

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

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, April 9, 2007

President Howell called the special meeting of the Village Board to order at 5:03 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: President Howell, Petersen, Bidwill, Pollitt, O'Connell, Bromfield

Trustee absent: Turner

Also present: Steve Beers, Skip Bliss, Jim and Megan Feeney, Biff Hawkey, Village Administrator Kelly Hayden-Staggs, Robert Hehr, Rob Ireland, Cary Kerger, Library Director Nancy Krei, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Gail Nichols, Sharon O'Brien, Police Chief Steve Olson, Village Treasurer Peg Pollitt, Don Roberts, Ed Snyder, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

None

Approval of Minutes

Petersen/Bromfield 2nd made a MOTION to approve the minutes for the meeting held March 19, 2007, as presented, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Bromfield/Pollitt 2nd made a MOTION to approve Village payables totaling \$31,901 and Utility payables totaling \$163,928, as presented, and the MOTION carried without negative vote.

Public Hearing

Published Original Alcohol Beverage License Application Filed by Abbey Provident Hotel Manager, LLC for the premises located at 269 Fontana Boulevard, d/b/a The Abbey Resort & Fontana Spa, ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license. Agent: Edwin L. Snyder, III, 237 Maple Avenue, Walworth, WI

President Howell opened the public hearing at 5:06 pm. Martin stated that the application that was filed to "transfer" the liquor license issued to Abbey Resort Management, LLC (Vance T. Antoniou), to Abbey Provident Hotel Manager, LLC, for the Abbey Resort & Fontana Spa has been reviewed by Village staff and all the required inspections have been completed. Cary Kerger, the president of Abbey Provident Hotel Manager, LLC, stated that the non-condominium and commercial operations at the Abbey Resort were transferred last week to the new LLC. Kerger stated that Hostmark Hospitality Group has been contracted to manage the restaurants and bars at the resort. Kerger stated that the management change is being geared to provide a higher quality of service, and there are some interior design renovation plans that will be pursued in the future. Biff Hawkins of Hostmark provided background information on the hotel and resort management company. O'Connell asked if the sale of the non-condominium and commercial operations at the Abbey Resort to the new LLC includes a buy-back agreement for the Antinous, and Kerger responded "no." President Howell closed the public hearing at 5:21 pm.

Bromfield/Pollitt made a MOTION to approve the Original Alcohol Beverage License application filed by Abbey Provident Hotel Manager, LLC for the premises located at 269 Fontana Boulevard, d/b/a The Abbey Resort & Fontana Spa, ORIGINAL CLASS "B" BEER and "CLASS B" LIQUOR license, Agent Edwin L. Snyder, III, 237 Maple Avenue, Walworth, WI, and to issue the license with the condition that the CLASS "B" BEER and "CLASS B" LIQUOR license issued to Abbey Resort Management, LLC is surrendered, and the MOTION carried without negative vote.

General Business

Non-union Employee Contracts Health Insurance Monthly Premium Amendment

Hayden-Staggs stated that the proposed amendment to the non-union employee contracts that was directed by the Village Board reduces the employee contribution rate from 10 percent down to 5 percent for their monthly health insurance premium payments in 2007, and sets the 2008 employee contribution rate at 7.5 percent. The recently approved three-year contract with the AFSCME Union sets the employee contribution rate for the monthly health insurance premiums at 5 percent for 2007 through 2009. The Police Department Union contract, which will expire at the end of 2007, calls for a 5 percent employee contribution rate for the monthly health insurance premium. Hayden-Staggs stated that if approved, the non-union employee health insurance contribution rate reduction from 10 percent to 5 percent will be retroactive to January 1, 2007.

Petersen/O'Connell 2nd made a MOTION to approve the amendment to the health insurance language in the non-union employee contracts as presented, and the MOTION carried without negative vote. Trustee Pollitt abstained.

Moratorium Proposal for Condominium Plat Developments

Thorpe stated that as directed by the Village Board at its April 2, 2007 meeting, he drafted a proposed resolution for the Village to adopt a temporary moratorium on the acceptance, review and approval of land divisions and subdivision applications and condominium plat applications for lakefront properties. Thorpe stated that the resolution establishing a temporary moratorium could be approved that night by the Village Board if desired; however, he recommended that an ordinance also should be presented at a public hearing before the Plan Commission and subsequently adopted by the Village Board to fix the moratorium for a defined period of time. Thorpe stated that he is recommending the two-step approach to the process based on a recent Wisconsin court ruling on the subject of planning based moratoria. Thorpe stated that court decision upheld the use of a moratorium for planning purposes, but in the case, the municipality involved went through the public hearing process before adopting an ordinance. Thorpe stated that the two-step process will give the Village the best chance possible of defending the moratorium if it should be legally challenged. Thorpe stated that the proposed resolution will provide the Village an immediate freeze until the second step is completed. Thorpe stated that pending applications are exempt from the proposed moratorium. Following discussion, the Board members were in consensus that the moratorium should be extended only as long as necessary to address the concerns stated with the current municipal code. Hayden-Staggs stated that the municipal code amendment process can begin immediately and the moratorium could be lifted at the June 5, 2007 Village Board meeting. Don Roberts stated that he read the state statutes regarding condominium approvals and it was his interpretation that Walworth County has the approval authority, not the Village. Thorpe explained the statute to Roberts and stated that condominium plat approval is included in the municipal code. Petersen/O'Connell 2nd made a MOTION to approve Resolution 040907-01 as presented and directed the Plan Commission to schedule a public hearing for the proposed ordinance to adopt a temporary moratorium on the acceptance, review and approval of land divisions and subdivision applications and condominium plat applications for lakefront properties, and the MOTION carried without negative vote.

Arbor Day Proclamation – April 27, 2007

The Village is required to adopt an annual Arbor Day Proclamation and hold a community observance as part of the Tree City USA designation. Park Commissioner Sharon O'Brien stated that the annual program will be held Friday, April 27, 2007, beginning at 10:00 am at Fontana Elementary School and she invited everyone to attend.

Bromfield/Bidwill 2nd made a MOTION to approve the Village of Fontana on Geneva Lake Arbor Day Proclamation as presented and published, and the MOTION carried without negative vote.

Walworth/Fontana Pedestrian Connection Grant Application (Tabled 4/2/07)

McHugh stated that the Village Board voted at its April 2, 2007 meeting to table consideration on the application until the funding was approved by the CDA. . McHugh stated at the April 2, 2007 meeting that grant funds are being pursued for a pedestrian path to be constructed along Highway 67 from South Main Street to the Tracy Group's White Tail Ridge residential development on the west side of Highway 67. McHugh stated that the funding to prepare the grant application was authorized

by the CDA Board at its April 4, 2007, and the Village of Walworth Board of Trustees was scheduled to act on the proposal later that night. McHugh stated that preliminary plans call for the path construction to cost between \$100,000 and \$300,000. McHugh stated that if a grant can be secured, the Village of Fontana's total cost for the path could be about \$75,000. McHugh stated that the proposed resolution he distributed authorizes the application for an Outdoor Recreation Grant from the Wisconsin Department of Natural Resources and pledges Village support for the development of a joint pedestrian/bicycle trail between the Villages of Fontana and Walworth.

Petersen/Bromfield 2nd made a MOTION to approve Resolution 040907-02 as presented, and the MOTION carried without negative vote.

Main Lift Station Pay Request & Change Order Approval

Workman stated that the proposed change order No. 3 for the Main Lift Station contract calls for a total net deduction of \$30,185, which decreases the total contract price to \$2,781,242. Workman stated that the first referendum approved funding not to exceed \$2.6 million for the project, and a second referendum approved funding not to exceed \$3.2 million. Workman stated that the total project price may be even lower for the Village of Fontana after pending negotiations with the project engineers, Strand Associates, Inc. Petersen stated that the Public Works Committee recommended approval of the change order as submitted.

Petersen/Bromfield 2nd made a MOTION to approve Change Order No. 3 as submitted, and the MOTION carried without negative vote.

Petersen/Bromfield 2nd made a MOTION to approve Pay Request No. 12 for the Main Lift Station contract totaling \$173,863 as submitted by Kovilic Construction Company, Inc., and the MOTION carried without negative vote.

Reid Park Restrooms and Pavilion Pay Request & Change Order Approval

Workman stated that the change order totaling \$368 is for the installation of another lighting control panel for the building. If approved, there will be separate lighting control panels for the restrooms and the pavilion. Workman stated that a pay request was not submitted for the contract.

Petersen/Bromfield 2nd made a MOTION to approve the change order totaling \$368 for the Reid Park Restrooms and Pavilion building contract as presented, and the MOTION carried without negative vote.

Strand Engineering Amendment Discussion

Workman stated that there were extra construction costs and delays for the Main Lift Station and Reid Park restrooms and pavilion projects because a utility corridor running through Reid Park was not delineated on the initial engineering plans. Workman stated that Village staff is negotiating with Strand to revise the engineer planning contracts and the Village may recoup some of the extra costs generated by the initial plans. The engineering contracts for two projects initially totaled \$130,000. Workman stated that staff is planning to meet with Strand representatives to negotiate an agreement proposal that will be presented to the Village Board for approval.

Wellhead Protection Plan Discussion

Workman stated that he drafted a wellhead protection plan for Wells Nos. 1, 2, 3 and 4. Workman stated that the current wellhead protection ordinance only covers Well No. 4 so it needs to be updated. Workman stated that he was seeking Village Board authorization to move forward with the ordinance amendment process. Thorpe stated there are model ordinances available from the DNR and from other municipalities that address all concerns related to wellhead protection regulations. The Village Board directed Workman and Thorpe to draft a proposed ordinance and present it to the Plan Commission for a public hearing. Petersen stated that the Public Works Committee recommended Village Board approval of the proposal.

Petersen/Bromfield 2nd made a MOTION to direct Workman and Thorpe to draft a proposed wellhead protection ordinance amendment to be presented to the Plan Commission at a public hearing, and the MOTION carried without negative vote.

Fontana Boulevard Watermain Relay Change Order – Porter Court Plaza Surcharging

McHugh stated that the CDA Board voted to authorize funding for the \$27,000 project to use fill from the ongoing Fontana Boulevard watermain relay construction project for a surcharging project

necessitated by the Porter Court Plaza landscaping plan. Workman stated that Mann Brothers has proposed to use material it excavates from the Fontana Boulevard project and transport it to the Porter Court Plaza site for surcharging. McHugh stated that Village Board approval of the scope of the work and authorization for Ruckert-Mielke to prepare a unit-price change order that incorporates the authorized work into the Fontana Boulevard Watermain Relay Contract was necessary to move forward with the proposal. McHugh stated that by coordinating the surcharging work south of Porter Court with the watermain work currently underway on the lakefront, the Village will be able to keep the Porter Court Plaza project on schedule for commencement this fall and it may result in a cost savings. The final cost is dependant on the usability of the fill from the watermain project as surcharging material. Workman stated that if approved by the Village Board, the change order will not have to be put out for bids, and the surcharging project can be completed this fall.

Bromfield/O'Connell 2nd made a MOTION to approve the scope of the Porter Court Plaza surcharging work as presented in the Mann Brothers proposal and to authorize Ruckert-Mielke to prepare a unit-price change order that incorporates the work into the Fontana Boulevard Watermain Relay Contract, and the MOTION carried without negative vote.

Reschedule Annual Organizational Meeting of the Village Board

Hayden-Staggs stated that because of numerous conflicts the initially scheduled Village Board Organizational meeting scheduled for Tuesday, April 17, 2007 had to be rescheduled. Following discussion, the Village Board was in consensus that the annual organizational meeting should be held prior to the monthly Plan Commission meeting on Monday, April 30, 2007, beginning at 4:30 pm.

Adjournment

Bromfield/O'Connell 2nd made a MOTION to adjourn at 6:14 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: 05/07/07