing water main on Fontana Boulevard from Reid Park to Shabbona Drive. Workman stated that the low bid came in about 30 percent under budget. Workman stated that since most of the new water main will be installed by using the directional boring method, so the project will have a minimal impact on traffic and the beach area. The project is scheduled to be completed between the end of April and the beginning of

June. Turner stated that the CDA will fund the project, so the bid has to be approved by the CDA Board.

Turner/O'Connell 2nd made a MOTION to approve the low bid of \$276,000 submitted by Mann Brothers for the Fontana Boulevard Watermain Project, subject to approval by the CDA Board, and the MOTION carried without negative vote.

DNR Tabletop Emergency Response Exercise

Workman stated that the Wisconsin DNR received a federal grant to be used for educational programs and the Village of Fontana's application was approved for a training exercise to be conducted March 15, 2007, beginning at 9:00 am at the Safety Building. Workman stated that the Village Board members are welcome to attend the table top exercise.

Finance Committee – Trustee Pollitt

Sewer Rate Increase

Trustee Pollitt stated that Finance Committee recommended that the Village take advantage of the simplified flat rate option to raise the sewer rate fees by 3 percent.

Pollitt/Petersen 2nd made a MOTION to approve Ordinance 03-05-07-01 authorizing a 3 percent increase in the Village of Fontana sewer rates as presented, and the MOTION carried without negative vote.

Konica Bizhub Copier Lease

Hayden-Staggs stated that the Finance Committee recommended leasing a demonstration model of a Konica Bizhub copier from Konica Minolta Business Group, but she later learned that the initial deal did not include a finisher that performs stapling and sorting functions. Hayden-Staggs stated she solicited a new bid that included a finisher and then the Village also received a bid from the Martin Business Group. After receiving competing bids, Hayden-Staggs stated that the Village was able to secure a 36-month lease bid for a new Bizhub copier and finisher for a less expensive price than the initial bid for a demo model. The low bid of \$284 per month was submitted by Konica Minolta Business Group. The current copy machine has just less than one million copies on it and it is at least five years old, so it breaks down often. Bidwill asked why the Finance Committee did not recommend purchasing the Bizhub instead of leasing it. Trustee Pollitt stated that technological advances are very rapid and the leasing option gives the Village the opportunity to exchange the machine for a new model at any time during the 36-month leasing period. Hayden-Staggs stated that a service contract is not included in the lease price. Hayden-Staggs stated that the service contract will include supplies and toner cartridges, but not paper.

Turner/O'Connell 2nd made a MOTION to approve the 36-month lease agreement for a Konica Bizhub copy machine from Konica Minolta Business Group for \$284 per month, and the MOTION carried without negative vote.

F/W WPCC-Trustee Petersen

Manhole and Metering Additions Project – Construction Costs

Petersen stated that the Village of Fontana's portion (40.3 percent) of pay request No. 2 for the contract for the manhole and metering additions project totals \$13,655 and the Fontana/Walworth Water Pollution Control Commission recommends approval.

Petersen/Turner 2nd made a MOTION to approve payment of \$13,655 for the Village of Fontana portion of Pay Request No. 2 for the Manhole and Metering Additions Project, and the MOTION carried without negative vote.

Lakefront and Harbor - Trustee O'Connell

2007 Harbormaster Position

O'Connell stated that the Lakefront and Harbor Committee recommended hiring former Harbormaster Sam Fredrickson for the 2007 season and setting the salary at \$13,500.

Turner/O'Connell 2nd made a MOTION to approve the hiring of Fredrickson as the Harbormaster for the 2007 season with a salary of \$13,500, and the MOTION carried without negative vote.

GLLEA – Trustee Pollitt

Update

Trustee Pollitt stated that the first meeting since the end of 2006 has been scheduled for Wednesday, March 7, 2007 and he will provide an update at the next meeting of the Village Board.

Pending Items for Future Agendas

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

Adjournment

O'Connell/Turner 2nd made a MOTION to adjourn at 8:20 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: 4/2/07