

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

REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, March 7, 2005

President Whowell called the Village Board meeting to order at 6:00 p.m. in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Also present: Skip Bliss, reporter Linda Gilmore, Village Administrator Kelly Hayden-Staggs, Sue Koepsel, Librarian Nancy Krei, Lou Loenneke, reporter Jordan Madorsky, Village Clerk Dennis Martin, Bridget McCarthy, Ron Nyman, Police Chief Steven Olson, Treasurer Peg Pollitt, reporter Chris Schultz, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Announcements - President Whowell

President Whowell announced the CDA meeting will be held Wednesday, March 9, 2005, at 6 pm, the 2nd Quarter Newsletter Article Deadline is Friday, March 11, 2005, and the regular Plan Commission meeting will be Tuesday, March 29, 2005 at 6:00 pm.

Approval of Minutes

Turner/Bromfield 2nd made a MOTION to approve the Village Board meeting minutes for February 7, 2005, March 1, 2005, and March 3, 2005, and the MOTION carried without negative vote.

Village Treasurer's Report

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

Approval of Village and Utility Payables

Pollitt/Turner 2nd made a MOTION to approve the payables, and the MOTION carried without negative vote.

General Business – President Whowell

Building Inspector/Zoning Administrator Contract

Hayden-Staggs stated that the Village Board voted in closed session to terminate the building inspection and zoning administration services contract with BZA Consultants. The Village Board also voted in closed session to offer a contract for building inspector and zoning administrator services to Ron Nyman. The contract would run until Dec. 31, 2007, at which time contract negotiations would be open again. The initial salary is \$42,500, plus fringe benefits. The contract calls for Nyman to earn certifications for residential plumbing and electrical inspections within 90 days of his hiring, a zoning administration certificate within 90 days, and a commercial building, plumbing and electrical certificate within one year. The contract also calls for Nyman to contribute 5 percent of the monthly premium for the Village health insurance program. The contract also includes a six-month probationary period.

Petersen/O'Connell 2nd made a MOTION to approve the contract with Ron Nyman for the new building inspector/zoning administrator position, and the MOTION carried without negative vote. Trustee Bromfield abstained.

Assistant Zoning Administrator/Code Specialist Contract

Hayden-Staggs stated the Village Board voted in closed session to offer a contract for the new position of assistant zoning administrator/code specialist to Bridget McCarthy. The proposed

contract would run until Dec. 31, 2007, at which time contract negotiations would be open again. The initial salary is \$32,500, plus fringe benefits. The contract calls for McCarthy to earn certifications for zoning administration and residential building inspection within 90 days of her hiring. The contract also calls for McCarthy to contribute 5 percent of the monthly premium for the Village health insurance program. The contract also includes a six-month probationary period. Larson/Turner 2nd made a MOTION to approve the contract with Bridget McCarthy for the new assistant zoning administrator/code specialist position, and the MOTION carried without negative vote. Trustee Bromfield abstained.

Part-time Commercial Inspector Scope of Service & Hiring

Hayden-Staggs stated with the termination of the BZA contract, and with Nyman not yet having the required certification, the Village needs to hire an inspector for commercial projects. The part-time position was endorsed by the Village Board in closed session because the inspector must be an employee of the Village in order to have the position covered by the Village's liability insurance policies. Hayden-Staggs stated the Village reached a tentative agreement with Lake Geneva Building Inspector Barney Brugger to perform the commercial inspections for a one-year period. Brugger will be paid \$85 a hour, and he will have use of a Village cellular telephone to coordinate his inspection trips. There are no other Village benefits included in the agreement. President Whowell stated that contractors who have worked in the Village in the past should be notified of the change of building inspectors.

O'Connell/Turner 2nd made a MOTION to approve hiring Barney Brugger on a part-time basis to perform the Village's commercial inspection services, and the MOTION carried without negative vote. Trustee Bromfield abstained.

Geneva Lake Law Enforcement Agency – President Whowell

Action on Police Boat Manager

President Whowell stated the GLLEA Board of Directors voted to not renew the contract of former Police Boat Manager David Kirmse. After interviewing three candidates, the GLLEA Board recommended hiring Walworth County Sheriff's Department Sgt. Tom Hausner. Hausner, a resident of Fontana, is a member of the Sheriff's Department SWAT Team and is a veteran of the U.S. Marine Corps. The part-time position has a salary of \$15,000. Chief Olson, who is the local police chief in charge of the GLLEA Boat Patrol this year, stated he will work with Hausner to hire a sergeant and to fill the other positions on the crew.

Bromfield/Petersen 2nd made a MOTION to approve the hiring of Hausner as the Police Boat Manager, and the MOTION carried without negative vote.

2005 Budget Payment

Hayden-Staggs stated the Village received a request for the first of the two \$21,295 GLLEA budget payments. The second payment will be made in mid-July. The GLLEA has a total budget of more than \$160,000 this year, plus the cost of the purchase of two new boats.

Pollitt/O'Connell 2nd made a MOTION to approve the first budget payment of \$21,295, and the MOTION carried without negative vote.

Payment of Boats

Hayden-Staggs stated the GLLEA Board did not pursue a financing plan as initially approved for the two new patrol boats, and it is now requesting immediate payment of the Village's entire portion of the cost, which is \$28,364. The Village only budgeted this year a first installment payment of \$6,000. President Whowell stated Gage Marine has purchased and equipped the boats, and they are ready to be picked up. President Whowell stated that although the GLLEA did not follow through with the plan to borrow the funds for the purchase, Gage Marine still has to be paid. Part of the financing problem was that the former manager did not provide accurate information last fall when the proposal was being finalized by the GLLEA Board, President Whowell stated. The four municipalities that comprise the GLLEA will receive up to 80 percent rebates from the DNR for the boat purchase during the next five years; however, the boats have to be paid for now. Turner asked if Lake Geneva, Williams Bay and Linn Township had approved the proposal to pay the entire amount for the boats at this time. Hayden-Staggs responded that she checked with the other municipalities, and they all had or will be approving the request. Hayden-Staggs stated that if the Village Board

approved the request, a budget amendment will have to be approved later this year to account for the extra funds. Turner stated that the Village Board should approve the request for the Village's entire \$28,364, but leave only \$6,000 in this year's budget for the expense. Turner stated that the rest of the funds should be borrowed and paid back in future budgets, in order to keep this year's expenses in line with what the Village Board approved at budget time. Turner stated that if the funds can't be taken from other areas of the budget in six or seven months, the Village can add the remaining \$22,364 to the funds it will borrow this year. Hayden-Staggs stated she will monitor the budget and the Village Board will address the situation in the fall.

Turner/Bromfield 2nd made a MOTION to pay the GLEA the entire \$28,364 for the Village of Fontana portion of the boat purchases, with \$6,000 coming from the 2005 budget and the remainder to be borrowed or accounted for through a future budget amendment. The MOTION carried without negative vote.

Protection Committee – Police Chief Olson

IPSP Report Acceptance and Ethics Training Session Approval

President Whowell stated the Village is waiting for materials from the Institute for Public Safety Partnerships before the Ethics Training Session can be scheduled. IPSP is working with the U.S. Department of Justice COPS (Community Oriented Policing Services) program.

Adopt Ordinance With Regard to State Statute 947.0125 on Illegal Use of Computerized Communications

Chief Olson stated the Village needed to adopt a new ordinance in order for the Municipal Court to be able to prosecute people who break the law when sending faxes, e-mails and other computerized communications.

Pollitt/O'Connell 2nd made a MOTION to approve Ordinance No. 03-07-05-01, and the MOTION carried without negative vote.

Park Commission - Trustee Larson

Monthly Update

Larson stated the Park Commission now will hold its monthly meetings on the third Wednesday of each month, beginning at 6 pm. A workshop to address the proposed Tree Ordinance will be held March 16, at 5 pm. With the hiring of McCarthy as the Code Enforcement Officer, the Park Commission should be in a position to bring the Tree Ordinance closer to approval, Larson stated. The Park Commission also is working with the CDA on restoring conservation areas in the Village.

Lakefront and Harbor - Trustee Bromfield

Gage Marine Lease Approval

Bromfield stated the Lakefront and Harbor Committee recommended a three-year lease, with the first year rent set at \$5,500 and 3 percent increases the next two years. The lease calls for Gage to receive exclusive use of 125 feet of the south side of the pier 24 hours a day and 75 feet of the north side of the pier from 4:00 to 8:00 pm. Gage also has to provide a certificate of insurance worth at least \$1 million, and enter into a hold harmless agreement. Gage also will be responsible for repair costs for all pier damage caused by its boats. The lease rate equates to \$33.50 per foot of pier that Gage will have exclusive use of, and \$17 per foot for the portion of the pier that Gage will have exclusive use of from only 4 to 8 pm.

Pollitt/Bromfield 2nd made a MOTION to approve the Gage lease as presented, and the MOTION carried without negative vote.

Beach Pass Concept – Ordinance and Resolution Adoption April 4, 2005

Bromfield stated the committee recommended that the ordinance be changed to allow six free beach passes for the owner of each improved parcel. This would allow owners of condominium/hotel units to be eligible for six free beach passes. The current ordinance provides for owners of each tax parcel to receive six free beach passes per parcel. Hayden-Staggs stated that under the new proposal, dockominium unit owners may no longer be eligible for free passes because some assessment formulas don't consider the dockominiums "improved" property; however, Abbey condominium/hotel units would be considered improved property and the owners would be eligible for six free beach passes per unit. Hayden-Staggs stated she has to check with the new assessor to

determine how the dockominium units will be assessed. Petersen stated he was concerned with the proposal because the Village would be issuing 20 percent more free beach passes if all the new owners of the Abbey condominium/hotel units request them. Petersen stated the owners of the condominium/hotel units already have a benefit in being allowed to rent out their units on a daily basis, while owners of other Village property don't have that benefit. Turner responded that all property owners should be eligible for the same beach pass benefits. The proposal will be discussed again by the Lakefront and Harbor Committee, and brought back for Village Board action at a future meeting.

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

Employee Parking Sticker Concept – Ordinance and Resolution Adoption April 4, 2005

Bromfield stated the committee recommended selling uniquely colored employee parking stickers to lakefront business employees and Fontana Water Safety Patrol lifeguards. The same stickers would be issued to Village employees who work at the boat ramp and beach. The employees could park only in the Village's boat trailer parking lot or its parking lot at the current Main Lift Station. The proposal will be brought back in the form of an ordinance and resolution for Village Board approval at its meeting on Monday, April 4, 2005.

Lake Use Committee – Ken Bell

Monthly Update

Bell was not at the meeting to provide an update.

CDA - Trustee Turner

Monthly Update

Turner stated bids are out for the Mill Street and Main Street projects. The construction contract should be ready for action at the April 4, 2005 Village Board meeting. Turner also explained an engineering management plan chart created by Ruckert-Mielke. The plan outlines the Village and CDA construction projects scheduled for the next three years.

Plan Commission – President Whowell

Announce March 29 Public Hearings for WP&L/Alliant Energy Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana, from A-2 ETZ to A-5 ETZ, and CSM and Conditional Use Permit Application for a proposed electrical substation on a parcel located off Cobblestone Road in Walworth Township and owned by Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128

President Whowell stated the public hearings for the electrical substation proposal are now scheduled for Tuesday, March 29, 2005.

Administrative Report/Finance Committee – Administrator Hayden-Staggs and Trustee Pollitt

Building Fee Ordinance

Hayden-Staggs stated that with the termination of BZA, the Village had to adopt an ordinance to establish building inspection and zoning fees. The old fee schedule was tied to the BZA contract. The new fees are in line with surrounding communities, Hayden-Staggs stated in response to questions from the Village Board. Nyman stated that the new schedule is more inclusive and accurate than the old fee schedule. Hayden-Staggs stated that the fee schedule can be amended by the Village Board if desired in the future, but the Village needs a starting point with the change in building inspection and zoning services.

Turner/Larson 2nd made a MOTION to approve Ordinance No. 03-07-05-02, and the MOTION carried without negative vote. Trustee Bromfield abstained.

F/W WPCC - Trustee Petersen

Monthly Update

Petersen stated a pre-construction conference was held at the Wastewater Treatment facility March 7, 2005, and the screen replacement project is underway. The \$193,000 project is scheduled to be completed by the end of April.

Public Works - Trustee Petersen and Public Works Director Workman

Mann Pay Request

Workman stated that Mann Brothers submitted a third pay request totaling \$24,277 for the Tarrant Drive construction contract. The Village Board previously approved an initial pay request totaling \$174,625, and a second pay request totaling \$34,796. Workman stated there are still issues to resolve with the surface layer, and landscape and terrace restoration work still has to be completed before the contract will be paid in full. When the project is completed and final financial figures are available, Workman will provide the Village Board with a report on its \$300,000 project budget. In September 2005, the Village Board approved a change order for the Mann contract so that the submitted bid was based on a time and materials contract, instead of flat rates.

Petersen/Pollitt 2nd made a MOTION to approve the pay request totaling \$24,277, and the MOTION carried without negative vote.

Mill Street Project Update

During his CDA report, Turner stated public informational meetings have been scheduled for the Mill Street and Main Street projects. Workman stated easement negotiations are progressing. Most of the necessary easements will be temporary during the construction; however, there are a couple permanent easements to negotiate.

Main Street Project Update

Workman stated the same easements are necessary for the Main Street project as the Mill Street project, to accommodate grading work and utility installation. The Village is on schedule for breaking ground on both projects by the middle of April.

Lead Pay Approval

Workman recommended that the Village Board approve the quarterly Lead Pay bonuses for Ron Adams and Dennis Barr.

Petersen/Bromfield 2nd made a MOTION to approve the Lead Pay bonuses, and the MOTION carried without negative vote.

Engineering Management Plan Approval

Turner explained the Engineering Management Plan during his CDA report. The projects on the plan were previously approved by the Village Board. Turner stated that the plan, which is a “working document,” subject to amendments throughout the three-year construction period, establishes an initial schedule. Workman stated that Ruekert-Mielke is preparing a very large color copy of the plan that will be displayed at the Village Hall throughout the construction process.

Turner/O’Connell 2nd made a MOTION to approve the Engineering Management Plan as submitted, and the MOTION carried without negative vote.

Equipment Sales/Revenue Update

Workman stated that he recently sold through E-Bay on the Internet, two old Department of Public Works trucks, a sewer jetter and a chipper for a total of \$48,000. The Village estimated in the current budget revenue totaling \$35,000 for the equipment sales. The Village Board commended Workman for doing an excellent job in posting and selling the equipment on E-Bay.

Pending Items for Future Agendas

1. Lyon Woods Pre-Annexation Agreement and Developer’s Agreement
2. Tree Ordinance Amendment
3. Parks Long-Range Implementation and Management Plan
4. FEMA Floodplain Designation
5. 2005 Utility Budget
6. Abbey Bridge Study

Adjournment

Bromfield/Pollitt 2nd made a MOTION to adjourn at 7:26 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be on file at the Village Hall.

APPROVED: 04/04/05